

CITY OF BANE BERRY
ORDINANCE NO. 2025-12

AN ORDINANCE TO PERMIT AND REGULATE GARDENING ON DEVELOPED AND UNDEVELOPED LOTS

SECTION 1: PURPOSE & INTENT

The purpose of this ordinance is to establish clear and reasonable guidelines for allowing both in-ground and raised bed gardening on residential lots with structures and empty lots within the City of Baneberry. This ordinance aims to:

1. Support gardening practices that allow residents to cultivate food in an organized and responsible manner.
2. Preserve land integrity by ensuring that gardening activities are sustainable, removable, and do not hinder future development.
3. Maintain community aesthetics through structured, well-maintained gardening regulations.
4. Encourage responsible land use and beautification efforts and green spaces creation.
5. Support health and wellness benefits associated with gardening, including physical activity, stress reduction, and community engagement.

SECTION 2: PERMITTED USES AND DEFINITION

For the purposes of this ordinance, a **garden** is considered an area of land on which food crops are grown by the property owner or another person with an interest in the property (e.g. renter or guest) for personal or family consumption and enjoyment.

1. Gardening is permitted on all residential lots behind the front line of the house and empty lots, including both in-ground and raised bed gardening.
2. All gardening activities must be for the purpose of growing food. No other non-agricultural activities are allowed.
3. Gardens must not exceed 75% of the total vacant lot square footage and must meet all set back requirements.

SECTION 3: REGULATIONS FOR IN-GROUND GARDENING

1. In-ground gardening and raised bed gardening is permitted on both developed and undeveloped lots. When on a developed lot, the garden or raised beds cannot go past the frontline of the house.
2. Proper soil management must be maintained to prevent excessive erosion, runoff, and soil degradation.
3. Gardeners must control weeds, prevent overgrowth, and maintain a neat and tidy appearance.
4. In-ground gardens may not interfere with public utilities, sidewalks, easements, or any right-of-way.

SECTION 4: REGULATIONS FOR RAISED BED GARDENING

1. Raised beds must be constructed from approved materials, including:
 - Metal raised beds specifically designed for gardening.
 - Redwood or Cedarwood in good condition (Must Be Quality, Orderly, Have Good Supports, and Be Solely Constructed for Garden Use; No Upcycled Materials. Defined below)
 - Extruded or composite materials, specifically designed for gardening, can also be used
2. Prohibited materials for raised beds:
 - No upcycled or non-traditional containers such as toilets, bathtubs, boat hulls, or other non-gardening-specific items.
 - No deteriorating, broken, or unsightly materials.
3. Raised beds must be properly maintained to prevent rot, collapse, or unsightly conditions. Raised beds and gardens must be properly maintained year-round and must not create unsightly conditions, including but not limited to:
 - Overgrown weeds, grass, or invasive plants exceeding 12 inches in height.
 - Rotting or broken wood, rusted or deteriorated metal, or collapsed garden structures.
 - Debris, trash, discarded plant materials, or abandoned garden tools.
 - Standing water in garden beds, which may contribute to mosquito breeding.
 - Uncontrolled pest infestations, such as rodent nests or excessive insect breeding.
 - Non-functional or abandoned garden beds left unplanted for an extended period.
 - Torn, sagging, or improperly installed weed barriers, tarps, or coverings.
4. All raised beds must be placed in designated gardening areas and not scattered haphazardly throughout the lot.
5. Weeds and grass in and around raised beds must be maintained at a short length. Gardeners may use weed barrier and/or wood chips between beds to prevent overgrowth and ensure a neat appearance.
6. Raised beds **may not exceed 36 inches in height** from the ground to the top of the bed structure.

SECTION 5: LOT DEVELOPMENT RESTRICTIONS

1. No structures other than garden beds shall be permitted on undeveloped lots.
 - This includes prohibiting sheds, storage units, or permanent buildings on empty lots designated for gardening.
2. Only gardening-related activities may take place on undeveloped lots. No vehicle storage, dumping, or non-agricultural uses are permitted.
3. Raised beds and gardens must be properly maintained year-round to prevent the accumulation of debris, weeds, or deteriorating material.

SECTION 6: SEASONAL FENCING FOR GARDENS

1. From **April 1 through November 30**, temporary fencing is permitted around designated garden areas for the purpose of pest and animal protection.
2. All fencing must be **removable** and **non-permanent** in nature. Acceptable fencing types include:
 - Electrified hot wire systems
 - Welded wire rolls or welded wire panels
 - Removable wood fence panels
 - Black or green deer netting
3. All fence **posts must be removable** and may not be permanently cemented or affixed into the ground.
4. Fencing may not exceed **6 feet in height** and must be kept in good condition.
5. Fencing must not obstruct sidewalks, rights-of-way, or create a safety hazard for neighboring properties.
6. All fencing must be removed by **November 30th**.
7. **Fencing materials may not be stored on undeveloped or empty lots** during the off-season. All fencing must be stored **neatly and out of public view**, either indoors or in a designated storage area on a developed property.

SECTION 7: MAINTENANCE REQUIREMENTS

1. Gardens must be well-maintained and kept free from weeds, overgrowth, and debris.
2. Raised beds must be kept structurally sound and in good repair.
3. All gardening areas must be mow-able and allow for weed trimming to ensure a neat, contained appearance.
4. Gardeners must implement appropriate pest control measures to prevent the spread of rodents and insects.
5. If a garden or raised bed is not actively used for a continuous period of one (1) calendar year, it must be dismantled and removed from the property. The owner is responsible for clearing and restoring the lot to a neat and orderly condition.

SECTION 8: REQUIRED APPROVAL & DESIGN REVIEW

1. For raised bed gardening, a design and layout plan must be submitted to the city for approval before the installation of any garden on an empty lot. The plan must include:
 - The proposed location of the garden area.
 - The size of the garden.
 - The type of materials used for raised beds.
 - Proposed method for maintaining weed and grass control between raised beds. Examples, weed barrier, wood chips, mowing etc.
 - Acknowledgment that the garden will comply with all maintenance requirements outlined in the ordinance.
 - A completed **Raised Bed Garden Approval Form** with all required attachments.
2. Gardens that do not conform to approved plans may be subject to enforcement actions, including removal at the owner's expense.

SECTION 9: SEASONAL USE & WINTER MAINTENANCE

1. Gardens may remain in place year-round. Seasonal removal is not required.
2. By December 31st of each year, all gardens must be cleaned up, trimmed, and maintained in an orderly condition for the winter season. Raised beds and garden plots may remain but must be tidy and free of excessive weeds, overgrowth, or debris.
3. Gardeners are encouraged to plant winter crops or use ground cover to protect soil health and maintain the aesthetic of the gardening area during the off-season.
4. Gardens that do not adhere to the winter maintenance requirements, may be subject to enforcement actions, including removal at the owner's expense.

SECTION 10: ENFORCEMENT & PENALTIES

1. Failure to maintain a garden in accordance with this ordinance may result in a violation notice.
2. If corrective actions are not taken within 10 days of notice, the city may require the removal of non-compliant garden features at the owner's expense.
3. Any unauthorized structures on undeveloped lots (such as sheds or non-permitted containers) must be removed upon notice.
4. If a garden or raised bed remains unused for one (1) full calendar year and is not dismantled by the owner, the city may issue a removal order at the owner's expense.

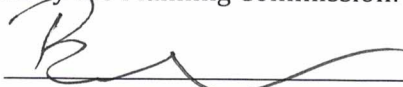
SECTION 10: SEVERABILITY CLAUSE

If any section or provision of this ordinance is found to be invalid or unenforceable, the remainder of the ordinance shall remain in effect.

SECTION 11: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage, the public welfare requiring it.

Certified by the Planning Commission: May 22, 2025.


_____, Secretary

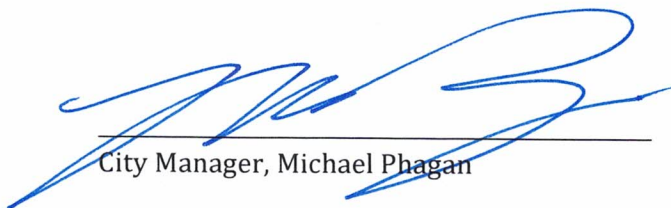
Passed on First Reading: June 2, 2025

Passed on Second Reading: August 4, 2025

Public Hearing: July 7, 2025



Mayor, Mark Plonski



City Manager, Michael Phagan