

The BARAGA HANDBOOK



Bylaws, Policies and Procedures
Of the Burnaby and Region
Allotment Gardens Association
2015

INTRODUCTION

In early 2001, The Burnaby and Region Allotment Gardens Association (BARAGA), in consultation with the City of Burnaby Parks, Recreation and Cultural Services, began reviewing and codifying its operating policies and procedures.

BARAGA adopted the policies at its January 2002 annual general meeting.

The BARAGA Handbook is the result of this process.

The policies—designed to help a community of allotment gardeners function more effectively—will be applied in a spirit of good will and common sense.

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CHAPTER 1 – About BARAGA

1.1 BARAGA'S MISSION

BARAGA is a non-profit, volunteer association that manages the Burnaby and Region Allotment Gardens. There are more than 374 individual garden plots located on 14 acres of urban agricultural land in Burnaby, British Columbia.

BARAGA's mission is to:

- Provide opportunities for non-profit, recreational fruit and vegetable gardening for residents of Burnaby and region.
- Provide horticultural advice and shared experience for members, including encouraging first-time gardeners.
- Promote awareness of the natural processes of food growing.

1.2 HOW BARAGA IS ORGANIZED

BARAGA is registered as an association under the Society Act of British Columbia.

The property on which BARAGA is located is owned by the City of Burnaby, administered through the Parks, Multicultural and Recreation department and is licensed for use to The Burnaby and Region Allotment Garden Association which has full control over all jurisdiction of the property.

A Board of volunteer Directors manages BARAGA's affairs. The Directors are elected at BARAGA's annual general meeting and are responsible to the membership.

BARAGA functions largely through the work of unpaid volunteers. Wherever possible, Directors organize volunteers to carry out administrative tasks and grounds maintenance activities. Directors organize special volunteer work groups or work days as needed.

When they cannot get volunteers to do required work, Directors can:

- Hire BARAGA members to do specific tasks on a fee-for-service basis.
- Hire outside contractors.
- Hire a student/s full time in the summer and part time when needed.

1.3 BARAGA'S CONSTITUTION AND BYLAWS

BARAGA is governed according to its constitution and bylaws, including Schedule B of the Society Act of British Columbia (see Appendix A). The constitution and bylaws were approved by the Registrar of Companies of British Columbia on February 15, 1982. Amendments were made on November 24, 1982, December 4, 1985, December 3, 1992 and January 13, 2007.

Amendments to BARAGA's constitution and bylaws require a special resolution of the annual general membership meeting, adopted by 75 percent of those present and voting.

Written notice of proposed changes to the constitution and bylaws must be included with notice of the annual general meeting.

1.4 LOCATION OF THE GARDENS

The gardens are located at 7528 Meadow Avenue, Burnaby, B.C. (take note – this is not a mailing address, no mail can be delivered here)

1.5 CONTACT BARAGA

BARAGA members and the public must have a clear means of contacting BARAGA.

BARAGA can be reached in the following ways:

mail: Box 209, 4974 Kingsway, Burnaby, BC V5H 4M9

phone: Please refer to page 6 for a phone number

e-mail: support@baraga.ca

BARAGA Directors will reply to correspondence and messages promptly.

CHAPTER 2 – The BARAGA Handbook

2.1 PURPOSE OF THE BARAGA HANDBOOK

The BARAGA Handbook is intended for members and Directors as a guide to effective and consistent operating policies and procedures. Policies in the handbook must be consistent with BARAGA's constitution and bylaws.

The BARAGA Handbook will be used to:

- Inform new and existing members of BARAGA's policies and procedures and to explain some of BARAGA's bylaws.
- Aid BARAGA Directors in consistently applying policies and procedures.
- Set out a streamlined process for amending policies and adopting new ones .
- Aid in continuity when there is any Director turnover.

2.2 ADOPTION OF THE BARAGA HANDBOOK

Policies and procedures in The BARAGA Handbook came into effect after discussion and adoption by the membership in 2002. The process of adopting the handbook included:

- Discussion and adoption by the Directors.
- Circulation to the membership for discussion and input .
- Review by the Directors.
- Discussion, amendment, and adoption at the January 2002 annual general meeting.

Policies were adopted by majority vote.

After adoption, The BARAGA Handbook was distributed to all members. It is given to all new members and made available on our web site.

2.3 AMENDMENT OF THE BARAGA HANDBOOK

Amending The BARAGA Handbook provides a streamlined way to change BARAGA policies and procedures which govern the members.

Policies in The BARAGA Handbook can be amended, new policies can be added, and existing ones deleted at a general membership meeting or by majority vote of the Directors.

Changes made to The BARAGA Handbook must be consistent with BARAGA's constitution and bylaws, but do not need to be approved by the Registrar of Companies of British Columbia.

As the general membership usually meets only once a year, and changes to the handbook may be needed before that time, Directors are authorized to make changes to The BARAGA Handbook. Changes

become effective upon being communicated to the membership through posted minutes or publication in the newsletter.

CHAPTER 3 – Membership

Membership is open to anyone 19 years of age and older but Burnaby residents get priority as this is a requirement from the City.

3.1 WAIT LIST

When there are more applicants than available plots, the Directors keep waiting lists of people who have applied for plots.

With reasonable notice, applicants can request, and will be told, where they are on the waiting list.

When a plot becomes vacant, Directors offer it to the next person on the waiting list.

3.2 GETTING ON THE WAIT LIST

Persons wishing to become members must make a written request to be added to the wait list. This request can be sent via e-mail to support@baraga.ca or by Canada Post to box 209 – 4974 Kingsway, Burnaby, B.C., V5H 4M9 supplying name, address, phone number(s) and e-mail address. BARAGA will reply in due course by Canada Post or an e-mail notifying the applicant they have been added to the list.

3.3 HOW TO BECOME A MEMBER

A person becomes a BARAGA member by any of the following:

- Being assigned a plot (see CHAPTER 4 – Plot Allocation) AND Completing the application and membership forms agreeing to comply with BARAGA’s policies, bylaws, and constitution, and paying the membership fee, plot rental fee and a clean-up deposit fee.
- Being an immediate family member (spouse, parent, child) of a plot holder. In this case, the family member pays no membership fee, and the family is entitled to only one vote.
- Sharing a plot with an unrelated plot holder as an associate member. In this case, each person pays a membership fee and shares in the plot rental fee and each is entitled to vote.

All new Burnaby applicants must produce identification proving that they are a Burnaby resident and must fill out a membership form agreeing to comply with BARAGA’s policies, bylaws, and constitution.

The Directors must approve all memberships.

All members who have paid the annual fees and have no outstanding inspection issues with their plots or debts to BARAGA are in good standing.

3.4 RENEWAL OF MEMBERSHIP AND PLOT RENTAL

Memberships only last for one year from January 1 to December 31 and must be renewed annually.

The Directors mail a renewal letter to the members in December. To renew, members must return the signed plot forms and their annual membership fee and plot rental fee no later than January 31st.

3.5 RESPONSIBILITIES OF MEMBERSHIP

Members are responsible for:

- Informing the Directors immediately in writing of a change in name, address, phone number, e-mail address or if they wish to give up the plot.

- Paying annual membership fees before the due date.
- Paying plot rental fees before the due date.
- Paying a clean-up deposit when first getting a plot. (see 3.9 Plot Cleanup Deposit Fee below)
- Following BARAGA's operating policies, as defined in BARAGA's constitution and bylaws, The BARAGA Handbook, and the Society Act of British Columbia.
- Participating in a minimum of six hours per year of mandatory work to help administer and maintain the gardens.
- Fulfilling plot maintenance requirements (see CHAPTER 5 – Plot Maintenance).

3.6 HARASSMENT POLICY

At BARAGA, we are committed to providing a safe, secure, healthy and respectful environment for all members. No one may be harassed and no one has the right to harass anyone else, at the garden or in any situation related to this organization.

This policy is a step toward ensuring that our garden is a respectful and safe place for all, free from harassment.

Harassment means engaging in a course of vexatious comment, behaviour or conduct against a member in the garden or any meeting place — a comment or conduct that is known or ought reasonably to be known to be unwelcome. BARAGA will not tolerate any acts of harassment, threats, intimidation, or abusive and disruptive behaviour by any stranger, family members, friends, members against any other member.

There are different types of harassment. One type includes inappropriate conduct in any form about a person's:

- age, race;
- creed, religion;
- sex, sexual orientation;
- marital status, family status;
- disability;
- nationality, colour, ancestry or place of origin; and
- any other protected ground of discrimination under applicable human rights legislation.

A second type relates to what is sometimes referred to as "bullying" behaviour that may involve:

- Repeated humiliation or intimidation that adversely affects a member's dignity, psychological or physical well-being or integrity
- A single instance so serious that it has a lasting, harmful effect on a member.

Harassment may be written, verbal, physical, a gesture or display, or any combination of these. It may happen only once, but often happens repeatedly. This includes sexual harassment which means any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to any person or that might reasonably be perceived as placing a condition of a sexual nature on membership or on any opportunity at BARAGA.

Examples of sexual harassment are:

- A sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; and

- A reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

Reasonable actions by board members or committee members to help manage, guide or direct other members in the work environment at BARAGA are not considered harassment. Appropriate performance recommendations, counselling or suggestions by another member is not considered harassment.

3.6.1 Member's Rights and Responsibilities

Members are entitled to be free of harassment at BARAGA. Members have the responsibility to treat each other with respect. We ask that any member who experiences harassment or sees another person being harassed reports it to the board of directors.

Members are responsible to co-operate in the investigation of a harassment complaint. Anyone who investigates or gives evidence in a complaint investigation is asked to keep details confidential until the investigation is complete. Members have the right to file a complaint and to request the assistance of a board member to resolve a complaint of harassment according to applicable regulations.

3.6.2 BARAGA Responsibilities

The board of directors at BARAGA must ensure, as much as possible, that no member is harassed in the BARAGA environment. The board of directors will take corrective action with anyone under their direction who harasses another person. BARAGA will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to anyone except where disclosure is:

- necessary to investigate the complaint
- a part of taking corrective action
- required by law

The Harassment Policy at BARAGA does not discourage or prevent anyone from exercising their legal rights.

If you are a member or director and you become aware of harassment you must do everything in your power to stop it, whether or not a complaint is made.

3.6.3 Procedures Applying to Complaints of Harassment

If you are harassed, the first thing to do is tell the person harassing you to stop, if you feel comfortable doing that. You can do this in person or in writing. If you feel unable to deal with him or her directly, you may file a complaint with the board of directors. The complaint will be investigated thoroughly and promptly. When the investigation is complete, the investigator will provide a written report.

The person who filed the complaint and the harasser will be informed of any remedies or disciplinary actions that may be shared upon conclusion of the investigation.

3.6.4 Corrective Action for Harassers

Members who harass another person will be subject to corrective action, up to and including dismissal from membership. If the investigation does not find evidence to support the complaint, no record will be kept on file of the incident. When the investigation finds harassment occurred, the incident and the corrective action will be recorded in the harasser's membership file.

3.6.5 Violence Policy

Canada's Criminal Code prohibits violence. You have a right to live and work without being subjected to violence. This policy outlines what to do if you are subjected to threats or violence at BARAGA or if you, as a member or director, become aware of a violent situation.

Violence is the attempted or actual exercise of physical force that could cause injury to a person and any threatening statement or behaviour that gives anyone reason to believe that physical force could be used against them or to cause injury.

This policy applies to all members, regardless of their position including, but not limited to, all visitors and contractors hired by BARAGA. A workplace includes any place where BARAGA's business occurs. The regulations for this policy are similar to the harassment policy above.

3.7 MEMBERSHIP FEE

All BARAGA members pay an annual membership fee, with the exception of a plot holders immediate family member/s who can become members without paying a fee. The annual membership fee is non-refundable.

Members who have not paid annual fees are not entitled to vote at general membership meetings.

Membership fees are set at the annual general meeting.

3.8 PLOT RENTAL FEE

An annual plot rental fee is charged for each plot. Members who do not pay the plot rental fee on or before January 31 are deemed to have quit and are no longer members.

Plot rental fees are set at the annual general meeting.

In the case of a returned cheque the issuer must replace a returned cheque within ten days of notification with a certified cheque or money order in the amount to cover both the returned cheque and the bank charge for the returned item.

3.9 PLOT CLEANUP DEPOSIT FEE

The payment of the clean-up deposit fee is required to provide assurance that the plot holder will leave the plot in a reasonable condition. The fee will be returned to the member upon passing an inspection by members of the Board of Directors. If the plot is not in reasonable condition the fee will be forfeited.

3.10 TERMINATION OF MEMBERSHIP

- People stop being BARAGA members by:
- Resigning from BARAGA.
- Having their plot rental agreement terminated by the Directors (see 3.11 Termination of Membership by Directors, below).
- Being expelled from membership (see expulsion from membership below).
- Their deaths.

3.11 TERMINATION OF MEMBERSHIP BY DIRECTORS

Directors can terminate a member's plot rental agreement for:

- Unauthorized removal of produce, tools or other material from another member's plot.
- Unauthorized interference with another member's plot.

- Damage to BARAGA property or common areas.
- Violating BARAGA's policies, as defined in the bylaws and the BARAGA Handbook.
- Bullying.

Notice of termination of a members plot rental agreement must be approved by the Directors, signed by the President, or his/her designate and delivered to the member by registered mail.

3.12 EXPULSION FROM MEMBERSHIP

A member can be expelled by a special resolution of the membership passed at a general meeting.

The Directors must give notice of a special expulsion resolution to the membership and to the member proposed for expulsion. A clear statement of the reasons for the expulsion must accompany the notice.

The member has the right to speak at the general meeting before the resolution is voted.

3.13 MEMBERSHIP LIST

BARAGA keeps an up-to-date membership list, including name, address, phone number, e-mail address, start date, end date and plot number for each member.

CHAPTER 4 - Plot Allocation

Garden plots are allocated in a fair and objective manner. Two waiting lists are kept, a primary one for Burnaby residents, and a secondary one for non-Burnaby residents. (Names are kept on the non-Burnaby list for a maximum of two years then removed from the list but may reapply to extend their application). Plots are assigned on a first-come, first-served basis from the Burnaby residents' waiting list, and then, in the event that plots have been allocated to everyone on the Burnaby residents list, plots will be made available to those on the secondary list.

4.1 PLOT TRANSFER

BARAGA members can apply to transfer from their existing plot to a vacated plot.

BARAGA keeps an internal wait list of members who want to transfer to a vacated plot. Members on the internal wait list have priority over people on the regular wait list. Internal plot assignments are on a first-come, first-served basis.

Requests for an internal transfer:

- Must be made in writing.
- Will only be accepted if the member's existing plot conforms to plot maintenance guidelines (see CHAPTER 5 - Plot Maintenance below).
- Members must pay the clean up deposit fee, if not done already.

4.2 PLOT SUBLETTING

Plots may not be sublet. All plots must be gardened by the member(s), associate members or family members who are registered to that plot. Plots gardened by non-members will be reassigned through the waiting list.

4.3 PLOT VACANCY AND SUCCESSION POLICY

In the event of a member's death or withdrawal for health or other reasons or of a vacancy occurring, the following will apply:

1. If a member dies, the spouse is entitled to garden that plot until the end of the year. The spouse regardless of city of residence may succeed to the plot if they wish, provided they do not already rent another plot.

2. An associate gardener sharing a plot that they have gardened for the three preceding consecutive preceding years (evidenced by them paying the appropriate associate membership fee annually and being named on the rental agreement during the period) and who is a resident of Burnaby may succeed provided the plot was not lost due to negligence.

3. All other vacancies will be filled from the established waiting list.

When a member gives up a plot or dies, the Directors can assign that plot according to section 1 or section 2 above. In either case, the Directors do not have to follow the wait list.

CHAPTER 5 – Plot Maintenance

5.1 PLOT SIZE AND BOUNDARIES

The size of a plot is approximately 20' x 50' or 1,000 square feet.

Boundaries of plots cannot be extended by moving plot borders. Adjacent plots cannot be combined. Pathways between plots must be at least 30 inches wide.

The numbered stake identifying each plot on the South West and North West corners must not be removed.

5.2 CULTIVATION OF PLOTS

Cultivation is defined as:

"To prepare and work on land in order to raise crops; till the soil in order to grow crops."

BARAGA members are responsible for the upkeep of their plots. Plot holders must:

- Begin cultivation of plots no later than May 1. Directors can immediately cancel the rental agreements of a plot not under cultivation by May 1.
- Clear plots by November 1, except for actively growing winter crops, mulches or perennials.
- Properly cultivate the entire plot at all times throughout the growing season, except for maintained pathways.
- Plant the first two feet of the plot width (nearest a main pathway) with flowers to enhance the appearance of the site. If a plot is not on a main path then either end may have the flower bed. If a plot is irregular, then the side closest to a main pathway or park land must have a flower bed two feet by twenty feet.
- Keep the plot tidy and free from excessive weeds.

Mechanical cultivators can be used as long as they do not interfere with pathways, adjacent plots, water lines or drainage lines.

In the interest of maintaining healthy garden soil and minimizing off-site waste, waste plant material from each garden plot must be put back into the soil of the plot to the maximum extent possible. It is strongly recommended that all plots have an area set aside for a compost bin or pile. It is not permissible to put materials that are banned by Metro Vancouver waste regulations into the garbage bins.

A small amount of garbage put into the BARAGA dumpster is acceptable, such as diseased plant matter and noxious/aggressive weeds such as horsetail and morning glory. Anything more than that should be taken to your home garbage.

The Burnaby residential garden waste recycling containers will allow the discarding of slow to compost materials such as raspberry canes and corn stalk roots. We encourage that you compost as much as possible on your plot.

BARAGA does not maintain a common compost site because of past indiscriminate discarding of refuse on the site.

5.3 POLICY REGARDING TREES AND SHRUBS ON MEMBERS' PLOTS

- Planting of non fruit bearing trees and shrubs on members plots is prohibited.
- Fruit bearing trees are limited to seven feet in height and must be placed in such position as to not overhang any pathway at any time or shade another plot from March until October.
- All existing fruit bearing trees over 7 feet on a members plot are to be trimmed back to 7 feet when dormant or must be removed.

5.4 PATHWAYS

Plot holders are responsible for the entire pathway on the north and the west sides of their plot. Some plot holders are also responsible for the pathway on the South side of their plot. Pathways between plots must be at least 30 inches wide.

Plot holders designing any structure i.e.; a fence, shed or greenhouse beside a pathway must have an additional 6 inches of path width in order to allow unimpeded passage of wheelbarrows. In addition you must position the structure including roof overhang 6 inches inside the border of the plot.

Plot holders must keep pathways tidy, unimpeded, and free from garbage or garden waste. Landscape fabric may be used as a weed barrier but old carpeting or other man made materials that will leach into the soil are not allowed.

In order to provide a reasonably safe environment for members all pathways that are common to all plots must be kept free of dangerous materials including wooden boards used for walking on and anything protruding beyond the plot line including hoses not in use. Any structures on any plot must adhere to the regulations stated in the handbook including no overhanging roof materials that could cause injury to any person walking past on a common pathway.

5.5 DRAINAGE PIPE

BARAGA members are encouraged to install drainage pipe in the area of their plots.

Drainage pipe is supplied by BARAGA and is free of charge if six or more plots are being drained.

Members must request piping from Directors prior to starting work.

Members who initiate drainage projects are responsible for digging, laying the pipe, and backfilling.

5.6 GREENHOUSES AND OTHER STRUCTURES

All structures must receive approval from the Board of Directors before any construction or renovation takes place. Plot holders may erect or repair structures (including a greenhouse, a tool shed and fences), that meet the guidelines established for these types of structures by the Directors.

5.6.1 Structures

Structures must comply with the following:

- All greenhouses, sheds, and other structures are to be constructed using materials other than glass and no part of the structure is to be of a permanent nature, in other words, no poured concrete material and other material that cannot be removed if necessary.
- No higher than seven feet from the normal pathway elevation and that these structures must be of such a size and in such a location that they cast no shadow on a neighbouring plot in the months of March through October.
- A greenhouse no larger than 10 square meters or 107.5 square feet may be constructed.
- A shed no larger than 4.6 square meters or 50 square feet may be constructed.
- Safe and in good repair and no part of any structure including the roof overhang may be built closer than 6 inches from the general plot border.

5.6.2 Fences

Fences surrounding or partly surrounding a garden plot must comply with the following:

- No taller than 36 inches tall.
- Leave a pathway around the plot that is at least 36 inches wide.
- Be wood framed and there must be no jagged edges.
- The required two foot by twenty foot flower bed must be outside of the fence.

Members must apply to, and receive approval from, the Directors before construction begins.

To apply to build a new structure these four steps are followed:

Member:

1. Applies in writing to the Directors.
2. Includes a drawing of the proposed structure, identifying dimensions, location on plot and building materials to be used.

Directors:

3. Review the application.
4. Approve or reject, giving reasons if rejected.

5.7 HAZARDOUS MATERIALS

Hazardous materials must not be stored on plots.

5.8 WATER

Running water is provided for all plots.

Water is BARAGA's largest expense and should be conserved. Plot holders must:

- Not leave running water unattended and not use sprinklers.
- Not water over night.
- Adhere to any municipal water restrictions.
- Upon finding any leaks or broken pipes immediately proceed to turn off water line at the shut-off box and then report to Directors.

CHAPTER 6 - Plot Inspections

To help keep BARAGA plots well maintained, clean, and safe, and to ensure they conform to plot maintenance guidelines (see CHAPTER 5 - Plot Maintenance), a plot inspections team conducts monthly inspections.

Inspections take place between May and November. After November, inspections may be done by a Director and take place only if necessary.

A team of two inspection team members will conduct each inspection under the leadership of a Director. If both team members are not in agreement regarding an inspection then that means the plot is not in violation.

The Board of Directors sends non-compliant plot holders a letter by Canada Post explaining the basis of the violation. Plot holders have 14 days to correct the violation. Two more days are allowed for letter delivery.

If a plot holder wants clarification or explanation of a violation they may contact the Board through the e-mail address.

After the 16 days, the non-compliant plots are re-inspected. If plots are still in violation, the inspection committee will recommend to the Board of Directors that they send a registered letter by Canada Post informing plot holders their rental agreements are cancelled, and the reasons.

Cancellation of plot rental agreements takes effect 15 days after the registered letter is mailed.

A plot rental agreement termination can be rescinded by the BARAGA Directors only if that member has provided proof of exceptional circumstances.

CHAPTER 7 – Site Management

7.1 ANIMALS

No livestock or pets are allowed on the allotment site or on individual plots.

No individual plot holder may bring to or tend honey bees on the BARAGA site; orchard mason bees are permitted.

7.2 COMMON AREAS

Any alterations to common areas must be approved by the Board of Directors.

7.3 WASTE BINS

Plot holders shall remove their own garbage from the site completely, or shall place it in the waste bins provided. Rather than using the waste bins to dispose of waste vegetation, gardeners are encouraged to compost all plant materials. Waste bins are for garbage removal and if bins are full return your waste to your plot.

To ensure access to the waste bins and to keep the front area clean, members must not:

- Overload the bins, dump waste on the ramp or beside the ramp, or leave full wheelbarrows beside the ramp.
- Pile material on top of bin lids.
- Leave material overhanging the sides of the bins.
- Park in front of or beside the bins.

Contractors hired to empty the bins will not do so if these conditions are not met.

Directors can have vehicles parked in the “no parking” zone towed away.

7.4 FIRES

Because of the extensive peat beds at the gardens, no open fires or burning of any kind is allowed. This includes Hibachis and Barbeques using charcoal briquettes.

7.5 PESTICIDES

The use of pesticides (including herbicides, insecticides, and fungicides) is governed by the City of Burnaby's Integrated Pest Management Program and any regulations and guidelines regarding the use of pesticides in public spaces which may be adopted from time to time by the City of Burnaby.

The use of pesticides (herbicides, insecticides, fungicides, and rodenticides) at the gardens is strictly limited. Refer to Appendix B.

7.6 SALE OF PRODUCE

Produce grown by members in the gardens cannot be sold. Anything grown on a members plot is for personal use and cannot be sold in any form. The only exception to this guideline is that BARAGA may give or sell donated produce for fund-raising purposes or to a food bank.

7.7 SITE ACCESS

There are two authorized entrances to the gardens, the main entrance on Meadow Avenue and the East side entrance on 14th Avenue.

7.8 SITE HOURS

The gardens must be vacated from sunset to sunrise.

7.9 TOOLS AND EQUIPMENT

Where BARAGA provides common tools and equipment, members must:

- Use them responsibly.
- Return them when finished or at the end of each day.
- Report any damage or maintenance needed to the Directors via e-mail.

Tractors and other large equipment are for use only on official BARAGA work. Members may use them for maintaining the BARAGA site with the approval of a Director. Small equipment such as tillers, lawn mowers and string trimmers are available for members to use in maintaining their plots and pathways. Small equipment can be signed out during times scheduled by the Directors or by appointment. The equipment may be borrowed for up to one hour.

CHAPTER 8 – Privacy

Personal information kept in BARAGA records is confidential.

Directors and other members, who have access to members' personal information, such as addresses, telephone numbers and e-mail addresses must not release that information without the members' consent.

There is one exception to the privacy guideline. As required under the license agreement between BARAGA and the City of Burnaby, each year BARAGA sends to the City of Burnaby a list of members' names and cities of residence.

CHAPTER 9 – Board of Directors

BARAGA's Board of Directors is composed of four officers and at least one elected Director-at-Large.

9.1 RESPONSIBILITIES

Directors are responsible for managing BARAGA's affairs. They implement the decisions of general membership meetings and Directors' meetings. They are expected to attend monthly Directors' meetings.

All Directors are expected to take responsibility for one or more tasks, including:

- Ensuring that plots are assigned.
- Keeping a full and up-to-date list of members.
- Keeping and following an up-to-date wait list to assign plots.
- Ensuring that plots are maintained in accordance with the bylaws and operating policies.
- Ensuring that plots are properly inspected on a regular basis.
- Ensuring that grounds, bridges, ditches, parking lot, and other common areas of the gardens are maintained.
- Ensuring that dumpsters are properly loaded and that garbage is cleared from the gardens' common areas.
- Ensuring that structures erected on plots comply with the bylaws and operating policies.
- Ensuring communication with the membership, including distributing a newsletter on a regular basis, and posting minutes from the annual general meeting and Directors' meetings.
- Ensuring that volunteer work is organized to carry out the necessary tasks of managing and maintaining BARAGA.
- Ensuring maintenance of the water system, including that it is properly turned on and off in the spring and fall.
- Ensuring the maintenance of BARAGA's machinery and equipment.

9.2 CONFLICT OF INTEREST

Directors must arrange their private affairs to prevent conflicts of interest from arising or seeming to arise. Directors must avoid financial or other interests that conflict in any way with discharging their responsibilities.

The work Directors do for BARAGA is voluntary. Directors receive no payment for this work or for acting as Directors.

DIRECTORS CANNOT ACCEPT ANY FEE-FOR-SERVICE OR CONTRACT WORK FROM BARAGA.

9.3 OFFICERS

The officers of BARAGA are the President, Vice President, Secretary, and Treasurer.

All four officers have signing authority on BARAGA accounts.

No member may serve more than five consecutive terms as President.

9.3.1 President

The President:

- Represents BARAGA to outside individuals or organizations, or can appoint a designate.
- Oversees the management of BARAGA's affairs.
- Calls meetings of the Directors, usually on a monthly basis.

- Presides over all meetings of the society and the Directors.
- Ensures implementation of decisions of the meetings.
- Ensures work of the Directors and committees is conducted in accordance with BARAGA's constitution, bylaws, and operating policies.

In the case of a tie vote in meetings, the President does not have a deciding vote.

9.3.2 Vice President

The Vice President:

- Assists the President.
- Carries out the duties of the President during the President's absence.

9.3.3 Secretary

The Secretary:

- Ensures a register of members is maintained.
- Conducts BARAGA's correspondence.
- Issues notices of meetings.
- Takes minutes of all meetings..
- Posts minutes on the bulletin board at the gardens.
- Distributes the list of the new Board of Directors to all members and to the City of Burnaby.
- Keeps all documents except those kept by the Treasurer.
- Maintains all BARAGA records to provide information to members on request and to maintain BARAGA's history.
- Ensures records and documents are passed to the next Secretary.
- Files annually with the City of Burnaby:
 - A certified copy of BARAGA's Comprehensive General Liability insurance policy.
 - A copy of BARAGA's operating statement and balance sheet.
 - A current list of the names and cities of residence of its members.
- Files The Society Act Form 11, annually with the Province of British Columbia.

9.3.4 Treasurer

The Treasurer:

- Manages BARAGA's finances under the direction of the general membership meetings and the board of Directors.
- Keeps the financial records including books of account in compliance with the Society Act
- Prepares financial statements as required, including a year-end financial report for the annual general meeting and a proposed budget for the coming year.

9.3.5 Directors-at-Large

Directors-at-Large help administer and organize BARAGA's affairs.

The number of Directors-at-large is determined by the annual general meeting.

An additional Director-at-Large position will be reserved for the immediate past President if he or she is not elected to the Board of Directors.

CHAPTER 10 – Committees

Directors can set up committees of volunteers to carry out the tasks of managing and maintaining BARAGA.

CHAPTER 11 – Nominations, Elections and Voting

11.1 NOMINATIONS

Nominations to the Board of Directors shall be open to all current members in good standing. Members may be notified of any openings by publishing them in the newsletter or posting them on the web site. Nominations may be sent to the nominating committee at any time by e-mail and they will be considered at the first opportunity. All nominations must have the consent of the person being nominated. During the AGM nominations may be taken from the floor.

11.2 VOTING

All members who have paid their annual membership fee and have no out-standing debt to Baraga are in good standing and are entitled to vote.

Families who pay one membership fee are entitled to only one vote.

Voting is by show of hands.

Voting by proxy is not permitted.

11.3 ELECTIONS

11.3.1 General

The annual general meeting elects the four BARAGA officers (President, Vice President, Secretary, and Treasurer) and one or more Directors-at-Large. Separate elections must be held for each office to be filled.

To stand for election, a member must be present at the meeting, or have accepted nomination in writing.

An election can be by acclamation; otherwise it must be by secret ballot.

Candidates receiving the most votes are elected.

Directors resign from office at the annual general meeting before their successors are elected.

The annual general meeting determines the number of Directors-at-Large to be elected.

Members can vote for any number of Directors-at-Large, up to the number to be elected.

11.3.2 Elections Coordinator

Directors appoint an Elections Coordinator to organize the nominations and election process at the annual general meeting. The Elections Coordinator cannot be a member of the current Board of Directors and cannot run for office in the election being conducted. The fall newsletter publishes the name of the Elections Coordinator and procedures for submitting written nominations. The Elections Coordinator accepts written nominations up to one week before the annual general meeting.

11.3.3 Elections Procedures

Elections take place after the regular business of the meeting. The Elections Coordinator takes over the chair and conducts the elections following these procedures:

- Just prior to the elections taking place, the current Directors resign their positions.

- The elections coordinator reads all written nominations. Further nominations are taken from the floor for the position of President. If there is more than one nominee, an election is held.
- The same procedure is followed to elect the Vice President, Secretary, and Treasurer.
- A motion is accepted for the number of Directors-at-large to be elected, and the number is voted. If there are more nominees than the number of Directors-at-large to be elected, an election is held.

11.4 VACANCY IN THE BOARD OF DIRECTORS

If a vacancy occurs in the Board of Directors, the Directors may appoint a member to fill the vacancy. A Director so appointed holds office only until the next annual general meeting.

The members can, by resolution at a special membership meeting, remove a Director before that Director's term of office expires, and can elect a successor to complete the term of office.

CHAPTER 12 – Meetings

12.1 GENERAL MEMBERSHIP MEETINGS

BARAGA holds its annual general meeting after October 31, the fiscal year end. The annual general meeting must be held not more than 15 months after the previous annual meeting.

The quorum at a general meeting is three persons.

The agenda of the annual general meeting consists of:

- Adoption of minutes of the previous meeting
- Report of the Directors
- Financial statement
- Election of Directors
- Other business as required.

The Directors can convene general membership meetings at any time.

Minutes of general membership meetings are posted on the bulletin board at the gardens.

12.2 SPECIAL MEMBERSHIP MEETINGS

The Directors call a special membership meeting upon the written petition of 36 members or ten percent of the members, whichever is less.

Directors must hold special membership meetings within 30 days of receiving the petition. The Directors mail a written notice of the meeting, including agenda items, to the members at least 14 days before the meeting.

The agenda is restricted to the items in the written petition.

12.3 DIRECTORS' MEETINGS

The President calls meetings of the Directors as needed.

The Directors can set a regular schedule of meetings.

When three Directors request a Directors' meeting, the President will call a meeting within ten days.

The quorum for Directors' meetings is a majority of the Directors currently in office. The Directors can change the quorum at any Directors' meeting where a quorum is present.

Minutes of the Directors' meetings are posted on the bulletin boards at the gardens.

CHAPTER 13 – Finances

BARAGA's funds and property are used only for its purposes in accordance with its constitution, bylaws and operating policies.

13.1 BANK ACCOUNT

BARAGA will maintain at least one account with a chartered bank, credit union, or trust company for the deposit of funds.

13.2 SIGNING AUTHORITY

Two signatures are needed for all banking transactions.

BARAGA's President, Vice President, Secretary, and Treasurer have signing authority.

13.3 ACCOUNTING RECORDS

BARAGA must keep proper accounting records of all its financial transactions, including:

- All money received and disbursed.
- All assets and liabilities.
- Every other transaction affecting BARAGA's financial position.

13.4 FINANCIAL STATEMENT

The Treasurer must present a financial statement for the previous fiscal year to the annual general meeting. BARAGA'S fiscal year runs from November 1 to October 31.

The financial statement consists of:

- ◊ A statement of income and expenditures;
- ◊ A statement of surplus for the period;
- ◊ A balance sheet as of the end of the period;
- ◊ A proposed budget for the coming year.

The statement must be approved by the annual general meeting.

13.5 REIMBURSEMENT OF EXPENSES

BARAGA members will be reimbursed for all expenses necessarily and reasonably incurred while engaged in the affairs of BARAGA. Purchases over \$100 must have prior authorization from the executive directors or the full board and receipts must be provided before any reimbursement is made.

Such expenses include:

- Any materials purchased for specific BARAGA projects approved by the Directors.
- Any materials required for ongoing tasks approved by the Directors.
- Other expenses approved by the Directors.

Appendix A

BURNABY AND REGION ALLOTMENT GARDENS ASSOCIATION CONSTITUTION AND BYLAWS

(incorporating amendments made 82.11.24, 85.12.04, and 92.12.03)

In conformity with the Society Act of British Columbia, Schedule A, Form 2, this document sets forth the constitution and bylaws of the Burnaby and Region Allotment Gardens Association.

CONSTITUTION

1. The name of the Society is BURNABY AND REGION ALLOTMENT GARDENS ASSOCIATION.
2. The purposes of the Society are:
 - (a) To provide opportunities for non-profit, recreational fruit and vegetable gardening for residents of an urban area
 - (b) To provide horticultural advice and shared experience for members, and to encourage those who wish to undertake such gardening for the first time
 - (c) To perpetuate, in an increasingly technological age, an awareness of the natural processes of food growing.
3. Upon the winding up and dissolution of the society, any assets remaining after the full discharge of debts shall be paid to a recognized Canadian charitable institution designated by the Directors and approved by the members. This clause of the constitution may not be altered.

BYLAWS

The bylaws of the Society are those set out in Schedule B to the Society Act with the following additions, whose numbers follow on those in the said schedule:

SOCIETY ACT SCHEDULE B

Part 1 -- Interpretation

1.
 - (1) In these bylaws, unless the context otherwise requires:
 - (2) "Directors" means the Directors of the society for the time being;
 - (a) "Society Act" means the Society Act of British Columbia from time to time in force and all amendments to it;
 - (b) "registered address" of a member means the member's address as recorded in the register of members.
 - (3) The definitions in the Society Act on the date these bylaws become effective apply to these bylaws.
2. Words importing the singular include the plural and vice versa, and words importing a male person include a female person and a corporation.

Part 2 Membership

3. The members of the society are the applicants for incorporation of the society, and those persons who subsequently become members, in accordance with these bylaws and, in either case, have not ceased to be members.
4. A person may apply to the Directors for membership in the society and on acceptance by the Directors is a member.
5. Every member must uphold the constitution and comply with these bylaws
6. The amount of the first annual membership dues must be determined by the Directors and after that the annual membership dues must be determined at the annual general meeting of the society
7. A person ceases to be a member of the society
 - (a) by delivering his or her resignation in writing to the Secretary of the society or by mailing or delivering it to the address of the society,
 - (b) on his or her death or, in the case of a corporation, on dissolution,
 - (c) on being expelled, or
 - (d) on having been a member not in good standing for 12 consecutive months.
8.
 - (1) A member may be expelled by a special resolution of the members passed at a general meeting.
 - (2) The notice of special resolution for expulsion must be accompanied by a brief statement of the reasons for the proposed expulsion.
 - (3) The person who is the subject of the proposed resolution for expulsion must be given an opportunity to be heard at the general meeting before the special resolution is put to a vote.
9. All members are in good standing except a member who has failed to pay his or her current annual membership fee, or any other subscription or debt due and owing by the member to the society, and the member is not in good standing so long as the debt remains unpaid.

Part 3 Meetings of Members

10. General meetings of the society must be held at the time and place, in accordance with the Society Act, that the Directors decide.
11. Every general meeting, other than an annual general meeting, is an extraordinary general meeting.
12. The Directors may, when they think fit, convene an extraordinary general meeting.
13.
 - (1) Notice of a general meeting must specify the place, day and hour of the meeting, and, in case of special business, the general nature of that business.
 - (2) The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, any of the members entitled to receive notice does not invalidate proceedings at that meeting.
14. The first annual general meeting of the society must be held not more than 15 months after the date of incorporation and after that an annual general meeting must be held at least once in every calendar year and not more than 15 months after the holding of the last preceding annual general meeting.

Part 4 Proceedings at General Meetings

15. Special business is

- (a) all business at an extraordinary general meeting except the adoption of rules of order, and
- (b) all business conducted at an annual general meeting, except the following:
 - (i) the adoption of rules of order;
 - (ii) the consideration of the financial statements;
 - (iii) the report of the Directors;
 - (iv) the report of the auditor, if any;
 - (v) the election of Directors;
 - (vi) the appointment of the auditor, if required;
 - (vii) the other business that, under these bylaws, ought to be conducted at an annual general meeting, or business that is brought under consideration by the report of the Directors issued with the notice convening the meeting.

16.

- (1) Business, other than the election of a chair and the adjournment or termination of the meeting, must not be conducted at a general meeting at a time when a quorum is not present.
- (2) If at any time during a general meeting there ceases to be a quorum present, business then in progress must be suspended until there is a quorum present or until the meeting is adjourned or terminated.
- (3) A quorum is three (3) members present or a greater number that the members may determine at a general meeting.

17. If within 30 minutes from the time appointed for a general meeting a quorum is not present, the meeting, if convened on the requisition of members, must be terminated, but in any other case, it must stand adjourned to the same day in the next week, at the same time and place, and if, at the adjourned meeting, a quorum is not present within 30 minutes from the time appointed for the meeting, the members present constitute a quorum.

18. Subject to bylaw 19, the President of the society, the Vice President or, in the absence of both, one of the other Directors present, must preside as chair of a general meeting.

19. If at a general meeting

- (a) there is no President, Vice President or other Director present within 15 minutes after the time appointed for holding the meeting, or
- (b) the President and all the other Directors present are unwilling to act as the chair,

the members present must choose one of their number to be the chair.

20.

- (1) A general meeting may be adjourned from time to time and from place to place, but business must not be conducted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (2) When a meeting is adjourned for 10 days or more, notice of the adjourned meeting must be given as in the case of the original meeting.

- (3) Except as provided in this bylaw, it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned general meeting.

21.

- (1) A resolution proposed at a meeting need not be seconded, and the chair of a meeting may move or propose a resolution.
- (2) In the case of a tie vote, the chair does not have a casting or second vote in addition to the vote to which he or she may be entitled as a member, and the proposed resolution does not pass.

22.

- (1) A member in good standing present at a meeting of members is entitled to one vote.
- (2) Voting is by show of hands.
- (3) Voting by proxy is not permitted.

23. A corporate member may vote by its authorized representative, who is entitled to speak and vote, and in all other respects exercise the rights of a member, and that representative must be considered as a member for all purposes with respect to a meeting of the society.

Part 5 Directors and Officers

24.

- (1) The Directors may exercise all the powers and do all the acts and things that the society may exercise and do, and that are not by these bylaws or by statute or otherwise lawfully directed or required to be exercised or done by the society in a general meeting, but subject, nevertheless, to
 - (a) all laws affecting the society,
 - (b) these bylaws, and
 - (c) rules, not being inconsistent with these bylaws, that are made from time to time by the society in a general meeting.
- (2) A rule, made by the society in a general meeting, does not invalidate a prior act of the Directors that would have been valid if that rule had not been made.

25.

- (1) The President, Vice President, Secretary, Treasurer and one or more other persons are the Directors of the society.
- (2) The number of Directors must be 5 or a greater number determined from time to time at a general meeting.

26.

- (1) The Directors must retire from office at each annual general meeting when their successors are elected.
- (2) Separate elections must be held for each office to be filled.
- (3) An election may be by acclamation; otherwise it must be by ballot.
- (4) If a successor is not elected, the person previously elected or appointed continues to hold office.

27.

- (1) The Directors may at any time and from time to time appoint a member as a Director to fill a vacancy in the Directors.

- (2) A Director so appointed holds office only until the conclusion of the next annual general meeting of the society, but is eligible for re-election at the meeting.

28.

- (1) If a Director resigns his or her office or otherwise ceases to hold office, the remaining Directors must appoint a member to take the place of the former Director.
- (2) An act or proceeding of the Directors is not invalid merely because there are less than the prescribed number of Directors in office.

29. The members may, by special resolution, remove a Director, before the expiration of his or her term of office, and may elect a successor to complete the term of office.

30. A Director must not be remunerated for being or acting as a Director but a Director must be reimbursed for all expenses necessarily and reasonably incurred by the Director while engaged in the affairs of the society.

Part 6 Proceedings of Directors

31.

- (1) The Directors may meet at the places they think fit to conduct business, adjourn and otherwise regulate their meetings and proceedings, as they see fit.
- (2) The Directors may from time to time set the quorum necessary to conduct business, and unless so set the quorum is a majority of the Directors then in office.
- (3) The President is the chair of all meetings of the Directors, but if at a meeting the President is not present within 30 minutes after the time appointed for holding the meeting, the Vice President must act as chair, but if neither is present the Directors present may choose one of their number to be the chair at that meeting.
- (4) A Director may at any time, and the Secretary, on the request of a Director, must, convene a meeting of the Directors.

32.

- (1) The Directors may delegate any, but not all, of their powers to committees consisting of the Director or Directors as they think fit.
- (2) A committee so formed in the exercise of the powers so delegated must conform to any rules imposed on it by the Directors, and must report every act or thing done in exercise of those powers to the earliest meeting of the Directors held after the act or thing has been done.

33. A committee must elect a chair of its meetings, but if no chair is elected, or if at a meeting the chair is not present within 30 minutes after the time appointed for holding the meeting, the Directors present who are members of the committee must choose one of their number to be the chair of the meeting.

34. The members of a committee may meet and adjourn as they think proper.

35. For a first meeting of Directors held immediately following the appointment or election of a Director or Directors at an annual or other general meeting of members, or for a meeting of the Directors at which a Director is appointed to fill a vacancy in the Directors, it is not necessary to give notice of the meeting to the newly elected or appointed Director or Directors for the meeting to be constituted, if a quorum of the Directors is present.

36. A Director who may be absent temporarily from British Columbia may send or deliver to the address of the society a waiver of notice, which may be by letter, telegram, telex or cable, of any meeting of the Directors and may at any time withdraw the waiver, and until the waiver is withdrawn,

- (1) a notice of meeting of Directors is not required to be sent to that Director, and
- (2) any and all meetings of the Directors of the society, notice of which has not been given to that Director, if a quorum of the Directors is present, are valid and effective.

37.

- (1) Questions arising at a meeting of the Directors and committee of Directors must be decided by a majority of votes.
- (2) In the case of a tie vote, the chair does not have a second or casting vote.

38. A resolution proposed at a meeting of Directors or committee of Directors need not be seconded, and the chair of a meeting may move or propose a resolution.

39. A resolution in writing, signed by all the Directors and placed with the minutes of the Directors, is as valid and effective as if regularly passed at a meeting of Directors.

Part 7 Duties of Officers

40.

- (1) The President presides at all meetings of the society and of the Directors.
- (2) The President is the chief executive officer of the society and must supervise the other officers in the execution of their duties.

41. The Vice President must carry out the duties of the President during the President's absence.

42. The Secretary must do the following:

- (a) Conduct the correspondence of the society;
- (b) Issue notices of meetings of the society and Directors;
- (c) Keep minutes of all meetings of the society and Directors;
- (d) Have custody of all records and documents of the society except those required to be kept by the Treasurer;
- (e) Have custody of the common seal of the society;
- (f) Maintain the register of members.

43. The Treasurer must

- (a) Keep the financial records, including books of account, necessary to comply with the Society Act, and
- (b) Render financial statements to the Directors, members and others when required.

44.

- (1) The offices of Secretary and Treasurer may be held by one person who is to be known as the Secretary Treasurer.
- (2) If a Secretary Treasurer holds office, the total number of Directors must not be less than five (5) or the greater number that may have been determined under bylaw 25(2).

45. In the absence of the Secretary from a meeting, the Directors must appoint another person to act as Secretary at the meeting.

Part 8 Seal

46. The Directors may provide a common seal for the society and may destroy a seal and substitute a new seal in its place.
47. The common seal must be affixed only when authorized by a resolution of the Directors and then only in the presence of the persons specified in the resolution, or if no persons are specified, in the presence of the President and Secretary or President and Secretary Treasurer.

Part 9 Borrowing

48. In order to carry out the purposes of the society the Directors may, on behalf of and in the name of the society, raise or secure the payment or repayment of money in the manner they decide, and, in particular but without limiting that power, by the issue of debentures.
49. A debenture must not be issued without the authorization of a special resolution.
50. The members may, by special resolution, restrict the borrowing powers of the Directors, but a restriction imposed expires at the next annual general meeting.

Part 10 Auditor

51. This Part applies only if the society is required or has resolved to have an auditor.
52. The first auditor must be appointed by the Directors who must also fill all vacancies occurring in the office of auditor.
53. At each annual general meeting the society must appoint an auditor to hold office until the auditor is re-elected or a successor is elected at the next annual general meeting.
54. An auditor may be removed by ordinary resolution.
55. An auditor must be promptly informed in writing of the auditor's appointment or removal.
56. A Director or employee of the society must not be its auditor.
57. The auditor may attend general meetings.

Part 11 Notices to Members

58. A notice may be given to a member, either personally or by mail to the member at the member's registered address.
59. A notice sent by mail is deemed to have been given on the second day following the day on which the notice is posted, and in proving that notice has been given, it is sufficient to prove the notice was properly addressed and put in a Canadian post office receptacle.
60.
 - (1) Notice of a general meeting must be given to
 - (a) every member shown on the register of members on the day notice is given, and
 - (b) the auditor, if Part 10 applies.
 - (2) No other person is entitled to receive a notice of a general meeting.

Part 12 Bylaws

61. On being admitted to membership, each member is entitled to, and the society must give the member without charge, a copy of the constitution and bylaws of the society.
62. These bylaws must not be altered or added to except by special resolution.

Part 13 Membership: Dues, Other Fees and Voting Rights

63.

- (1) Members shall pay annual fees consisting of two items:
 - (a) A membership fee
 - (b) A plot rental fee
- (2) The amount of the plot rental shall be determined separately from the amount of the membership fee but in the same manner as prescribed in Part 2.

64.

- (1) Payment of fees shall be made annually after December 1 of the year proceeding the year for which membership is to be held.
- (2) Fees for renewal of membership shall be paid no later than January 31st of the membership year.
- (3) Refund of fees shall not normally be given, but may be considered in exceptional circumstances up to but not after March 31st of the membership year.

65.

- (1) One membership fee shall be required for each plot rented, except where a plot is shared by two or more unrelated parties, each of whom shall pay a membership fee which is non-refundable.
- (2) Where a plot is rented by a couple or family who pay one membership fee in accordance with bylaw 65(1) all members of the couple or family shall be deemed to be members but only one of them shall be entitled to vote in the deciding of the Society's affairs.

66.

- (1) Only one plot shall be rented to any member.
- (2) Persons who are related or who are members of one household may each hold a membership.
- (3) No more than two memberships may be held by persons belonging to one family unit.
- (4) Under certain circumstances and at the discretion of the Directors, a member may be allocated a second plot. Such allocation does not extend beyond December 1st of the year in which it is given.
- (5) The Directors shall create, and make available to any member on request, a policy specifying the circumstances under which bylaw 66(4) applies.

Part 14 The Rental agreements and Operation of Plots

67. Garden plots of approximately 1,000 square feet shall be rented for periods of one year (January 1st to December 31st).

68.

- (1) Each plot is identified by a numbered stake and these stakes shall be left in position at all times.
- (2) The boundaries of plots shall not be extended by marginal cultivation.
- (3) Adjacent plots shall not be combined in any way and the pathways between them shall be kept unimpeded.

69.

- (1) Cultivation of a rented plot shall begin no later than May 1st of any year.

- (2) The Directors may cancel the rental agreements of any plot on which cultivation has not been begun by May 1st. Plots so released may be reallocated.

70.

- (1) Rented plots shall be properly cultivated.
- (2) The first two feet (nearest to a main pathway) of each plot shall be planted in flowers to enhance the appearance of the site.
- (3) The maintenance of a neat and tidy condition of the pathways bordering each plot is the responsibility of the plot holder. No rubbish, garden waste, sticks or stones shall be left on pathways.

71.

- (1) Structures may be erected on plots provided that they are of such a size and in such a location that they cast no shadow on a neighbouring plot in the months of March through October.
- (2) Structures existing on November 30th 1992, which fail to meet the requirements specified in clause 71(1) above, shall be permitted to stand provided that plot holders of the adjacent plots do not object. When these structures are replaced, any structures, which replace them, shall conform to the requirements in clause 71(1)

72. Mechanical cultivators may be used, provided that such use does not interfere with pathways, adjacent plots and water and drainage lines.

73.

- (1) The use of herbicides, insecticides and fungicides shall be strictly in accordance with the following subsections:
- (2) Herbicides may not be used except as follows:
 - (a) The use of herbicides in the cultivation of plots requires the express approval of the Directors. This approval is required each time an herbicide is used.
 - (b) The Directors, at their discretion, may use herbicides for the purposes of general site management where other means of control are considered ineffective.
 - (c) The only herbicides, which the Directors may use or approve, are the two non-residual, soil inactivated products known respectively as Roundup (glyphosate) and Gramozone (paraquat). If used, these products shall be applied only at approved rates and the utmost care shall be taken to prevent drift and spillage.
- (3) Plot holders may use insecticides and fungicides provided that such use is in accordance with the recommendations issued by the Ministry of Agriculture and Food in current production and home gardening guides. Care shall be taken to avoid drift and spillage. (See Schedule A of Appendix B)

74. Plot holders shall exercise reasonable discretion in the use of the water supply. No watering of plots shall take place overnight and running water shall not be left unattended. Municipal water restrictions in force from time to time shall be adhered to.

75. Produce from the allotment gardens shall not be sold or offered for sale by members. The Association may from time to time sell produce donated by members for the purpose of raising funds for the Association's purposes.

76. All plots shall be cleared by November 1st of each year, except for actively growing winter crops or perennials. Plots shall be left in a tidy condition so that the general appearance of the site is not offensive.

77.

- (1) Plots shall be examined at intervals by the Directors or by a committee established by them.
- (2) Plot holders whose plots are not considered to be up to a satisfactory standard of cultivation or whose plots reveal an infringement of these bylaws shall be so notified by the Directors or their delegate and given two weeks to correct the situation. If the situation has not been corrected within the two week period, the Directors may notify the plot holder that his rental agreements is cancelled. Such cancellations shall take effect fifteen days following the mailing of the notice of cancellation unless rescinded by the Directors. An explanation of the reasons for cancellation shall be provided. No fees shall be refunded in such cases.

78.

- (1) Unauthorized removal of produce by a member from another member's plot may result in cancellation of membership. Similarly, unauthorized interference with another member's plot may result in cancellation of membership.
- (2) Before a membership is cancelled by reason of the offences noted in bylaw 78(1), clear evidence as to the nature of the offence, the date of its perpetration and the number of the plot violated must be given to the Directors in writing.
- (3) Any notice of cancellation of membership by reason of the offences noted in bylaw 78(1) must be approved by the Directors, signed by the Chairman of the Directors and delivered by registered mail.
- (4) An appeal against a cancellation of membership issued in accordance with bylaw 78(3) may be made. Such an appeal shall be in writing and shall be made within fourteen days of the date of mailing of the notice of cancellation. Any appeal so made shall be considered at the next following meeting of the Directors.

Part 15. General Site Management

79. The allotment garden site shall be vacated between sunset and sunrise.
80. No livestock or pets shall be brought on to the allotment garden site.
81. Because of the extensive peat beds at the site, no fires or burning of any kind shall be permitted.
82. All vehicles shall be left in the assigned parking lot except for service vehicles, which may be required to enter the garden plot areas for specific purposes with the approval of the Directors.
83. Plot holders shall remove their own garbage from the site completely, or shall place it in an area specifically designated for the purpose by the Directors.
84. Subject to the Society Act, the Association shall not be responsible for loss, damage, or injury to crops, persons or property within the allotment garden site.

Appendix B

CITY OF BURNABY

BYLAW NO. 12465

A Bylaw to regulate the use of pesticides for cosmetic purposes

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY PESTICIDE USE CONTROL BYLAW, 2008.**

2. In this Bylaw:

“**biological control**” means the use of natural agents such as insects, nematodes, fungi, viruses or fish to control pests;

“**hard landscape**” means any constructed surface typically used for landscaping such as asphalt, concrete, rocks, gravel, treated wood or brick pavers;

“**infestation**” means the presence of pests in numbers or under conditions that involves an immediate risk of structural damage to property or significant financial loss in respect of the use of property;

“**permitted pesticide**” means a pesticide listed in Schedule “A”;

“**pest**” means an animal, a plant or other organism that is injurious, noxious or troublesome, whether directly or indirectly, and an injurious, noxious or troublesome condition or organic function of an animal, a plant or other organism;

“**pesticide**” means a microorganism or material that is represented, sold, used or intended to be used to prevent, destroy, repel or mitigate a pest, and includes but is not limited to:

(a) a plant growth regulator, plant defoliator or plant desiccant;

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(b) a control product as defined in the *Pest Control Products Act* (Canada); and

(c) a substance that is classified as a pesticide by the *Integrated Pest Management Act* (British Columbia);

“**private lands**” means a parcel or part of a parcel if the parcel or part is used for residential purposes;

“**public lands**” means lands owned by the City.

3. Except as otherwise permitted under this Bylaw, no person shall apply or cause or permit to be applied a pesticide on private lands or public lands within the City of Burnaby.

4. This Bylaw shall not apply in respect of:

(a) the use or application of a permitted pesticide;

(b) the use of a pesticide in response to a danger to human or animal health;

(c) the use of a pesticide to disinfect a swimming pool, wading pool, whirlpool or ornamental water fountain;

(d) the use of a pesticide to purify water intended for human or animal consumption;

(e) the use of a biological control to destroy noxious pests, including rats and mice;

(f) the use of a pesticide to control an infestation;

(g) the use or application of a pesticide inside of a building;

(h) the use of a pesticide to control or destroy plants which constitute a danger for human beings who are allergic thereto; and

City of Burnaby Pest Control Bylaw

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(i) the use of a pesticide to prevent the deterioration of hard landscapes.

5. (1) Every person who violates a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects or refrains from doing anything required by a provision of this Bylaw, is guilty of an offence and is liable to the penalties as may be imposed under the *Offence Act*, R.S.B.C. 1996, c.338.

(2) Each day that a violation continues or exists under this Bylaw is a separate offence.

6. If any section or provision of this Bylaw is held to be invalid by a Court of competent jurisdiction, then such invalid portion shall be severed and such decision shall not affect the validity of the remainder of the Bylaw.

7. This Bylaw comes into force on April 1, 2009.

Read a first time this 9th day of June 2008

Read a second time this 9th day of June 2008

Read a third time this 9th day of June 2008

Reconsidered and adopted this 16th day of June 2008

Mayor

City Clerk

CERTIFIED TRUE COPY
THIS 17TH DAY OF JUNE 2008

AUTHORIZED SIGNATORY CLERK

SCHEDULE “A”

Permitted Pesticides

The following substances are permitted pesticides and shall be excluded from the provisions of this Bylaw:

- (1) Insecticidal soaps
- (2) Algicides and bactericides used in swimming pools, wading pools, whirlpools or ornamental fountains
- (3) Bt (*Bacillus thuringiensis*)
- (4) Nematodes
- (5) Other biological control organisms
- (6) Animal repellents
- (7) Rodenticides
- (8) Injected tree treatments
- (9) Sticky media
- (10) Borax
- (11) Dormant Oils
- (12) Horticultural Oils
- (13) Bordeaux mixture and other sulphur compounds
- (14) Lime Sulphur
- (15) Ferric phosphate
- (16) Pruning paint
- (17) Pheromone traps
- (18) Pyrethrum (or phrethrin)
- (19) Diatomaceous earth