

**Fulton Heights Neighborhood Association**  
**Hillcrest Community Garden**  
**Plot Assignment Procedure and Terms and Conditions of Use**

The Hillcrest Community Garden ("Garden") is one of the largest community gardens in Michigan, and is one of the many things that makes the Fulton Heights neighborhood so desirable. As proud owners of the Garden, the Fulton Heights Neighborhood Association ("FHNA"), with the guidance of the Garden Committee (the "Committee"), serves as stewards for the Garden's future, and administers the use of the Garden, to ensure that both long-time participants and eager new gardeners have opportunities to participate in one of the true treasures of the City of Grand Rapids.

The following procedures, terms and conditions shall regulate the use of Hillcrest Community Garden. In the event that an applicant (the "Gardener") is assigned a space in the Garden (a "Plot"), Applicant agrees to the terms and conditions below.

**PLOT ASSIGNMENT PROCEDURE:**

Waiting List:

1. As a result of the popularity of the Garden, for many years, the demand for plots from prospective gardeners has been greater than the space available in the Garden. As a result, the Garden has maintained, and will continue to maintain, a waiting list from which to allocate open plots in the Garden to new gardeners.
2. With respect to the Garden plot waiting list, people that currently live within the Fulton Heights Neighborhood Association area (which is bounded by Michigan Street to the north, Plymouth Avenue to the east, Fulton Street to the South, and Fuller Avenue to the west) will be given priority for garden plots over non-residents on a "first come, first served" basis.
3. Due to the large number of non-residents currently using the Garden, current non-resident gardeners will be able to maintain their current plots, but if they surrender or otherwise lose their plots, and wish to return later they will fall under the waiting list regulations noted above.

Number of Plots:

1. No gardener will be permitted to have more than two garden plots (of any size) at any time, unless that Gardener was permitted to have more than two plots prior to the 2012 gardening season, in which case, that Gardener may be allowed to retain his/her third plot, at the discretion of the Committee.
2. If any plots remain unallocated after all prospective gardeners from the waiting list receive one plot, second plots may be awarded to gardeners who are already allocated a plot by a lottery system\*. If awarded a second plot by the lottery system, gardeners will be allowed to maintain those two plots, but if they chose to surrender one of the plots, in following years they will have to re-apply for a second plot using the lottery system. (\*Lottery System is the random drawing of names prepared from a list of gardeners interested in receiving an additional plot.)
3. Notwithstanding the rules noted above, all gardeners who were allocated three plots prior to the 2012 gardening season will be allowed to maintain those three plots, but if they chose to surrender one of the plots, in following years they will no longer be eligible for the third plot.
4. First year gardeners will receive a maximum of a half plot, as available.

**TERMS AND CONDITIONS:**

GARDEN USE.

1. Maintenance of Plot. I agree to keep my plot(s) clean and orderly. My plot(s) can be forfeited, without a return of the fee, if the plot is not planted by June 15th, or if the plot is not properly maintained. FHNA reserves the right to forfeit any garden site for conduct by a user and/or guest of a user that is annoying, harmful, or otherwise unacceptable to the FHNA, in its sole discretion.
2. Subletting/Payment Plans: Subletting is not allowed and payment plans are not accepted. All persons sharing plots must be listed on the Garden Plot application form and must also sign the application.

3. **Forfeiture:** We want to insure that all possible plots are used and that none are left to weeds. **If any garden plot is not planted by June 16th the assigned gardener will automatically forfeit the site without a refund of the fee.** Partial plantings do not count as a planted plot, unless the entire plot is maintained. There will be no refunds after June 15th. Forfeited plots will be reassigned to other gardeners or cover cropped. If you can no longer maintain your site or do not wish to continue gardening, please contact the garden committee. We wish to maintain the appearance of the garden. Once a plot has been forfeited, rights to the garden for the remainder of the season are relinquished. This also applies to perennial plots.
4. **Weed Control and Prohibited Plants:** Keeping your weeds under control is part of being a good neighbor. Weeds must be kept under 12" high by city ordinance. **Only organic weed control is allowed.** Information about organic weed control products can be obtained at the Grand Rapids Public Library or from the Kent/MSU Extension (336-3265). We strongly suggest using mulch, grass clippings, pulled weeds, sawdust, black plastic, or a thick layer of newspaper anchored with clippings or rocks. Any weeds that you remove may be put in the walkways between plots. This will help keep the weeds down in the walkways. Please do not throw weeds into the roadways however because they make it impossible to mow the grass. Plants on the State's Noxious Weed List as well as illegal or invasive plants are not allowed. You can find the State's Noxious Weed List on-line at [http://www.michigan.gov/mdard/0,4610,7-125-1568\\_2390\\_41275-149078--,00.html](http://www.michigan.gov/mdard/0,4610,7-125-1568_2390_41275-149078--,00.html). Marijuana, even when grown for medical purposes, is prohibited in the Garden.
5. **Pest Control:** This is an area where the participation of all gardeners is necessary. **For the past several years Hillcrest Gardens has strived to become an organic garden.** We would like to take this opportunity to clarify what it means to garden organically. The rule is to avoid chemicals and to substitute botanical pesticides when needed. Rotenone and Black Leaf 40 (nicotine) are examples of botanical products. Information about the ecologically safe pest control and other organic gardening practices can be obtained at the Grand Rapids Public Library or from the Kent/MSU Extension (336-3265). You can also check with local merchants such as Rylee's Ace Hardware, Romance Gardens or Grow-Co. Garden Supply. Additionally, all of the major chain stores such as Fruit Basket Flowerland, Meijer's, Home Depot, Menards and Lowe's offer some sort of organic product.
6. **Watering:** There is access to a watering system. Please respect your neighbor's plot and be careful not to damage plants while moving hoses. Do not waste water or allow it to run onto the driveway where it may cause ruts to occur. You must provide your own hoses and they should be in good repair so that they do not leak. Keep hoses out of the walkways and driveways when not in use. Please conserve the amount of water you use and do not leave the garden site while watering your garden. The water system is vital to all gardeners. When it is inoperable everyone is inconvenienced and repairs are costly. Please take care in using the faucets and avoid damage to the water lines. Report all water line problems to Norma at 459-5510. Please keep in mind the expense of the water bill and do not over water or use leaky hoses.
7. **Access:** Please use the sod areas and walkways for access. Do not walk across the plots. Gardeners should maintain walkways. A lawn mower is available. Taking turns maintaining the paths with neighboring gardeners will work. Cars are permitted on the driveways via the curb cuts only. Do not drive on the sidewalk or around closed barriers. Cars parked within the garden area should not obstruct the driveway. Please try to park on the same side as other vehicles.
8. **Perennial Plots:** Rototilling is not provided but these plots must be maintained and kept in an orderly and neat fashion with weeds under 12 inches in height.
9. **Garden Debris/Refuse:** The compost area is located at the south end of the garden, and is for the use of gardeners only. Weeds, grass and vegetation debris can be deposited there from your garden. Raspberry canes, corn or sunflower stalks should be neatly stacked in the designated area. Non-biodegradable trash/refuse, including plastic plant containers, should be taken home by each gardener for disposal. Rocks can be placed in holes in the dirt roads or around faucets. Do not leave rocks on the side of your plot or in the grass around the garden site as damage to mowers and injury to people can occur. Plots must be kept clean of refuse. Dumping of non-garden materials is not allowed.
10. **Spring Clean up:** **Non-plant materials left on garden plots after spring cleanup (April 14th) will be thrown away.** All gardeners' participation in spring cleanup is expected.
11. **Year-End Clean up:** All gardeners are required to clean up their plots at the end of the gardening season. Failure to do so may result in the loss of lot rights next year.

GENERAL TERMS AND CONDITIONS:

1. **Registration and payment are due no later than April 15 of each year. After April 15, Plots will be assigned to new gardeners.**
2. Committee Meetings are held monthly. Please check the bulletin board on the garden shed for the date, time and place of the meeting. All gardeners are urged to attend and participate. The Garden exists through the efforts of all gardeners. Be involved! The following committee members may be called for information about the next meeting or should you notice a problem that needs immediate attention.

Henry	456-7941	Norma	459-5510	Lois	551-9009
Kathy	459-4873	Beth	459-8764	Mary Ellen	233-9971

3. Emailing is an easier, quicker way to communicate. Please include your email on the Application form and check it regularly for events, answers to questions and garden information. For those who do not have email access, information will be mailed and posted on the bulletin board on the side of the shed.
4. Please report acts of vandalism to the Committee immediately. Getting to know your fellow gardeners and watching out for each other's plots provide the best protection.
5. Pets are to be leashed at all times. Animal feces should not be composted.
6. The Gardens are to be used for recreational gardening and for growing vegetables and flowers for personal or family use.
7. Gardeners will not drink alcoholic beverages, use illegal drugs, use abusive or profane language or gamble in the Garden.
8. No illegal weapons are permitted in the Garden at any time.
9. The Garden shall be open from dawn until dusk every day.
10. Food, plants or flowers are not to be removed from a plot without expressed permission from the Gardener.
11. Guests must follow all rules, terms, and conditions stated herein. Guests are invited to walk the paths – Please do not enter plots. The Gardener will supervise children at all times when they are in the Garden, and are solely responsible for the behavior of their Guests.
12. Personal property should not be left on the plot. FHNA is not responsible for any vandalism or theft of garden plots or personal property therein.
13. **It is understood that the Gardener, any member of his/her garden group, or any guests, hereby waive, release and relinquish any claims, causes, actions and/or rights against the Fulton Heights Neighborhood Association and its members, officers or directors with respect to any use of a garden site, any condition of the entire garden, or that otherwise concern either the garden or the operation or use of the garden by any other person or entity. Each Gardener will defend, indemnify and hold harmless the Fulton Heights Neighborhood Association and its members, officers or directors from any claims, causes of action and/or rights arising from or connected with presence at and/or use of a garden site.**
14. The plot assignment procedure and terms and conditions of use for the Hillcrest Community Garden can be amended at any time by FHNA at FHNA's sole discretion.
15. Gardener understands and agrees that these terms and conditions constitute a personal, nontransferable license to use his/her Plot in the Garden, which is revocable at will by FHNA at any time.
16. FHNA is the governing authority of the Garden. Breaking any rules, terms, and conditions is cause for exclusion from the garden and loss of Plot. The permission to use the Garden may be revoked or canceled at any time and without cause by FHNA, and I will have no claim or right to damages or reimbursement for any loss, damage, or expense resulting from revocation or cancellation.
17. These terms and conditions contain the entire agreement of the parties and shall be governed by and construed according to the laws of the State of Michigan.

Effective February 16, 2012.