

Writing and Amending Bylaws

NYC Parks GreenThumb

Bylaws are mutually agreed upon rules and procedures that a garden group creates to regulate its current and future practices for the day-to-day operations and governance of the garden. A garden's bylaws are where the group establishes, in writing, various garden responsibilities among group members, protocol for bringing in new members, changing garden leadership, handling finances and disputes, planning events, and any other activities the group takes on.

Bylaws are decided on democratically as a garden group and may change and evolve over time. As the group changes in size, membership, and purpose, take a pragmatic approach in assessing your bylaws, recognizing that the group's needs and wishes will evolve over time.

Your group may want to re-examine its bylaws every year or so, for example at an annual meeting at the start of each spring. Decide if the current group is in agreement with the bylaws as currently written or if they would like to propose any specific amendments. There should be a process written into the bylaws that states how they may be amended by the garden group.

Each member of the garden group should receive a copy of the bylaws when they join. We recommend asking each new member to read the bylaws carefully to ensure that they understand them, and then sign off on them, indicating that they are willing to adhere to the stated rules of the garden. Common problems that arise within the garden group can often be prevented with carefully considered and written garden bylaws. Please see the Resolving Conflict in the Community Garden chapter of the [GreenThumb Gardener's Handbook](#)¹ for more tips on maintaining a cohesive garden group. All bylaws must align with the applicable laws and regulations, including the GreenThumb License Agreement for NYC Parks gardens.

Bylaws Requirements:

GreenThumb now requires all community garden groups operating on property under NYC Parks jurisdiction to submit copies of their bylaws to their Outreach Coordinators as a prerequisite to being licensed and receiving resources. We also strongly recommend bylaws for garden groups that receive GreenThumb support but do not operate on NYC Parks property. We offer workshops on group structure and bylaws multiple times per year (Organizing for Garden Success workshop series), and we encourage you and members of your garden group to attend these workshops in order to help the group prepare its bylaws. This is a great opportunity to bolster the strength of your group through a shared understanding of membership rights and responsibilities, rules and procedures, governance structure, and how the group makes decisions. Please connect with your GreenThumb Outreach Coordinator for more details.

At a minimum, your bylaws must include information about the following topics (but are not limited to):

1. The garden's mission statement
2. Membership
3. Decision-making process
4. Leadership structure
5. Process for changing the bylaws in the future
6. How the garden handles conflicts and disputes
7. Finances

The Bylaws Requirements Checklist below goes into more detail about what we require to see for each section. We have also developed a Bylaws Template, which offers a checklist of predetermined language for each of these sections that gardeners may choose from. We expect that garden groups who choose to use this easy to use template will complete it collectively as a group. To download these materials, please visit our [website](#).²

¹ Download the GreenThumb Gardener's Handbook in multiple languages at https://greenthumb.nycgovparks.org/news.html?news_id=469

² Download templates and worksheets for garden bylaws at greenthumb.nycgovparks.org/news.html?news_id=469

Bylaws Requirements Checklist

This checklist covers what GreenThumb *specifically requires* in the bylaws of garden groups through a series of prompts and questions. In other words, we expect garden bylaws to include *all* of the prompts below. Once complete, this will form a foundation for the group's bylaws that will satisfy GreenThumb's minimum requirements; you can always add more to the bylaws than what is included in this outline. Please complete the checklist with your garden group. If your group needs resources on how to facilitate this conversation, please attend a GreenThumb bylaws workshop and/or ask your Outreach Coordinator for materials.

1. Mission Statement

Required:

- A statement describing the garden's mission, vision, and/or purpose. A mission statement can be as broad or focused as the group would like.

Above and Beyond:

- Why is the garden important?
- What value does it bring to the community?
- What does the group hope to achieve?
- What is the history of the garden?

Watch out for:

- While we welcome a focus on assisting the local neighborhood and encouraging local partnership, a garden group cannot legally restrict membership to only a geographic area. Specific community-based organizations, non-profits, faith, or commercial partners also should not be included in the mission statement as gardens are stewarded independently by community groups.

2. Membership Procedures

Required:

- How to join the garden. How does one become a member of the garden? What are the steps? Who should be contacted?
- Rights of members (e.g. garden access, keys, shared tools)
- Responsibilities of members (e.g. open hours, meeting attendance, plot maintenance, common areas, snow removal, sidewalk clean-up)
 - If one becomes a member, what are the requirements for maintaining membership?
 - Is there a fee to become a member, and what is the alternative to monetary payment if a member cannot afford the dues? GreenThumb gardens are required to have a zero-dollar option for membership and for garden beds. Sample language may include "no one will be turned away for lack of funds," or "we waive all fees for anyone in financial difficulty."
 - Protocol if a member is unable to pay monetary dues (e.g. additional volunteer hours, etc.)
- Procedures for what happens if a garden member does not comply with the rules of membership (i.e. processes for member accountability and revoking membership)
 - Are there any specific circumstances that result in immediate expulsion from the garden membership?
- If the garden has plots or individual raised beds, how are they assigned? How do plot waitlists work? How can someone become a garden member without a plot?
- If the garden has communal plots or raised beds, how do they work? Who can participate, and how?

Above and Beyond:

- Rules for garden members, visitors, and anyone from the public (if the group has any additional rules beyond the ones listed on the Parks sign)

Watch out for:

- Even if membership has been revoked, a garden cannot deny someone access during public open hours.
- Sliding scale dues must still have a \$0 option.
- There can be a waitlist for garden plots and raised beds, but membership cannot be limited to plot availability.
- Membership procedures may not include required participation in a local organization, church, school, block association, etc. as a requirement for membership.
- GreenThumb does not have a policy against youth members and gardens can have youth as full members.
- Bylaws may not prohibit non-dues-paying members from having voting rights.
- Bylaws may not contain anything exclusionary regarding membership. Bylaws may not exclude potential new members by geography, age, etc.

3. Decision Making

Required:

- The garden's specific voting (>50%, 2/3, etc.) or consensus (100%) process is explained.³
- Who decides what - does everything go to the general membership? Can committees, chairs, and/or the core leadership make decisions on their own?
- Does decision-making and/or voting happen in person, can it happen over email, absentee ballots, proxy voting?
- Is there a minimum number of members required to vote and pass proposals? In other words, what constitutes a quorum?
- How are decisions communicated to the rest of the group?
- How do leaders make decisions? What decisions can they make themselves, and which must be made by the whole garden membership?

Above and Beyond:

- How often does the group meet?

Watch out for:

- Bylaws cannot name specific people in decision-making roles. For example, bylaws cannot instruct potential members to “contact John,” as opposed to “contact the Membership Chair.”

4. Garden Leadership

Required:

- The garden leadership structure is clearly explained
 - Is there a steering committee or other elected leadership group of the garden?
 - Do the leadership roles have term limits? If there are no term limits, the bylaws should state explicitly that positions are open-ended with no term limits to avoid ambiguity.
- Roles of leaders (titles, responsibilities)
 - What are the positions or titles that make this up?
 - What are the requirements/responsibilities of steering committee members?
- How leaders are elected or appointed?
- If the garden has committees, they're listed and described here

Above and Beyond:

- Are there special requirements for qualifying as a potential member of the garden leadership?
- How often do the garden leaders meet?

³ To learn more about what these terms mean, please visit the GreenThumb Group Development Toolkit: bit.ly/GTGroupDevelopment

- Are garden leadership meetings open to the general garden membership? How are these meetings communicated to the group? How are minutes/notes from meetings communicated to the membership?
- If a garden leadership member does not meet the requirements/responsibilities required of them, how are they reviewed? Are they removed if necessary?

Watch out for:

- Bylaws cannot reserve leadership seats in perpetuity or for specific partner organizations
- Bylaws cannot prohibit non-dues-paying members from joining the garden leadership
- Bylaws should not name the specific people in each role, since this may change

5. Bylaws Amendments

Required:

- How does the group amend the bylaws?
- Is there a quorum that must vote on proposed changes?
- Once amendments to bylaws are proposed and voted upon, how is this communicated to the group?

Above and Beyond:

- For amended bylaws to be valid and incorporated, how far in advance must they be communicated to the group before a vote takes place?

Watch out for:

- There should be no prohibition on amending bylaws.

6. Conflict and Disputes

Required:

- How does the garden handle conflicts or disputes?⁴
- Are there designated people within the garden (a committee?) who help resolve disputes?
- Can a dispute lead to a loss of membership or other privileges?
- What is the process for alerting a member that they are in violation of the garden's rules or bylaws?
- If a member is removed one season, under what conditions can they return as a member the following season?
- Garden groups are ultimately responsible for resolving conflicts in the garden. GreenThumb can provide recommendations for free outside mediation services, if needed, however garden bylaws cannot simply refer conflicts to GreenThumb. If there are claims of discrimination, they can be reported via 311 to the [NYC Human Rights Commission](https://www1.nyc.gov/site/cchr/enforcement/complaint-process.page).⁵

Above and Beyond:

- What happens if one garden member accuses another garden member of breaking the rules?

Watch out for:

- Bylaws should not simply rely on referring internal conflicts and disputes to GreenThumb. For ideas on managing garden conflict, please see the Resolving Conflict in the Community Garden chapter of the GreenThumb Gardener's Handbook.

⁴ For ideas, please visit the Resolving Conflict in the Community Garden chapter of the GreenThumb Gardener's Handbook.

⁵ To file a complaint with the NYC Human Rights Commission, visit:

<https://www1.nyc.gov/site/cchr/enforcement/complaint-process.page>

7. Finances

Required:

- Where the garden's money is stored (e.g. a garden bank account, with a fiscal sponsor)
- Who has access to the garden's account?
- How financial and purchasing decisions are made
- How fundraising decisions are made
- How are the garden's financial records maintained?

Above and Beyond:

- How are these records communicated to the rest of the group?
- How much can be spent without some type of approval?
- Purchasing protocol once a new purchase has been approved
- How are reimbursements made to members?

Watch out for:

- Any reference to renting out the garden or otherwise commercializing space is inconsistent with the GreenThumb License and is prohibited.

Optional additional section:

Member & Visitor Rules

Rules describe what gardeners and visitors are allowed and not allowed to do in the garden, and can be included within a garden groups' bylaws. Rules may include things like "no smoking" or "do not harvest from a neighbor's plot without asking first."

- What are gardeners and visitors not allowed to do?
- What is the recourse if a garden visitor or member is not complying with the garden's rules?
- Some reminders:
 - i. During your garden's 20 or more open hours each week, the garden is public open space and should be open to all, regardless of age. This means minors cannot be restricted.
 - ii. If the garden would like to restrict pet owners from bringing dogs into the entire or a portion of the garden, this must be stated in the bylaws. Service animals cannot be restricted.
 - iii. The garden *can* close for inclement weather, even during open hours.

Additional Resources:

- The [GreenThumb Group Development Toolkit](#)⁶ has lots of resources for garden groups to learn about group structure, garden finances, and more.
- Citizens Committee for NYC offers trainings and workshops on group structure and community organizing as part of their Neighborhood Leadership Institute series - citizensnyc.org
- The American Community Gardening Association offers many free resources on its [website](#) for managing community gardens, including a list of Sample Garden Rules.⁷

⁶ Access the GreenThumb Group Development Toolkit at bit.ly/GTGroupDevelopment

⁷ American Community Gardening Association Resources communitygarden.org/resources/d7562b6d-f76c-4754-bfb8-6bfe6d17dc0e