

Framework Garden Regulations

of the Association of Gardeners of the Hanseatic City of Rostock (Verband der Gartenfreunde e.V. Hansestadt Rostock)
Resolution of the Assembly of Delegates of 31 March 2007



The objectives and tasks of the allotment garden movement can only be achieved if the tenants in an allotment garden association work together, show consideration for each other, manage and maintain the site and their plots properly in accordance with the Federal Allotment Garden Act (BKleingG) and therefore contribute to the creation and maintenance of a healthy natural environment.

These regulations form the framework for the garden regulations to be adopted in each member association of the Verband der Gartenfreunde e.V. Hansestadt Rostock ('the Association'). They shall constitute binding Garden Regulations in any member association that has not adopted its own version. The Garden Regulations regulate how the tenant must integrate into a communal facility. They form an integral part of the Allotment Garden Lease Agreement and are binding on the contracting parties.

1. Small horticultural use

- 1.1. The allotment garden is characterised by its non-commercial horticultural use, which consists, in particular, of the production of horticultural products for personal use and meaningful leisure activities and recreation. Use of the plots must be significantly characterised by the production of horticultural products (BKleingG commentary). The interests of environmental protection, nature conservation and landscape management must be taken into account when using and tending to the allotment garden. The specialist advisors of the associations support the allotment gardeners in an advisory capacity.
- 1.2. At least 1/3 of the garden plot must be used to grow fruit and vegetables for personal use.
- 1.3. A maximum of 1/3 of the garden plot can be used for planting ornamental trees, perennials and summer flowers.
- 1.4. A maximum of 1/3 of the garden area can be used for recreation. This includes gazebos, sheds and similar structures, covered and uncovered outdoor seating areas, all path areas, lawns and meadows and the open water areas of small bodies of water.
- 1.5. Paved areas should not exceed 25% of the garden area.
- 1.6. The plot must be maintained in a good state of cultivation and care at all times.

2. Development

- 2.1. The type and scope of the structures are determined by the Gazebo Regulations of the Verband der Gartenfreunde e.V. Hansestadt Rostock
- 2.2. Prior to the construction, modification or extension of a gazebo and ancillary structures, authorisation must be obtained from the Committee of the allotment garden association, and the planned construction work must then be inspected by and registered with the association. Deviations from the registration documents are not permitted.
- 2.3. The structures must be maintained in good condition at all times.

3. Other structures

- 3.1. Fencing off the plot from the association path with a fence is permitted, but the fence may not exceed 1 metre in height. Closed fencing and the use of barbed wire in or around allotment garden plots are not permitted.
- 3.2. Seating areas and paths must not be made of poured concrete or similar solid materials. Paved outdoor seating areas may be built adjacent to the gazebo and are permitted up to 20 square metres, subject to point 1.3. Perimeter balustrades may only be of a simple design and up to a maximum height of 1 metre.
- 3.3. The water surface of a wetland biotope or an ornamental and aquatic plant pond can take up to 3% of the garden area, up to a maximum of 10 square metres, as part of the recreational area. A new installation must not be made of poured concrete or similar solid materials. Either clay, clay seals or suitable foils or prefabricated parts must be used.
- 3.4. Swimming pools are not permitted. This does not apply to portable paddling pools with a capacity of up to 300 litres for children to play in.
- 3.5. The connection of the plot to the member association's water network is permitted.
- 3.6. Following the granting of a licence by the Office for Environmental Protection, Water Management Department, only the construction of hand-dug wells is permitted. Rainwater should be prioritised for irrigation in the allotment garden. Above-ground collection containers for rainwater are desirable.
- 3.7. The distance from pergolas and trellises to the garden boundary must be at least 2 m with a maximum height of 2 m. In the case of pergolas that serve as a wind or privacy screen for the seating or the terrace, the distance may be less than 1 m with the written permission of the neighbouring tenant.

4. Trees

4.1. Fruit trees

The use of the garden as an allotment, the site requirements of fruit trees and the close proximity of the neighbouring trees result in restrictions on the selection of fruit trees. The most suitable tree form is the low-stem fruit tree. Standard fruit trees should not be planted as they are difficult to care for and shade the garden too much. The planting distance from the garden boundary must be at least 3 metres for pome and stone fruit and 1 metre for soft fruit, including raspberries.

4.2. Ornamental trees

High-stemmed deciduous and coniferous trees may not be planted on allotment plots. The planting of leafy and coniferous bushes is permitted within the framework of the conditions set out in point 1. For shrubs with a final height of less than 2.50 m, a distance to the garden boundary of 1.50 m must be maintained; for ornamental trees with a final height of up to 4.00 m, the distance to the garden boundary is 3.00 m.

The association/the association's Committee may request professional pruning of the ornamental trees if the growth height is exceeded. If the allotment garden or recreational use of the neighbouring tenant is significantly impaired, the association/the association's Committee can demand removal at the tenant's expense. If ornamental trees are already subject to the tree protection statutes of the Hanseatic City of Rostock, a felling permit must be applied for at the expense of the tenant at the responsible office for urban greenery, nature conservation and landscape management (Amt für Stadtgrün, Naturschutz und Landschaftspflege).

4.3. Hedges

The outer boundaries of the allotment garden can be landscaped with clipped or free-growing hedges. Passageways in the park are to be designed with living hedges or shrubs. The height and width of the planting shall be determined by the association's Committee. On all other paths, the fence on the inside of the plot can also be planted with a hedge, which must not exceed a height of 1.10 metres. The hedge may not grow more than 30 cm beyond the fence boundary (for side paths less than 3 metres wide) into the path. Hedge arches over garden gates are permitted. The garden boundaries with the neighbouring tenants are not to be planted with hedges.

5. Communal facilities

- 5.1. Existing trees on the communal areas of the allotment garden are subject to the provisions of the tree protection statutes of the Hanseatic City of Rostock. If there is a justified need to remove a tree, proceed in accordance with the tree protection statutes.
- 5.2. Green areas
In communal areas, including biotope areas, primarily native trees will be planted in a design-appropriate and site-appropriate way. The trees must be selected so that there is no inadmissible impairment of the horticultural use of the allotments in the long term. If these are protected biotopes under nature conservation law, the office for urban greenery, nature conservation and landscape management (Amt für Stadtgrün, Naturschutz und Landschaftspflege) must be involved before any intervention. With regard to plant protection, trees that are intermediate hosts for fungal diseases, bacterial diseases and animal pests must not be planted. Current prohibitions of the plant protection authorities must be observed.

5.3. Paths, yards, parking spaces

The tenant is responsible for the care and maintenance of the areas adjacent to the plots, such as paths, hedges, ditches, etc., unless special agreements have been made in individual cases. The unauthorised modification of these features is not permitted. Changes of use must be applied for from the lessor following a prior member resolution. The use of motor vehicles of any kind (see also point 7.3.) within the allotment garden is not permitted. Special conditions and exceptions are regulated by the association's Committee, whose decisions are binding. The storage of materials outside the plot must not lead to the obstruction of other tenants or to the contamination of communal facilities and is therefore only permitted up to a period of 24 hours in compliance with customary safety regulations. Notice boards, information and traffic signs, clubhouses, children's playgrounds, water taps, road barriers and road closures etc. enjoy the special protection of all tenants. Any damage found must be reported immediately to the association's Committee. In accordance with § 5 of the Allotment Garden Lease Agreement, the Committee is authorised to call on the tenants to carry out community work on the site and its surroundings and to maintain the communal facilities of the allotment garden. The General Meeting may decide on a corresponding amount of money as an equivalent for community work not carried out.

6. Environmental protection measures

- 6.1. When carrying out plant protection measures, only products labelled "For use in domestic and allotment gardens" may be used. Organic treatment methods are preferable.
- 6.2. The use of weed killers (herbicides) in allotment gardens is prohibited.
- 6.3. The promotion and protection of beekeeping is a special obligation of the allotment garden community.
- 6.4. The tenant should provide nesting places and watering places for birds. Domestic songbirds breed mainly from 15 March to 31 July. Therefore, all tree care work should take place outside this time. Catkin-bearing pastures may not be cut from 1 February to 15 April (§ 34 para. 3 LNatG M-V). Before starting work, the allotment gardener must ensure that no occupied burrows or nests can be destroyed or damaged.
- 6.5. In principle, all plant waste should be composted, and the organic matter returned to the soil, so that mineral fertilisation of the garden area would be largely superfluous. The composting area must not cause unreasonable nuisance to other tenants or soiling of paths. It must be at least 0.5 m away from the garden boundary. If this distance is not maintained, the written consent of the neighbouring tenant must be obtained. Planting to provide visual screening at the composting area can be added subject to agreement by the association's Committee. Prunings that cannot be composted in the garden are collected from the allotment gardens twice a year free of charge in accordance with the city's waste statutes after registration by the association's Committee with the city's refuse collection services.
- 6.6. Material unsuitable for composting, e.g., plant parts infested with fungal or bacterial diseases, must be properly disposed of from the plot (brown bin or household waste). Burning of plant parts infested with plant diseases and pests is prohibited by the Plant Waste Disposal Ordinance of Mecklenburg-Western Pomerania, except for notifiable plant diseases. To protect the allotment gardens, any plants infested with plant diseases must be removed as quickly as possible. In justified cases, the Committee may instruct a tenant to remove diseased trees, shrubs and plants from the plot, or, if this is not done, a company may be entrusted with the task. The costs shall be borne by the tenant. The tenant is obliged to carry out all plant protection measures ordered by the authorities (state plant protection office, etc.).
- 6.7. Waste deposits of all kinds in and around allotment gardens are not permitted and constitute an administrative offence. Incineration of waste is strictly prohibited! Plant waste must be made available for disposal in accordance with the Plant Waste Ordinance (recycling centres, composting stations, collection system) if it is not composted in accordance with point 6.5. Recyclable materials must be recycled via the collection systems.
- 6.8. Untreated wastewater and other polluting substances must not be discharged into the ecosystem inside or outside the allotment garden.
- 6.9. In accordance with the Landesnaturschutzgesetz M-V (State Nature Conservation Act M-V), protected biotopes in and on allotment gardens may not be impaired or destroyed.

7. Order and safety

- 7.1. The tenant is obliged to ensure that peace, order, cleanliness and safety are maintained throughout the allotment garden by themselves, their family members and their guests.
- 7.2. The allotment gardens must be kept open for visitors during the main period of use from 15 April to 30 September at least from 9:00 am – 7:00 pm. The allotment garden association shall decide on access arrangements after 7:00 pm to 9:00 am and from 1 October to 14 April.
- 7.3. Noise-generating garden equipment can be used on weekdays from 7:00 am to 1:00 pm and 3:00 pm to 8:00 pm in accordance with the equipment and machine noise protection ordinance (Geräte- und Maschinenlärmschutzverordnung, see EU Directive). For noise-producing work in the garden, proceed in the same way. The Committee shall decide on any exceptions. Sound reproduction devices should only be operated at room volume at all times. Further restrictions can be decided by the allotment garden association's General Meeting.
- 7.4. The letting, sub-letting or transfer of the plot or gazebo by the tenant to third parties is not permitted.
- 7.5. Due to the danger to people, animals and property, the carrying or use of weapons of any kind within the allotment garden (including for pest control) is not permitted.
- 7.6. Only the parking spaces designated by the lessor are to be used for parking motor vehicles. It is not permitted to pitch or park motor vehicles (outside the designated parking spaces), caravans, caravan tents, roofs or boats on the allotment garden site, nor is it permitted to use the site for commercial purposes or for non-association advertising.
- 7.7. Smoking and barbecuing must not cause a nuisance to neighbours. This applies equally to nuisances caused by heating in existing fireplaces, which must be inspected annually by the district chimney sweep. Traditional fires in communal areas, organised by the allotment garden association, are permitted. Only untreated wood may be used for this. Traditional fires by individual tenants on the allotment garden plot are not permitted.

8. Livestock and small animal husbandry

- 8.1. The keeping of animals and the feeding of free-living cats in the allotment garden is not permitted. Permission to keep pets in the allotment garden granted before 3 October 1990 remains valid if the community is not significantly disturbed and the allotment garden use is respected.
- 8.2. Pets and domestic animals do not form part of the use of an allotment garden. If they are nevertheless brought into the garden, they must not bother or endanger anyone at any time. The tenants must guarantee that the pets or domestic animals stay exclusively on their own plot and leave it again with the tenant. If necessary, the association's Committee is authorised to absolutely prohibit the bringing of pets.
- 8.3. Dogs and cats must be kept on a lead on paths and other communal areas on the club premises, kept away from playgrounds and supervised in the garden. Dangerous dogs are not permitted in the allotment garden. The Committee shall decide on any exceptions. Soiling of the communal areas, e.g. by dog faeces, must be removed immediately by the pet owner.
- 8.4. Small animal hutches and aviaries are generally not permitted if they are not protected according to § 20 a, point 7 of the Federal Allotment Garden Act.
- 8.5. Beekeeping is desirable if it does not cause a nuisance or danger in terms of location and scope. The consent of the association's Committee is required.

9. Violations

Violations of the garden regulations, which are not remedied or omitted after a request and subsequent written warning with an appropriate deadline set by the Committee, constitute a violation of the Allotment Garden Lease Agreement and can lead to the termination of the lease due to breach of contract. In these cases, the reasons for termination must be based on §§ 8 point 2 or 9 (1) point 1 of the Federal Allotment Garden Act.

10. Final provisions

The Framework Garden Regulations were adopted at the Assembly of Delegates on 31 March 2007 and replace the Framework Garden Regulations of 24 October 2003. The regulations do not affect any further restrictions imposed by the police or other authorities.