



Legislation Text

File #: ORD. 2022-128, **Version:** 1

To amend (i) City Code §§ 8-394, concerning the purpose of the division, (ii) 8-395, concerning definitions, (iii) 8-396, concerning appointment of a Community Garden Coordinator; designation of parcels; and Community Garden Coordinator duties, and (iv) 8-399, concerning the issuance and denial of permits, for the purpose of expanding allowed uses, updating the process for designation of parcels and liability coverage requirements, providing due notice to garden permit holders, and allowing for multiyear permits.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 8-394, 8-395, 8-396, and 8-399 of the Code of the City of Richmond (2020) be and are hereby **amended** as follows:

Sec. 8-394. Purpose.

The purpose of this division is to promote an improved quality of life[;] and a healthy environment[; ~~economic development and job creation~~] for residents of the City through urban agriculture.

Sec. 8-395. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City property means City-owned real estate or any portion thereof that may be used as a Community Garden, as designated by resolution of the City Council.

Community Garden means City property used in accordance with the provisions of this division to grow fruits, vegetables, flowers, herbs, wood products or native or ornamental plants [~~for noncommercial purposes, in which there is no exchange of goods for monetary value~~].

Community Garden Coordinator means a City employee appointed by the Chief Administrative Officer or a person contracted by the Chief Administrative Officer to manage the program for which this division provides.

Permittee means:

(1) A legal entity, except an individual, registered and in good standing with the Commonwealth of Virginia State Corporation Commission;

(2) An unincorporated association; or

(3) A governmental organization which holds a permit issued in accordance with this division.

Sec. 8-396. Appointment of Community Garden Coordinator; designation of parcels; Community Garden Coordinator duties.

(a) *Appointment.* The Chief Administrative Officer shall appoint a Community Garden Coordinator, who may be a City employee with other duties or a person contracted by the Chief Administrative Officer.

(b) *Designation of parcels.* The City Council, upon the recommendation of the Chief Administrative Officer, may, by resolution, designate the parcels of City property that may be used as Community Gardens. In addition, notwithstanding any provision of Section 8-12 to the contrary, the Director of Parks, Recreation, and Community Facilities may designate all or any part of a City park as a Community Garden, provided that such designation is in compliance with the requirements of this division. No other City property shall be used as a Community Garden.

(c) *Community Garden Coordinator duties.* The Community Garden Coordinator shall maintain a list of City property designated ~~[by the Council]~~ for use as Community Gardens for review and inspection by the public. The Community Garden Coordinator is authorized to issue permits, revocable at-will for any reason, upon ~~[due]~~ no less than 60 days' notice, by either the City or the permittee, to permittees for the ~~[annual]~~ use of City property ~~[for a period not to exceed 12 months from the date of any such issuance,]~~ for the purpose of operating a Community Garden. The Community Garden Coordinator shall, on a regular basis, as the Community Garden Coordinator shall determine, inspect all Community Gardens for compliance with the provisions of this division, the rules, regulations and guidelines issued in accordance with this division and any other applicable requirements of law.

Sec. 8-399. Issuance and denial of permits.

Permits issued in accordance with this division shall be subject to the following general terms and conditions:

(1) The applicant requesting the use of City property as a Community Garden shall file with the Community Garden Coordinator an application, including a demonstration of support for the application in accordance with the rules, regulations and guidelines issued pursuant to Section 8-397, to obtain a permit for such use to ensure that the applicant meets the requirements of this division. The applicant shall provide to the Community Garden Coordinator the information the Community Garden Coordinator requires, as permitted by law, to ensure compliance with the provisions of this division for issuance of the permit.

(2) Each initial application and renewal application to obtain or renew a permit shall be accompanied by a payment of a fee. The fee for an initial application shall be \$50.00, and the fee for a renewal application shall be \$25.00.

(3) Each initial application and renewal application to obtain or renew a permit shall be accompanied by a certificate of insurance demonstrating evidence of general liability insurance coverage in the amount of at least [~~\$250,000.00~~] \$1,000,000.00 per occurrence, naming the City as an additional insured and indicating that the City will receive at least 30 days' notice of cancellation or material modification of the policy. In the case of a governmental organization, however, each such initial application and renewal application shall be accompanied by either a certificate of insurance demonstrating evidence of general liability insurance coverage in the amount of at least [~~\$250,000.00~~] \$1,000,000.00 per occurrence, naming the City as an additional insured and indicating that the City will receive at least 30 days' notice of cancellation or material modification of the policy, or written verification that such organization is self-insured in the amount of at least [~~\$250,000.00~~] \$1,000,000.00 per occurrence.

(4) Permits shall be granted on a first come, first served basis. Initial applications [~~must be filed no later than March 30 of each year~~] to obtain a permit for the year in which such application is filed [~~, except that applications to obtain a permit for the year 2011 shall be accepted until May 31, 2011~~] are accepted on a rolling basis. Renewal applications must be filed by November [~~30~~] 15 of each year to obtain a permit for the following year. Permits may be granted annually unless the applicant requests a multiyear permit. To be eligible for a multiyear permit, the applicant must have maintained consecutive annual permits for two years or more and have demonstrated compliance with the rules, regulations and guidelines issued pursuant to Section 8-397. Multiyear permits will not exceed five years in

duration. All applications shall be reviewed according to the provisions of this division and the rules, regulations and guidelines issued by the Chief Administrative Officer pursuant to Section 8-397.

(5) Each permit issued by the Community Garden Coordinator shall state the following:

a. The name of the permittee and the name, address and phone number of the authorized representative of the permittee, if applicable.

b. The date and time period during which the permit shall be effective.

c. The specific City property for which use is authorized.

d. Whether the erection of any structures will be permitted and any conditions or restrictions thereon.

e. Any other information, as permitted by law, that the Community Garden Coordinator deems necessary for the administration of the permit.

(6) Permits shall incorporate by reference the provisions of this division and the rules, regulations and guidelines issued by the Chief Administrative Officer pursuant to Section 8-397.

(7) The permittee shall execute a release, waiver of liability and indemnification agreement prior to the issuance of any permit. This subsection shall not apply to governmental organizations.

(8) Upon revocation or expiration of a permit, the permittee shall be responsible for ensuring that the City property used as a Community Garden is restored to ~~the same condition as it existed at the time the permit was issued to the permittee~~ a condition as set forth in the rules, regulations, or guidelines issued pursuant to Section 8-397, in accordance with the requirements of this division~~;~~ any provision of the rules, regulations and guidelines issued in accordance with this division or and pursuant to any other applicable requirements of law ~~or~~. If the permittee fails to meet this requirement within 60 days of the revocation or expiration of the permit, the permittee shall be responsible for reimbursing the City for any actual costs incurred to ~~do so~~ restore the property.

(9) The Community Garden Coordinator shall deny a permit to any applicant upon determining that the applicant has not complied with any requirement set forth in this division or if the Community Garden Coordinator

determines that the proposed use will violate this division or other applicable law or is [for a commercial purpose or] likely to comprise a public nuisance.

§ 2. This ordinance shall be in force and effect upon adoption.