§ 96. Municipal community garden activities. 1. A municipality is authorized to hold land, however acquired, either in fee or of a lesser interest, or by lease, contract or agreement with the owners and to allow same to be used for community gardening under the terms and conditions established in article thirty-eight of the executive law, as applicable, for such period of time and under such further conditions as may be authorized by local law. Such use of land is a valid exercise of municipal powers. A municipality may encourage individuals, community organizations and groups to use vacant lands and municipal facilities for such period of time and under such conditions as the municipality may determine for use in community garden programs, including but not limited to, a condition that users possess liability insurance and accept liability for injury or damage resulting from use of the vacant public land for community gardening purposes. A fee related to preparation of assigned lots may be charged participants.

2. A municipality may establish a program in conjunction with the cooperative extension or county extension association for ready identification of accessible land resources in the municipality available for such programs. Any community garden program should to the fullest extent practicable be community in scope in order that all interested families and individuals, who reside in the area, be afforded an equal opportunity to use available plots subject to reasonable continuing tenure.

3. A municipal corporation may assist the development of a community garden by contributing, or providing at cost, from resources under the control of the municipality, upon agreement with the user of such land as approved pursuant to the local finance law: initial site preparation, including top soil and grading; water systems; perimeter fencing; storage bins or sheds, and other necessary appurtenances or equipment.

4. At the discretion of the municipality, fertilizer including municipally produced compost, seeds, or tools may be procured in quantity and made available at cost to community groups involved in garden projects. A tool lending facility may be established by the municipality so that gardening tools are available on an equitable

rotating basis to all members of the community. Such assistance shall be a valid municipal purpose.

5. For the purposes of carrying out the provisions of this section, a community gardening program may be deemed part of a youth or senior citizen program.