

## **TAVIRA FOOD GARDENS REGULATIONS**

### **Preamble**

This Regulation intends to establish the rules for participation in the Program Food Gardens in the municipality of Tavira, being one of the winning projects in the Budget Participatory Tavira 2020/2021.

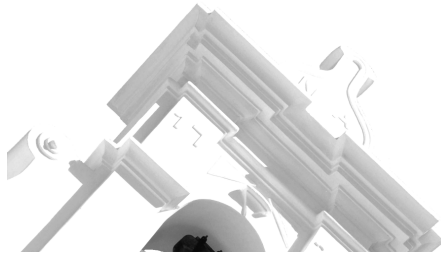
Edible cities or landscapes allow the population to grow and harvest products in public lands, through an agreement between municipalities and civil society, with the aim of aim to transform food systems

This concept emerged in 2007, in the United Kingdom, in the city of Todmorden, where a group of citizens began producing food in public spaces and from this initiative, this concept was disseminated throughout the United Kingdom through the network *Incredible Edible* that currently there are more than a hundred local groups in the country.

Traditionally, public spaces in urban areas are conceived as ornamental, in However, this vision is changing, with a new paradigm emerging inherent to development sustainable, whereby it has been argued that edible cities or landscapes have a positive impact on local development.

In plots of public land assigned for the care and use of the community, the opportunity for residents to grow vegetables, fruit and aromatic trees or place composters, promoting good agricultural practices and encouraging the practice of outdoor activities free, socializing and environmental education, creating a route of food gardens throughout the municipality, which can be participated in but also visited by interested people.

In these spaces, production that uses organic farming is mandatory and, preferably, traditional varieties of species included in the Mediterranean diet, for in order to ensure environmental sustainability and the cultivation of healthier horticultural species and sustainable practices, as well as good practices for water management and use.



The standards that constitute this Regulation are the result of collaborative work by Territorial Codesign Commission, made up of citizens, municipal technicians and decision-makers politicians, aiming for representation, and creating the first municipal regulation in together with all interested parties, in a fully participatory process.

Thus, in the use of the powers provided for in articles 112 and 241 of the Constitution of the Republic Portuguese and conferred by the provisions of paragraph g), of paragraph 1, of article 25, and paragraph k), of paragraph 1, of article 33, both of the Annex to the Legal Regime of Local Authorities, approved by Law no. 75/2013, of September 12, with the aim of being approved by the Municipal Assembly, under At the proposal of the City Council, the Tavira Food Garden Regulations were drawn up.

## **TAVIRA FOOD GARDENS REGULATIONS**

### **Chapter I**

#### **General Provisions**

#### **Article 1**

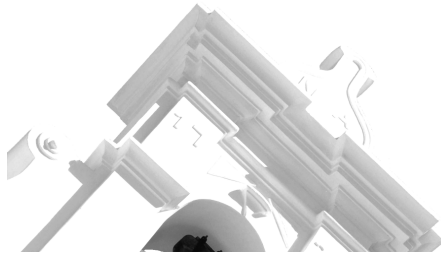
##### **Object**

This regulation establishes the rules to which participation in the Program is subject to Food Gardens of the municipality of Tavira, through the allocation and use of plots of cultivated land in duly marked public spaces.

#### **Article 2**

##### **Definitions**

For the purposes of applying and interpreting this regulation, the following definitions apply:



**organic farming**—is a mode of production that aims to produce food and textile fibers from high quality, healthy, while promoting sustainable practices and positive impact on the agricultural ecosystem. In organic production, they cannot be used Genetically Modified Organisms (GMO), products obtained from them, products obtained using GMOs in food or animal feed, auxiliaries technological technologies, plant protection products, fertilizers, soil improvers, plant reproduction, microorganisms or animals (Article 10 of Regulation (EU) 2018/848).

**“Responsible Caregiver”**—Each food garden will have a “Responsible Caregiver”, who is the person designated by the caretakers of the assigned food garden, as the person responsible for report situations of non-compliance with regulations to the Municipality of Tavira, unavailability or absences, will respond to the Municipality's requests and articulate everything that proves convenient for the successful execution of the project;

**Caregivers**—People to whom gardens are allocated free of charge and on a temporary basis food, which they cultivate according to the principles of organic farming, in accordance with good convivial practices (sound collaboration with other users) and assume the rights and duties defined in this Regulation.

**Commonly used equipment**—Common equipment includes water points, composters, tool sheds, and among others stipulated by the Municipality for this purpose;

**Food Garden**—Plot of land provided by the Municipality of Tavira for cultivation, in the middle urban area located in the municipality of Tavira, subject to non-mechanized production techniques and intended agricultural production, based on a community model;

**District Attorney**—The Municipality of Tavira, through the Councilor of the department and/or the services with competence designated for this purpose, is the entity responsible for implementing and managing of food gardens, which is responsible in particular for selecting users, attributing of food gardens, management of activities carried out and monitoring compliance as provided for in this regulation, technical standards and other applicable legislation.

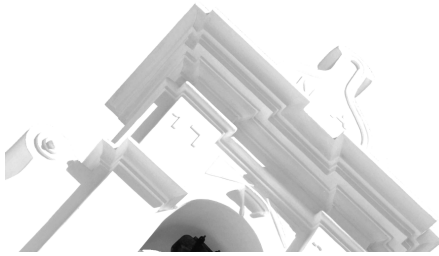


### **Article 3**

#### **Goals**

1 – Food gardens aim to:

- a) Promote healthy eating habits;
- b) Provide a local and sustainable source of fresh food, contributing to the community food security by reducing dependence on external sources;
- c) Combat food waste;
- d) Empower communities to grow their own food, promoting food autonomy and reducing dependence on supply chains distant;
- e) Enable the strengthening of the food system in families;
- f) Promote food sovereignty;
- g) Integrate agriculture into the city, changing the relationship between agriculture and space urban;
- h) Encourage the practice of urban agriculture, optimizing the use of urban spaces for food production and increasing the resilience of cities;
- i) Enrich urban spaces, bringing more color and life to the city;
- j) Value plant species from the Mediterranean landscape;
- k) Contribute to the preservation of biodiversity by cultivating a variety of plants, promoting ecological adaptation and genetic diversity;
- l) Provide a space where people can relate to nature, promoting mental well-being, reducing stress and providing a break from the urban environment;
- m) Promote the efficient use of water and raise awareness about water savings;
- n) Promote the use of sustainable agricultural practices and organic production methods, minimizing the use of chemicals and encouraging organic methods, thus contributing to the preservation of the environment;
- o) Encourage the environmental requalification of abandoned municipal land, underutilized or inappropriately used;



- p) Raise awareness among residents about respecting and defending the environment;
- q) Serve as an educational center where the community can learn about production food, sustainable agricultural practices and the importance of biodiversity;
- r) Enable forms of coexistence and lifestyle of the Mediterranean diet;
- s) Strengthen and encourage the community spirit in the use, sharing and maintenance of public place;
- t) Promote general well-being;
- u) Encourage the practice of outdoor activities, social interaction and social cohesion, creating a conducive environment for exchanging knowledge and experiences;
- v) Provide opportunities for the participation of various community groups, promoting social inclusion and equal access to food resources;
- w) Promote a healthier lifestyle through the consumption of fresh and locally grown nutritious foods, reducing dependence on processed foods.

2 - With a view to pursuing the objectives set out above, the Municipality of Tavira will provide support technical assistance and guidance to users of the provided food gardens.

3- Cultivated food products are intended exclusively for consumption and/or exchange among caregivers.

#### **Article 4**

#### **Recipients**

1. You can apply to be caretakers of food gardens in public spaces in the

Municipality of Tavira:

- a) All natural persons, as long as they are over 16 years old, residents, registered, workers or students in the municipality of Tavira;
- b) Non-profit legal entities, which pursue purposes of public interest in the Tavira municipality.

2. Underage caregivers, for the purposes of this regulation, must be represented by their legal representative.



3. Although applications for the program are individual, the attribution of a garden food will be given to a group of Municipalities who meet the conditions mentioned in previous numbers.

## **Article 5**

### **Duties of the Municipality of Tavira**

It is the responsibility of the Municipality of Tavira:

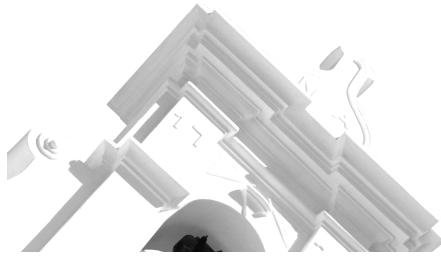
- a) Make a plot of land available free of charge in cultivation conditions, duly delimited, free of charge and temporarily;
- b) Map and make available land that is suitable for food gardens;
- c) The selection of users;
- d) Approval of the Cultivation Plan;
- e) Provide initial training to users of food gardens;
- f) Control the maintenance and cleaning conditions of the respective food gardens, as well as the surrounding common spaces and notify users to regularization of any non-compliance whenever justified;
- g) Promote and evaluate the monitoring of the Program, notifying users of everything that proves convenient;
- h) Ensure continuous technical support for food garden caretakers;
- i) Arbitrate any conflicts between users, arising from the usage activity of food gardens.

## **Article 6**

### **Rights and duties of food garden caretakers**

1 - Food garden caretakers have the following rights:

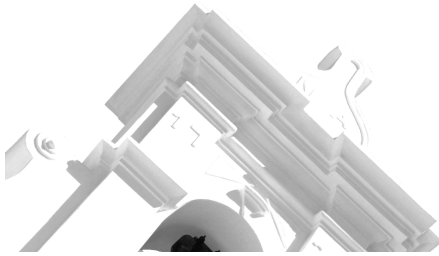
- a) Use the land to practice sustainable and organic agriculture, in accordance with the conditions defined in this regulation;
- b) Decide what to cultivate, but within the criteria defined in this regulation;
- c) Define the destination of the harvest, provided that such destination does not imply commercial purposes;



- d) Harvest the food products grown, in accordance with the stipulations between the caregivers;
- e) Access the food garden and remain there, in accordance with the provisions of this regulation;
- f) Be heard and participate in all actions/initiatives planned for the gardens food or food related;

## 2 - Food garden caretakers have the following duties:

- a) Start cultivating the food garden within a maximum period of 30 days after initial formation made available by CMT;
- b) Ensure the health, safety and good use of space and equipment  
individual and collective;
- c) Cultivate in community;
- d) Keep the space clean, cared for, and planted/cultivated;
- e) Use only organic production techniques;
- f) Obtain all the equipment necessary for cultivation, including utensils such as implements, hoses, among others;-
- g) Do not remain on farmland with companion animals, except guide dogs;
- h) Do not carry out any recreational activity that could damage or reduce the agricultural potential of food gardens;
- i) Do not hold fires or bonfires in the space designated for food gardens;
- j) Do not transfer, by any means, your food garden to third parties;
- k) Do not plant invasive species, as well as cultivate plant species legally prohibited;
- l) Do not abandon the food garden, considering for this purpose as abandonment absence of cultivation or care for more than 30 days;
- m) Implement composting techniques;
- n) Do not build or build any structure without the consent or permission of the County;
- o) Do not use any type of motorized implement in the activity, without the consent or permission from the Municipality;
- p) Do not reduce the accessibility conditions of adjacent spaces;



- q) Provide, whenever requested, access to employees of the Municipality of Tavira in exercise of supervisory functions;
- r) Designate a person who will be the “Responsible Caretaker” of the food garden, who must report situations of non-compliance with the regulations to the Municipality of Tavira, unavailability or absences, will respond to the Municipality's requests and articulate everything that proves convenient for the successful execution of the project;
- s) Participate in training and meetings called by the Municipality of Tavira, under penalty of their participation will be re-evaluated;
- t) Communicate to the Municipality of Tavira any irregularity that goes against the principles sustainable/organic agriculture and the duties and rights of other caregivers;
- u) Respect the terms of this Regulation, technical standards (Annex I) and other applicable legislation.

## **Chapter II**

### **Special Provisions**

#### **Tavira Food Gardens Network**

##### **Article 7**

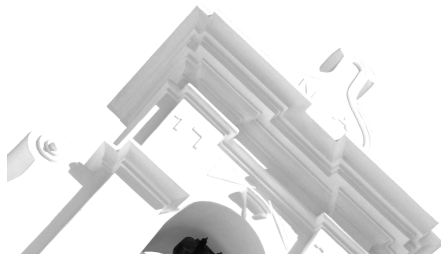
##### **Food Garden Network**

1 – The Municipality of Tavira has a network of food gardens for agricultural practice urban area, under the terms and conditions set out in the technical standards that constitute Annex I to the this regulation and which form an integral part of it.

2 - The network of food gardens may be changed at any time, depending on the survey and monitoring carried out by the Municipal services responsible for the effect, with the future allocation and exploitation of food gardens subject to the approval of the President or Councilor of the competent department.

##### **Article 8**



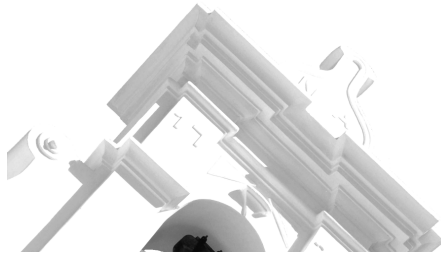


### **Application process**

1. The food garden to be allocated is intended for community care and use, and must be assigned to a group of caregivers or a non-profit legal entity, as long as they are obliged to promote community care and use of the same.
2. The allocation of food gardens is done through competition, and they can be caregivers all people who meet the conditions established in art. 4th.
3. The opening of the competition for the allocation of cultivation spaces will be announced on the page Municipality's website and by posting notices in relevant places;
4. Applications will preferably be made via electronic form available on the Municipality's website or in person at the Municipality's facilities. Municipality of Tavira (Single Counter).
5. When submitting the application, candidates can indicate up to three options for food gardens in order of preference.
6. Applications must be submitted, on a specific form, with the following documents:
  - a) Proof of residence in the municipality of Tavira, declaration from the entity employer or educational institution;
  - b) Authorization from the legal guardian (if the candidate is a minor);
  - c) Other documentation that, specifically, proves necessary.
7. Application for the allocation of food gardens in public space implies acceptance the provisions of this regulation, as well as the technical standards that constitute Annex I to this regulation and which form an integral part of it.
8. In order to ensure the continuous and correct maintenance of the space, the allocation of a food garden is dependent on the minimum and maximum number of caregivers stipulated in the technical standards that constitute Annex I.

### **Article 9**

#### **Selection of applications**



The selection of caregivers will be carried out by the Promoter taking into account the criteria "order of enrollment".

## **Article 10**

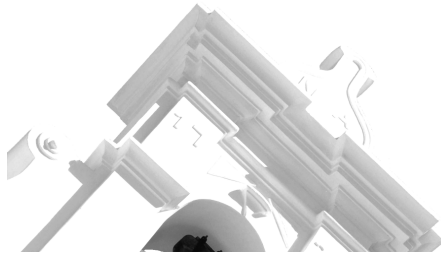
### **Assignment of food gardens**

1. The draft decision for accepted applications will be published on the website of the Municipality and notified to all caregivers, so that they can express themselves in writing, if they wish, within 10 (ten) business days.
- TWO.** After the period for prior hearing of interested parties has elapsed, the Promoter will make the decision allocation of food gardens, which will be published on the Municipality's website and notified to all caregivers.
3. After the notification referred to in the previous number, caregivers must present, within 10 (ten) working days, a Cultivation Plan, complying with the rules techniques that constitute Annex I to these regulations, which will be assessed by the Promoter.
4. With the presentation of the Cultivation Plan, caregivers must also communicate to the Municipality the person designated as "Responsible Caregiver" for the food garden that they was assigned.
5. The beginning of the food garden cultivation activity must take place within a maximum period of time 30 (thirty) days after approval of the Cultivation Plan by the Promoter.
6. Each selected entrant is allocated only one space.

## **Article 11**

### **Unselected Caregivers and Reservation for Food Garden Assignment**

If the number of applications exceeds the number of caregivers defined for the available spaces, a waiting list is drawn up, in order of presentation of applications.



## **Article 12**

### **Use of food gardens**

The use of food gardens in the municipality of Tavira is exclusive to registered caregivers, such use being subject to compliance with the technical standards that constitute the Annex I to this regulation and which form an integral part of it.

## **Article 13**

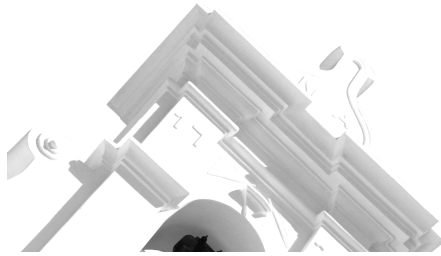
### **Grown products**

1. Caregivers will be able to grow products in the food garden provided to them vegetables, aromatic herbs and fruit trees, enhancing the coexistence of different cultures in the same space, as long as the principles of organic farming are observed.
2. In principle, crops with high water needs should be avoided, and/or ill-adjusted to the municipality's edaphoclimatic conditions.
3. Caregivers may not cultivate plant species prohibited by law, namely, drug-producing species, and such conduct will be immediately criminally reported to the competent authorities.

## **Article 14**

### **Water Management**

1. Food garden caretakers must adopt efficient watering practices, opting for water conservation, storage and conduction techniques, using, whenever possible, water from rain.
2. The Municipality of Tavira may provide water, depending on the time of year and climatic and meteorological difficulties that may be felt, up to the maximum allocation indicated in the attached Technical Standards.



## **Article 15**

### **Training**

The Municipality of Tavira guarantees initial training for all caregivers, providing the basic notions of the design and concept of food gardens, organic farming, among other relevant concepts.

## **Article. 16th**

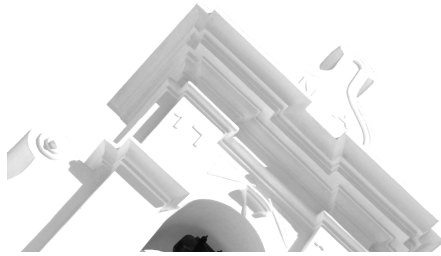
### **User Agreement**

- 1 – Under this Regulation, all food garden caretakers are required to enter into a User Agreement, under the terms of **Annex II**.
- 2- The aforementioned agreement will be valid for 2 (two) years, counting from the date of its signature, being subject to renewal for equal periods, always at the user's request, and provided that the Municipality of Tavira authorizes it.
- 3 – The Municipality of Tavira may, with reasonable grounds and at any time, terminate unilaterally the User Agreement, if it considers that there is non-compliance or violation duties and other provisions set out in these Regulations.
- 4 – The caregiver can unilaterally terminate the User Agreement and stop using the garden allocated food, and must inform the Municipality of Tavira in writing, in advance 30 (thirty) days, however, you cannot claim any compensation for improvements carried out.

## **Article 17**

### **Fees**

The use of food gardens is exempt from paying fees.



### **Chapter III**

#### **Final and Transitional Provisions**

#### **Article 18**

##### **Termination of use**

1. The use of food gardens ceases after a period of 2 (two) years, and may be renewed at the request of users for equal and successive periods, provided that communicate this intention 30 (thirty) days in advance.

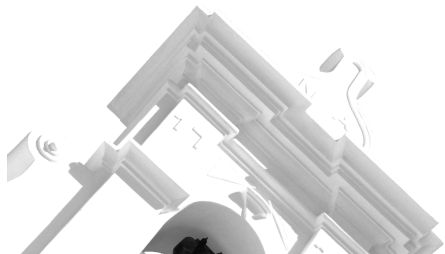
two. The abandonment/lack of care/vandalism of the food garden for a period equal to or longer than 30 days, gives the Municipality of Tavira the right to order the garden to be vacated food, except for a weighty and duly proven reason, and without the right to any compensation or compensation.

3. Verification that any false and/or false information has been provided declarations within the scope of the application process, gives the Municipality of Tavira the right to cease occupation, without the right to any compensation or compensation.

4. Providing false information and/or false statements in the application process and failure to comply with any of the rules contained in this regulation constitutes a impediment for the user to participate in the Program, for a minimum period of 2 (two) years.

#### **Article 19**

##### **Responsibility**



The Municipality of Tavira is not responsible for any personal accidents or accidents caused by and to third parties, as well as for losses or damages suffered by users, regardless of the causes that occur in the assigned spaces.

#### **Article 20**

##### **Omissions**

Any omitted cases will be decided by the Tavira City Council.

#### **Article 21**

##### **Validity**

This regulation comes into force on the day following its publication in the Official Gazette.



## **ANNEX I**

### **TECHNICAL STANDARDS**

The Municipality of Tavira provides a network of spaces, whose location and characteristics are found on the website. This network is updated and published annually or whenever find it convenient.

A minimum and maximum number of caregivers is defined for each space, so that it can be used.

The application process for the allocation of Food Gardens is divided into the following phases:

#### 1. Registration phase

Registration is individual, accompanied by the application form and proof of conditions indicated in number 1 of article 4.

For each registration, up to 3 spaces can be selected, in order of preference.

#### 2. Analysis of applications and allocation of spaces

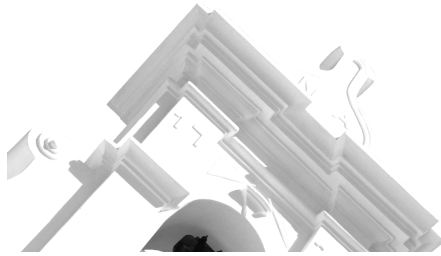
The analysis of applications verifies the documentation submitted, as well as their eligibility. A

The allocation of spaces is carried out taking into account the order of registration and the numbers minimum and maximum number of caregivers per space.

If they are interested without allocated spaces, the Municipality may try to group them in spaces that are not included in your preference orders.

Interested parties who have run out of allocated space are added to the waiting list in order of registration.

Signing the User Agreement



All caregivers must accept and sign the User Agreement (Appendix II)

### 3. Initial training

Training is provided by the Municipality, at a date and time to be agreed, to all caregivers, free and mandatory. Failure to participate in training is grounds for cancellation of the application by the Municipality.

### 4. Preparation and delivery of the Cultivation Plan

When preparing the Cultivation Plan, the following assumptions must be considered:

- The maximum allocation of water for irrigation made available by the Municipality will be 2 liters/m<sup>two</sup>/day, between May 1st and September 30th;
- The installation or construction of fences and any structures with height greater than 1.1 m and implantation greater than 1 m<sup>two</sup>, except for stakes required for production and management of vegetation, which uses dry cane, as long as it does not constitute a fence;
- The planting of fruit trees and large shrubs and the installation or construction of structures and piling as previously indicated is subject to assessment, at least County.

Whenever requested and within its capacity and availability, the Municipality will make available technical support for the preparation of the Cultivation Plan.

The Cultivation Plan must be delivered within 10 working days after completing the training.

The Cultivation Plan consists of:

- Schematic plan with listing and distribution of species proposed to be sown/planted; location and characterization of structures intended to be installed; route network internal.
- Indication of the name of the caregivers and the responsible caregiver.

### 5. Approval of the Cultivation Plan

The Municipality will analyze and approve the Cultivation Plan and will inform the caregiver responsible for any necessary changes to be made. If necessary, the group will have 5 working days to redo the Cultivation Plan and submit it for new approval.

After approval of the Cultivation Plan, the group has 30 days to begin work.





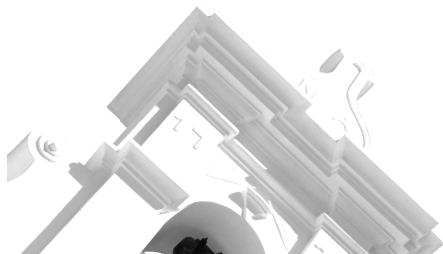
The Municipality monitors compliance with the Cultivation Plan and monitors the evolution of its implementation and development.

The application process is revalidated every two years, for caregivers already registered.

The application process for the entry of caregivers is opened whenever justify and will be duly publicized.

New applications follow the procedures described above.

The communication to the Municipality of any irregularity that contradicts the stipulations in this regulations and Technical Standards, must be sent to the email [jardimalimentares@cm-tavira.pt](mailto:jardimalimentares@cm-tavira.pt) .



**ANNEX II**

**FOOD GARDEN USE AGREEMENT**

In between:

**First Grantor:** Municipality of Tavira, Public Legal Entity No. 501067191,

represented by the President of the Chamber or/

\_\_\_\_\_, hereinafter referred to as Municipality;

AND

**Second Grantor:** Name \_\_\_\_\_,

represented here by \_\_\_\_\_ (legal representative),

holder of citizen card no./Identification document no. \_\_\_\_\_, valid

until \_\_\_\_\_, Tax identification number \_\_\_\_\_, resident in

\_\_\_\_\_, Tavira

This User Agreement is concluded in accordance with article 15 of the Regulation of Jardins Alimentares de Tavira and which is governed by the following clauses:

1. The User Agreement is valid for 2 (two) years and subject to renewal under the terms defined in the Tavira Food Gardens Regulations.
2. The First Party, to pursue the objectives set out in the Regulation of the Tavira Food Gardens, provides free of charge the food garden located in \_\_\_\_\_ with the area of \_\_\_\_\_, to the 2nd Grantor.
3. The Second Party declares that it is aware of the content of the Regulation of the Tavira Food Gardens and undertakes to fully respect it.

Tavira, \_\_\_\_ of \_\_\_\_\_ of 202\_\_.

The 1st Grantor, \_\_\_\_\_

The 2nd Party, \_\_\_\_\_