

EBERWEIN PARK COMMUNITY GARDEN

Application

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APPLICATION - PLEASE PRINT

Owner's Name: _____

Address: _____ City/State: _____ Zip Code: _____

Email Address: _____

(Members will receive notifications about the Community Garden – feel free to put more than one if spouse would like emails too.)

Home phone: _____ Cell phone: _____

FEE PER PLOT - \$40. Required at time of sending in your renewal application.

Plot Number: _____

Please note only one (1) plot per person/family available due to the desire to accommodate all interested gardeners. Gardeners who wish to plant winter crops must do so prior to December 1, 2023.

Release of Liability

I hereby acknowledge that I (1) have carefully read this Release of Liability and understand it fully; and (2) agree with, and accept its terms and conditions; and (3) have received a copy of the guidelines for the Chesterfield Community Garden and agree to abide by these guidelines and to inform others I bring into the garden, including supervised children; and (4) agree to immediately report any unsafe property conditions to the city. I assume all risks associated with using the community garden, including its fixtures and equipment, in an unsupervised manner, including the risk of injury to me, any individual (including supervised minors) accompanying me.

In consideration of the city permitting me to use the community garden, I hereby fully and forever release and discharge the city and its elected officials, officers, employees, volunteers, and agents from any claims, demands, damages, rights of action or causes of action present or future, whether the same be known, anticipated or unanticipated, resulting from or arising out of use or intended use of said community garden. I fully and forever release and discharge the city and its elected officials, officers, employees, volunteers and agents from any and all negligent acts and omissions in the same, and intend to be legally bound by this release. I hereby assume sole responsibility for and agree to indemnify, hold harmless and defend the city, its elected officials, officers, employees, volunteers, and agents (the Indemnified Person(s)) from and against any and all claims (including for bodily injury, death or other damage) and demands, litigation, judgments, settlements, costs, and expenses (including reasonable cost of investigation, court costs and reasonable legal fees, expert fees, and other expenses), naming or in any way involving any Indemnified Person(s), to the extent it results or arises from use of the community garden by me or any person under my supervision or present in the park pursuant to my membership, or any breach of this release or community garden guidelines by me or any such person(s). If any circumstance shall arise in which any Indemnified Person(s) is entitled to indemnity or defense pursuant to this release, I agree that upon written notice thereof I shall immediately assume the defense thereof, including the employment of counsel. The Indemnified Person(s) shall have the right to employ separate counsel in any such action and participate in the defense thereof, and the fees and expenses of such counsel shall be at their own expense. I have carefully read this release of liability and understand and fully agree with its contents. I agree to obey all guidelines of

EBERWEIN PARK COMMUNITY GARDEN *(continued)*

Application

the community garden. I have carefully read this release of liability and understand and fully agree with its contents. I agree to obey all guidelines of the community garden.

SIGNATURE: _____ **DATE:** _____

PRINT NAME: _____

GARDEN GUIDELINES

The following guidelines are being proposed for the purposes of managing the garden. Please read the guidelines and direct any questions or comments to the Chesterfield Parks, Recreation & Arts Department.

- 1) All gardeners are required to complete an application form along with a \$40 plot fee.
- 2) Please keep your plot and adjoining pathways tended. If your plot appears to be untended for a period of time and you have not contacted the Chesterfield Parks, Recreation & Arts Department, you will be contacted and your plot may be assigned to another gardener.
- 3) Please plant tall plants and vines in places within the plot, where they will not interfere with your neighbor's garden.
- 4) Water hoses will be provided. Please make sure the hoses are put away after each use. Water is typically on and available March through October.
- 5) Planting of illegal plants is strictly prohibited.
- 6) **At the end of the gardening season, all plant material should be disposed of in the compost pile, non-plant materials must be removed and disposed of properly, and all gardens left neat and tidy. If your garden is not cleaned up by the agreed upon date, you could lose your gardening privileges for the next season.**
- 7) Please pick up litter when you see it.
- 8) Please put weeds and dead plants in the compost bin that is provided.
- 9) Please do not apply anything to or pick anything from another person's plot, without their prior approval.
- 10) Smoking and tobacco products are not allowed in the garden.
- 11) **Pets, drugs (including alcohol), radio, boom boxes and fires are not allowed in the garden.**
- 12) Children are allowed inside the garden area but must be supervised by an adult 18 years of age or older.
- 13) The application of herbicides (weed killers) is strictly prohibited. No fertilizer may be used that in any way detrimentally affects adjacent gardens.
- 14) For your safety, the garden will be open from sunrise to sunset.
- 15) Please use common courtesy, be considerate of your gardening neighbors, and ENJOY!

Thank you for your cooperation concerning these guidelines. Hope you all have a successful gardening year!

Lessee signature

Lessee printed name

Date