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**Procedures to Apply for Use of Vacant Public Land for Gardening or
Agricultural Use, Establishment of Fees for Permits and
Requirements for the Use of Such Lands**

Sec. 22-6e-1. Procedure for inventory of state owned public lands for gardening or agricultural use

(a) The Commissioner of Agriculture shall compile a list of vacant public land owned by the state which may be feasible for gardening or agricultural use by July 1st of each year. Such list shall be compiled by a canvas of state agencies that administer land resources and in consultation with the Commissioner of Public Works. Such list shall include the following information for each property listed:

- (1) Its location and total acreage.
- (2) Any information on past, present and potential gardening or agricultural use that may be available.
- (3) Any limiting conditions that may be placed on the property that will affect its gardening or agricultural use.
- (4) The date the property may be made available for gardening or agricultural use.

(b) Land feasible for gardening or agricultural use shall have the following qualifications:

- (1) As to land to be used for agricultural use, contain arable land of an acreage that would enable the property to be operated as an economically feasible farm unit.
- (2) Be designated by the commissioner of the agency with the primary responsibility for administering the land as vacant and feasible with respect to availability for gardening or agricultural use.
- (3) Contain soil types suitable for gardening or agricultural use as defined as 'agriculture' in subsection (q) of section 1-1 of the general statutes and have such other characteristics with respect to size, condition, topography or location as makes the land suitable for one or more of the activities set forth in the definition of 'agriculture' pursuant to subsection (q) of section 1-1 of the general statutes.

(Adopted effective August 8, 1995)

Sec. 22-6e-2. Procedure for application to use available vacant public land designated by the commissioner as feasible for gardening or agricultural use

(a) The Commissioner of Agriculture, in making available vacant public land for gardening or agricultural use, shall solicit bids for permits to use available vacant public lands.

(b) Bids shall be made on a form supplied by the Commissioner of Agriculture and shall include the following information:

- (1) Name and address of the person or organization seeking to use the vacant public land.
- (2) A written description and plan for any gardening or agricultural use that will be conducted on the vacant public land.
- (3) The annual fee the applicant proposes to pay to use the vacant public land provided no such fee.
- (4) The period of time during which the applicant wishes to use the vacant public land.
- (5) How the proposed use meets any limiting conditions placed on the land by any agency of the State of Connecticut.

(c) Notice of invitation to bid shall be published in a newspaper having a general circulation encompassing the municipality in which the land is located at least two weeks prior to the closing of the acceptance of bids.

(d) The Commissioner of Agriculture shall review the bids. The Commissioner of Agriculture may then award the permit based upon the following criteria:

(1) The fee offered for use of the vacant public land in the case of land for agricultural use.

(2) The suitability of the proposed gardening or agricultural use to the vacant public land being offered having regard to the nature of the proposed activity and the size, condition, topography and location of the property.

(3) The compatibility of the proposed gardening or agricultural use of the vacant public land with the limiting conditions set on the land and the land use goals of the agency with the administrative responsibility for the vacant public land.

(4) The compliance history of the applicant with respect to any permit previously issued to him pursuant to this regulation.

(e) The Commissioner of Agriculture reserves the right to reject any and all bids based on one or more of the above criteria.

(Adopted effective August 8, 1995)

Sec. 22-6e-3. Permits for use of vacant public land for gardening or agricultural use

(a) Permits shall include the following:

(1) Description of the land, the gardening or agricultural use(s) and the permit period.

(2) The annual fee for land for agricultural use.

(3) Limiting conditions of use, if any.

(4) Signature of the permittee.

(5) Signature of the Commissioner of Agriculture.

(6) Signature of the commissioner of the agency administering the land.

(7) Agreement by the permittee to indemnify and save harmless the state and all its officers, agents and employees against suits and claims of liability of each name and nature arising out of, or in consequence of the use of vacant public land.

(b) No permit shall be valid unless and until approved by the Attorney General as to form, including legal sufficiency.

(Adopted effective August 8, 1995)

Sec. 22-6e-4. Restrictions on use

No land permitted for gardening or agricultural use shall be used for any purposes other than those allowed under such permit and in conformity with the plan and description pursuant to Section 22-6e-2 (ii) and as it may thereafter be amended with the approval of the Commissioner of Agriculture.

(Adopted effective August 8, 1995)

Sec. 22-6e-5. Bonds and liability insurance

The Commissioner of Agriculture may require bonds or liability insurance before the issuance of any permit if the Commissioner deems such protection is needed to save the State harmless with respect to any potential claims under such terms and in such amounts as the Commissioner believes necessary to ensure that the state, its officers, agents and employees are protected with respect to any such claims arising out of or in consequence of the use of the vacant public land.

(Adopted effective August 8, 1995)

Sec. 22-6e-6. Responsibilities of individual gardening permittee

(a) Applications for individual gardening permits shall be submitted to the Commissioner of Agriculture by January 30th of each year.

(b) Gardening plots will be assigned on a first come first served basis.

(c) Plots which are not worked between January 1st and June 1st are deemed to have been forfeited.

(d) Permittees shall maintain neat gardens free of weeds and debris. Weeds are to be cleared from any paths bordering the gardening plots.

(e) Permittees shall comply with all federal and state laws with respect to these activities related to permitted land.

(f) No permanent fixtures may be constructed on gardening plots.

(g) Gardens are to be cleared of all plants, plant debris, litter and any other debris at the close of the gardening season. Failure to return a plot in appropriate condition shall result in the permittee being ineligible for a plot the following year.

(h) Only one plot per family may be assigned unless excess plots exist after all applications have been processed.

(Adopted effective August 8, 1995)

Sec. 22-6e-7. Responsibilities of organization sponsored gardening permittee

(a) Applications for organization sponsored gardening permits shall be submitted to the Commissioner of Agriculture by January 30th of each year.

(b) Sponsoring organizations may establish site specific gardening rules subject to the Commissioner's review and approval.

(c) Subsection (c) to (h), inclusive, of section 22-6e-6 of these regulations shall apply to individual gardeners operating under organization sponsored gardening permits.

(Adopted effective August 8, 1995)

Sec. 22-6e-8. Termination of permit

(a) Any permit issued may be terminated by the Commissioner of Agriculture, without cause, upon written notice to the permittee.

(b) In the event of such termination the Commissioner shall remit, on a pro rata basis, so much of the permit fee as would be attributable to the unexpired term of the permit, provided in the event the permittee has failed to comply with any provisions of these regulations, the Commissioner may retain so much of the permit fee for the unexpired term as is necessary to compensate the state for any loss arising from such violation. Said retention shall be without prejudice to the right of the state to seek additional relief, in law and in equity, including but not limited to money damages or penalties, arising from any such violation or other activity done by the permittee on the premises.

(Adopted effective August 8, 1995)