

**COTTAGE CITY COMMISSION
TOWN OF COTTAGE CITY**

ORDINANCE NO. 2020 - 05

AN ORDINANCE OF THE TOWN OF COTTAGE CITY AMENDING CHAPTER 17 (COMMUNITY GARDEN) OF THE CODE OF THE TOWN OF COTTAGE CITY REGARDING THE USE AND ADMINISTRATION OF THE LOTS KNOWN AS 4222 COTTAGE TERRACE, AS A COMMUNITY GARDEN PARTICULARLY BY ELIMINATING THE REQUIREMENT FOR A LEASE OR USER AGREEMENT WITH AN ORGANIZED ENTITY; AND GENERALLY RELATING TO USE OF TOWN PROPERTY BY USERS OF THE COTTAGE CITY COMMUNITY GARDEN

Introduced By: The Cottage City Commission

WHEREAS, pursuant to Section 75 of the Town Charter, the Town may acquire real, personal, or mixed property within the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Town; and

WHEREAS, pursuant to Section 18(2) of the Town Charter, the Cottage City Commission has the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purposes including to provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town; and

WHEREAS, the Cottage City Commission finds that Ordinance 2020-05 should be amended to remove the intention to lease or enter into an agreement with a group or association to use the Town’s property as a community garden but instead administer the use of the property by way of a committee, other advisory body or appointed leaders.

SECTION 1.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COTTAGE CITY COMMISSION, that the Code of the Town of Cottage City as amended herein below is hereby enacted, adopted, revised and amended such that said Code and the provisions of said Code and particularly this revised Chapter 17 (Community Garden) thereof shall henceforth read as follows:

CHAPTER 17

COMMUNITY GARDEN

CAPITALS	:	Indicate matter added to existing law	Page 1 of 4
[Brackets]	:	Indicate matter deleted from existing law	
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.	

17-1. Community Garden.

The Cottage City Commission may grant Individual gardeners and other interested persons wishing to occupy, maintain and use lots 24 through 29, Block C, of Moyer’s Park subdivision, also known as 4222 Cottage Terrace, as a community garden. The majority of gardeners or users of Town property shall be residents of the Town, and the Cottage City Commission may appropriate funds within the annual operating budget to improve the property or assist in supporting the community garden activities regarding the Town’s property.

17-2 Appointment and Duties of the Garden Coordinators.

A. Each year before the first Saturday of March, the Cottage City Commission shall appoint or re-appoint two (2) individuals as recommended or nominated by the gardeners to assist in the administration of the Town land designated for a community garden. The appointed Coordinators are to be responsible for coordinating the broad planning for the group with the Town, and are further responsible for organizing, coordinating, funding, and event scheduling for the Cottage City community garden activities under the direction of Town.

B. The co-leaders or coordinators shall serve as the liaisons between gardeners, guests, the Cottage City Commission and partnering organizations. The coordinators shall assist in collecting any fees or dues levied for assigned garden beds and seek advice and guidance from Cottage City staff concerning maintenance of the property, the appropriate handling of fees and other administrative matters.

17-3 Minimum Garden Responsibilities and Requirements.

The Cottage City community garden coordinators and gardeners shall observe, provide, ensure, and maintain the following minimum responsibilities and requirements in order to utilize the Town’s real property for its purposes:

A. Establish guidelines and rules for the community garden including but not limited to rules for use of the property by children and guests.

B. Establish eligibility and participation rosters for users of the community garden.

C. Allocate garden space to the gardeners as deemed equitable and collect a nominal fee for beds or spaces that are reserved exclusively for the use of certain individual gardeners.

D. Require individual gardeners to enter into a gardener’s agreement (including provisions approved by the Cottage City Commission for a waiver of liability, release and indemnification of the Town).

E. Cooperate with the Town regarding liability insurance coverage on the garden property.

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F. Coordinate with the Town if the Coordinators plan to host a public benefit party or any other type of garden festival or event that will draw a crowd, so that additional event insurance coverage or other precautions may be obtained as deemed needed.

G. Ensure that no animal traps are used in the garden and that the garden toolshed is locked, with all tools contained within, when not being used by any gardeners.

H. Ensure that the property is cleanly, neatly, and efficiently maintained and organized to include the removal of excessive vegetation and growth along the fence lines and elsewhere within the town's property.

17-4 Town Responsibilities and Requirements.

Maintain appropriate levels of insurance through the Town's insurance carrier for the property, including general liability coverage of at least \$1,000,000 for each occurrence and at least \$2,000,000 "aggregate" coverage and provide other services as agreed with the gardeners.

* * *

SECTION 2.

AND BE IT FURTHER ORDAINED AND ENACTED, that severability is intended throughout and within the provisions of this Ordinance, and if any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3.

AND BE IT FURTHER ORDAINED AND ENACTED, that Section 1 of this Ordinance shall be codified and included within the Code of the Town of Cottage City.

SECTION 4.

AND BE IT FURTHER ORDAINED AND ENACTED, that a fair summary of this ordinance shall be published at least once prior to the date of passage in a newspaper or newspapers having general circulation in the city, and a fair summary of this ordinance shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the city.

SECTION 5.

AND BE IT FURTHER ORDAINED AND ENACTED, that the Commissioner-

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Chairman shall be authorized to sign this Ordinance on behalf of the Commission.

HAVING BEEN INTRODUCED AND HAVING BEEN READ as a regular ordinance and passed by a ye and nay vote of the Cottage City Commission with the affirmative votes of a majority of the whole number of members elected to the legislative body as indicated below at a Public Meeting of the Town of Cottage City held on this 13th day of January 2021, at approximately 7 o'clock p.m., in the Town Hall in Cottage City, Maryland.

I HEREBY CERTIFY that the above Ordinance No. 2020-05 was passed by the required ye and nay votes of the Cottage City Commission on the 13th day of January 2021.

ATTEST:

TOWN OF COTTAGE CITY, MARYLAND

Consuella Barbour, Town Manager

By: _____
Demetrius Givens, Commissioner- Vice-Chair

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Manager of the Town of Cottage City, Maryland, that on the 13th day of January 2021 with _____ Aye votes and _____ Nay votes, the aforesaid Ordinance 2020-05 passed.

Consuella Barbour, Town Manager

CAPITALS : Indicate matter added to existing law Page 4 of 4
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