

**CHAPTER 2
ASSISTANCE PROGRAMS**

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203.0 Community Garden Stormwater Charge Discount

203.1 Purpose

Philadelphia City Council has determined that Community Gardens should be afforded a discounted stormwater management service charge if they meet certain criteria. Under City Code Section 19-1603, the Philadelphia Water Department is charged with promulgating regulations that define such a program, and subsequently administering it.

203.2 Community Garden Criteria

For purposes of this Regulation, “Community Garden” shall mean any parcel of land in the City of Philadelphia used for growing crops, whether food or non-food, that meets all of the following criteria:

(a) The parcel’s principal use is devoted to regularly-planted crop bed and such other related uses as are reasonable and necessary to growing such crops and maintaining the garden (for example, but not by way of limitation, common areas for hand tool storage sheds or compost bins).

(b) At least 80% of the gross area of the parcel is effectively pervious.

(1) The Water Department may determine a parcel’s effective perviousness by considering the following:

(A) Actual pervious areas that do not meet the definition of Impervious Area (IA) as stated in Philadelphia Water Department Rates and Charges section 4.3(a)(2).

(B) Impervious area that meets the SWMS Credits criteria as defined in

Philadelphia Water Department Rates and Charges section 4.5. Any impervious area that meets the credits requirements as provided in Philadelphia Water Department Rates and Charges section 4.5 will be considered effectively pervious under 203.2(b).

(c) The crops are harvested for personal consumption, donation, or sale.

(d) A community, non-profit, or other organization associated for purposes of operating the Community Garden operates the Community garden for public benefit.

(1) The organization/applicant must provide PWD at least one of the following documents to show that it meets the organizational requirement in 203.2(d):

(A) Articles of incorporation.

(B) A list of active gardeners identifying at least one leader.

(C) A letter from an affiliated civic association or community development corporation, the Pennsylvania Horticultural Society, or the Neighborhood Gardens Trust (or equivalent) affirming that the Community Garden meets the criteria in 203.2(d).

(e) The organization/applicant must possess written evidence of the right to use the parcel as a Community Garden.

(1) The organization/applicant must provide PWD at least one of the following documents to show that it has the right to possess the parcel and use it as a Community Garden:

(A) A deed in the name of the organization/applicant.

(B) A lease, license or other similar agreement.

(C) A letter from an affiliated civic association or community development corporation, the Pennsylvania Horticultural Society, or the Neighborhood Gardens Trust (or equivalent) affirming that the Community Garden meets the criteria in 203.2(e).

(D) Other written authorization as may be reasonably satisfactory to the Water Department.

(f) Gardening activities are conducted primarily by members of the organization or group of individuals described in 203.2(d).

(g) The parcel is appropriately maintained so as not to cause blight or nuisance.

203.3 Discount

Subject to approval of a complete application by the Water Department as set forth in 203.4, a parcel meeting the criteria in 203.2 shall be afforded a discounted rate on charges relating to stormwater management and disposal as limited by City Code section 19-1603.

203.4 Application Process

(a) An application for the discount shall be made on a form provided by the Water Department. A complete application includes all of the following:

(1) Documentation evidencing 203.2(d) and (e).

(2) At least one photograph of the parcel, not more than 30 days old, capturing the site characteristics relevant to this Regulation.

(3) An attestation by the applicant to 203.2(a), (c), (f), and (g).

(4) A map of the parcel with labels (soil, grass, pavement, roof, etc.).

(b) An application shall be signed by or on behalf of the group of individuals operating the Community Garden/applicant.

(c) The Water Department may inspect any parcel seeking a discount under this Regulation at any time in order to ascertain whether it meets the criteria set forth in City Code section 19-1603 and this Regulation.

203.5 Renewal

A discount provided under 203.3 shall expire after 4 years, and may be renewed upon submittal of a complete Renewal Application.

203.6 Eligibility; Revocation

Compliance with City Code section 19-1603 and this Regulation shall be a continuing condition of eligibility for the discount. Applicant's failure to meet these requirements, or a parcel ceasing to be a Community Garden, shall result in a revocation of the discount.

203.7 Effective Date of Discount

(a) When a complete application is received before January 1, 2018 and approved, a discount provided under this Section shall be effective as of the date listed in Philadelphia Water Department Rates and Charges section 5.2(g)(3).

(b) When a complete application is received after December 31, 2017 and approved, a discount provided under this Section shall be effective the date the complete application is received.

203.8 Exclusions

The discount provided under 203.3 shall not include a discount from water and/or sanitary sewer charges.

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**CHAPTER 2
ASSISTANCE PROGRAMS**

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**203.0 [Reserved] Community Garden
Stormwater Charge Discount**

203.1 Purpose

Philadelphia City Council has determined that Community Gardens should be afforded a discounted stormwater management service charge if they meet certain criteria. Under City Code Section 19-1603, the Philadelphia Water Department is charged with promulgating regulations that define such a program, and subsequently administering it.

203.2 Community Garden Criteria

For purposes of this Regulation, “Community Garden” shall mean any parcel of land in the City of Philadelphia used for growing crops, whether food or non-food, that meets all of the following criteria:

(a) The parcel’s principal use is devoted to regularly-planted crop bed and such other related uses as are reasonable and necessary to growing such crops and maintaining the garden (for example, but not by way of limitation, common areas for hand tool storage sheds or compost bins).

(b) At least 80% of the gross area of the parcel is effectively pervious.

(1) The Water Department may determine a parcel’s effective perviousness by considering the following:

(A) Actual pervious areas that do not meet the definition of Impervious Area (IA) as stated in Philadelphia Water Department Rates and Charges section 4.3(a)(2).

(B) Impervious area that meets the SWMS Credits criteria as defined in

Philadelphia Water Department Rates and Charges section 4.5. Any impervious area that meets the credits requirements as provided in Philadelphia Water Department Rates and Charges section 4.5 will be considered effectively pervious under 203.2(b).

(c) The crops are harvested for personal consumption, donation, or sale.

(d) A community, non-profit, or other organization associated for purposes of operating the Community Garden operates the Community garden for public benefit.

(1) The organization/applicant must provide PWD at least one of the following documents to show that it meets the organizational requirement in 203.2(d):

(A) Articles of incorporation.

(B) A list of active gardeners identifying at least one leader.

(C) A letter from an affiliated civic association or community development corporation, the Pennsylvania Horticultural Society, or the Neighborhood Gardens Trust (or equivalent) affirming that the Community Garden meets the criteria in 203.2(d).

(e) The organization/applicant must possess written evidence of the right to use the parcel as a Community Garden.

(1) The organization/applicant must provide PWD at least one of the following documents to show that it has the right to possess the parcel and use it as a Community Garden:

(A) A deed in the name of the organization/applicant.

(B) A lease, license or other similar agreement.

(C) A letter from an affiliated civic association or community development corporation, the Pennsylvania Horticultural Society, or the Neighborhood Gardens Trust (or equivalent) affirming that the Community Garden meets the criteria in 203.2(e).

(D) Other written authorization as may be reasonably satisfactory to the Water Department.

(f) Gardening activities are conducted primarily by members of the organization or group of individuals described in 203.2(d).

(g) The parcel is appropriately maintained so as not to cause blight or nuisance.

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(2) At least one photograph of the parcel, not more than 30 days old, capturing the site characteristics relevant to this Regulation.

(3) An attestation by the applicant to 203.2(a), (c), (f), and (g).

(4) A map of the parcel with labels (soil, grass, pavement, roof, etc.).

(b) An application shall be signed by or on behalf of the group of individuals operating the Community Garden/applicant.

(c) The Water Department may inspect any parcel seeking a discount under this Regulation at any time in order to ascertain whether it meets the criteria set forth in City Code section 19-1603 and this Regulation.

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The discount provided under 203.3 shall not include a discount from water and/or sanitary sewer charges.

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