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## Director's Rule #1-2010

<b>Agency:</b>  City of Seattle Department of Neighborhoods	<b>Page</b>  1 of 4	<b>Supersedes:</b>  N/A
	<b>Publication:</b>  7/14/2010	<b>Effective:</b>  7/29/2010
<b>Subject:</b>  Establishing an Administrative Code of Conduct for Community Gardens (P-Patch)	<b>Code and Section Reference:</b>  SMC 3.35.040.E.	
	<b>Type of Rule:</b>  Administrative (SMC Chapter 3.02)	
	<b>Ordinance Authority:</b>  SMC 3.35.040.E	
<b>Index:</b>  Neighborhoods, P-Patch Code of Conduct  SMC Section 3.35.040.E	<b>Approved</b>	<b>Date</b>
	_____ Stella Chao, Director Department of Neighborhoods	

### I. BACKGROUND:

The Department of Neighborhoods (Department) owns property on which are located community gardens, which are managed by the department's program, the P-Patch Program. The Department also leases or has agreements with private and public entities to manage other community gardens. The department has determined that it needs rules to govern conduct for the public's<sup>i</sup> using the community gardens.

It is the P-Patch Program's mission to ensure P-Patch Community Gardens are resources for all residents of the City of Seattle. To this end the P-Patch Program has established rules of conduct that promote a safe, healthy, and welcoming environment. P-patch staff, site leadership, and Seattle Police shall make every effort to apply these rules in a fair, humane, and positive manner for the benefit of all.

The Department of Neighborhoods administers the P-Patch program pursuant to city ordinances and agreements with landowners, including both the City of Seattle and other landowners, on which P-patch are located.

## **II. AUTHORITY**

Seattle Municipal Code Section 3.35.040.E authorizes the Director of the Department of Neighborhoods (Director) to promulgate rules and regulations to carry out departmental activities pursuant to the Administrative Code, SMC Chapter 3.02. The Director of the Department of Neighborhoods issues these rules as provided in SMC 3.35.040.E.

## **III. ADMINISTRATIVE CODE OF CONDUCT**

### **Code of Conduct in City of Seattle P-Patch Community Gardens**

All persons visiting P-Patch community gardens, whether gardeners or other members of the public, are governed by these rules of conduct.

While in a P-Patch community garden, the following conduct is prohibited:

- A. It is a violation of these rules to engage in any behavior or activity that is against the law. This includes, but is not limited to:
  1. Defacing, destroying, or otherwise vandalizing P-Patches, including garden beds and plants, fixtures, signs, or other structures;
  2. Violation of the laws requiring that dogs be leashed and licensed and that owners carry scoop equipment;
  3. Theft of produce, plants, or any P-Patch property;
  4. Sexual misconduct, such as indecent exposure, offensive touching, sexual harassment, or prostitution;
  5. Possession, sale, or use of illegal drugs;
  6. Possession or use of illegal fireworks, firecrackers or any other explosive or incendiary device;
  7. Disposing of unwanted items anywhere but in a designated trash or recycling receptacle, dumping, or creating unsanitary conditions or health hazards on P-Patch property that violates rules of Public Health – Seattle & King County. or
  8. Possession of firearms or dangerous weapons, except as specifically provided by law.
  9. Possession of alcohol except with all required permits.
  
- B. It is also a violation of these rules to engage in any of the following:
  1. Any conduct that unreasonably interferes with other people's use of the P-Patch;
  2. Harassment of a member of the public, gardeners, or staff;
  3. Smoking;
  4. Improper use of water fixtures (e.g., no bathing, shampooing, or washing clothes);

5. Engaging in disruptive and unsafe behavior that disturbs the public, staff, other gardeners, or damages P-patch property; or
6. Urinating or defecating, except in designated restroom fixtures
7. Failure to comply with reasonable written or oral instructions enforcing these rules that is issued by a Seattle Police Officer, the Director, or by an authorized Department employee or a trained site coordinators.

#### **IV. ENFORCEMENT**

Failure to comply with these rules may result in any or all of the following:

- A. A direction to stop such conduct;
- B. Disqualification from further participation in the P-Patch program;
- C. Withdrawal of permission to remain on the property; and/or,
- D. Issuance of a notice of exclusion from the property for a specified period of time as provided under these rules and applicable law;
- E. Any person who enters or remains on P-patch property after having been notified that their permission to be on the property has been withdrawn is also subject to citation or arrest for criminal trespass. SMC 12A.08.040.
  1. A Seattle Police officer and the Director are authorized to issue Notices of Exclusion for periods ranging from a partial day to 365 days.
  2. Other designated department employees are authorized to issue Notices of Exclusion for a period of up to thirty (30) days.
  3. Authorized and trained site coordinators are authorized to issue Notices of Exclusion for up to two (2) days.
  4. Upon recommendation of the P-Patch employee or trained site coordinator issuing the Notice of Exclusion, the Director is authorized to extend the original exclusion for additional days not to exceed a total exclusion period of 365 days. A violation of law may also result in arrest and prosecution.

#### **V. ADMINISTRATIVE REVIEW OF NOTICES OF EXCLUSION**

A person who receives a Notice of Exclusion for a period greater than five (5) days may, within 14 calendar days of issuance of the notice, submit a written request for an administrative review to the Director, Department of Neighborhoods, P.O. Box 94649, Seattle, WA 98124-4649. The person seeking the review shall include in the request any written information documentation he or she seeks to have considered in the review process. The Notice of Exclusion shall remain in effect pending administrative review.

If a person timely requests an administrative review, the Director shall designate a Review Officer to conduct an administrative review. The administrative review is an informal process designed to give the individual the chance to explain his or her side of the events surrounding the alleged violation. Administrative reviews are typically confined to the written record and generally do not include witnesses or sworn testimony. The Review Officer may, at his or her discretion, allow the excluded individual the opportunity to orally present his or her story.

Within ten (10) days of the request for administrative review, the Review Officer shall provide a written recommendation to the Director. In making the recommendation, the Review Officer shall review the exclusion order, the written record, the individuals written administrative review request, and other information gathered in the course of the review. The Review Officer may, at his or her discretion, conduct meetings or interviews with the individual excluded and other individuals who may have information relevant to the Notice of Exclusion.

The Director shall consider the Review Officer's recommendation and may than affirm, modify, terminate, or reverse the exclusion order. The Director's decision is final.

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