



Allotment gardens regulation

Amendments and additions in accordance with the law in 2023

These regulations for allotment gardens were adopted at the general meeting of the federation on 04.11.2023. They are an integral part of the lease agreements concluded or to be concluded between the federation and the associations.

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1. General information on allotment garden sites

- (1) Allotment gardens are important elements of the urban and settlement structure. In densely populated areas, they act as a counterbalance to the pressures caused by the built environment. The preservation and development of allotment garden sites in the context of urban development is an indispensable municipal policy concern. In order to make an affordable allotment garden accessible to many citizens of the city of Erfurt, an allotment garden with a lease agreement should be made available to a citizen or family.
- (2) These allotment garden regulations are the binding orientation for the development and recognition of the allotment garden regulations in the allotment garden associations. These allotment garden regulations must be approved by the members of the associations.
- (3) The allotment garden regulations are an important instrument for the city federation and the affiliated allotment garden associations to comply with the general, intermediate and individual lease agreements and to realize them.

2. Allotment garden

- (1) Allotment gardens are gardens that are located in an allotment garden site according to the BKleingG, in which several individual gardens with communal facilities are grouped together.
- (2) The legal provisions concerning nature and environmental protection, public order and safety as well as the requirements of fire protection apply to the allotment garden site. These must be observed both by the allotment garden associations and by the individual allotment gardeners. The allotment garden association (sub-lessor to the allotment gardener), represented by the executive committee, ensures in agreement with the Stadtverband Erfurt der Kleingärtner e. V. and the city of Erfurt that the allotment gardeners work well together as neighbors, show mutual consideration and use the plots for allotment gardening in accordance with the BKleingG.
- (3) Allotment gardens are to be cultivated exclusively by the allotment gardener and the persons belonging to his household on the basis of the individual allotment garden lease.
- (4) Temporary allotment garden use by third parties is only permitted with the consent of the association's board.
- (5) Gazebos in allotment gardens may not be permanently occupied by the allotment gardener or used as a secondary residence. Subletting as living space is not permitted.
- (6) Exceptions for legally inhabited arbors (residential arbors) are regulated in the BKleingG (see § 20 a No. 8 BKleingG).

- (7) In the event of a change of tenant, stock/value assessments must be carried out. The costs are borne by the transferring tenant. This also applies if a change is made within the family where no tenancy has yet existed.

3. The use of the allotment garden

- (1) The allotment garden use is characterized by the non-commercial horticultural use and the recreational use. The non-commercial horticultural use includes the production of fruit, vegetables and other fruits by the allotment gardener or members of his family. The production of horticultural products must be for personal use.
- (2) At least one third of the allotment garden area must be reserved for the cultivation of fruit and vegetables and other fruits for personal use.
- (3) The commercial use of the allotment garden in whole or in part is not permitted.
- (4) Trees and shrubs not to be planted in allotment gardens can be found in Annex 2.
- (5) In the case of pome and stone fruit trees, low trunks that can be grown as a bush, spindle or espalier tree are suitable for allotment garden use.
- (6) Half-stems should be planted primarily to provide shade. When planting fruit trees and berry bushes, the planting distances shown in Appendix 1 are specified. The boundary distances are binding.
- (7) Large deciduous and coniferous trees are located in the communal green areas. If these trees are felled, the current version of the Nature Conservation Act applies.
- (8) The planting of deciduous and coniferous trees (except fruit trees) taller than 3.00 m is not permitted. Only half-height species and varieties of ornamental trees and shrubs of a maximum height of 3.00 m are permitted. If the maximum height is exceeded, the trees must be removed by the tenant within a reasonable period of time as specified by the association board.
- (9) "Old trees" that have exceeded this height for a long time must be removed when the tenant changes. Trees of this type are subject to approval for felling.
- (10) Permission to fell deciduous and coniferous trees with a trunk circumference of 0.50 m or more measured at a height of 1.00 m must be agreed by the tenant with the environmental agency. The tenant must also obtain the consent of the association's board.
- (11) Felling is permitted from October 1st to the end of February. If there is a risk of the tree falling over, it is permitted to fell the tree outside this period.

- (12) The individual allotment garden must be designed in such a way that the overall impression of the allotment garden site is not impaired and any danger or nuisance to third parties is excluded.
- (13) The composting facilities must be arranged in such a way that third parties are not inconvenienced. If necessary, the spacing of the composting facilities must be determined by the board of directors.

4. Nature and environmental protection measures

- (1) The protection of nature and the environment is the object of allotment gardening activities. The protection of species and biotopes is to be promoted.

Measures such as:

- Planting native trees and shrubs
- Creation of stone and deadwood piles
- Cultivation with mixed cropping systems
- Promotion of soil life
- Compost management
- Greening the pergola walls
- Installing nesting aids for birds, insects and bats
- limited use of approved chemical fertilizers
- No chemical plant protection
- Use of rainwater
- Creation of near-natural small biotopes
- Insect hotels
- ponds in order to prevent the immigration of native wildlife species such as dragonflies,
Water beetles, amphibians

are the basis for the near-natural management of allotments.

- (2) Waste produced in the allotment garden must be disposed of in accordance with the current waste statutes of the city of Erfurt.
- (3) Compostable waste (plants, vegetable kitchen waste, etc.) must be composted in the allotment garden. If this is not possible, plant waste must be recycled via green containers. Self-delivery to an approved composting plant in Erfurt can/must also be used.
- (4) The non-compostable waste must be disposed of properly in the waste container provided for this purpose at the main residence. It is also possible to apply for direct municipal disposal of waste for the allotment garden site in a collection container.
- (5) The depositing of waste outside the allotment garden as well as the burning or burying of waste is generally prohibited. Furthermore, waste, e.g. building materials, etc., may not be deposited on the banks of surface waters (first-order

watercourses within a width of 10 m, second-order watercourses within a width of 5 m on either side of the upper edge of the embankment).

- (6) The use of weed killers (herbicides, etc.) is prohibited.
- (7) The removal of hedges and radical pruning are not permitted in the period from the beginning of **March to the end of September**, as this is the breeding and nesting season for birds. This is regulated by Section 39 (5) No. 2 of the Federal Nature Conservation Act.
- (8) Shaping and maintenance cuts that serve to remove the overgrowth of the hedge plant are permitted. However, this may only be removed if a thorough check has first been made to ensure that there are no bird or brood nests in the hedge in question. If this is the case, the hedge must not be cut!
- (9) Open fires and the burning of plant waste constitute an offense and are generally prohibited. Exceptions are regulated by the Thuringian Plant Waste Ordinance and the guidelines of the City of Erfurt.
- (10) Maintenance and repair work on motor vehicles within the allotment garden sites is not permitted.
- (11) Every tenant is obliged to properly combat any plant diseases and pest infestations that occur and to dispose of any waste properly.

5. animal husbandry

- (1) The keeping of small animals is not permitted.
- (2) Beekeeping, on the other hand, is permitted because of the benefits for the pollination of allotment garden products. It therefore serves the purpose of allotment gardening.
- (3) The legal rules for keeping bees in allotment gardens are:
 - The keeper must be a member of a beekeeping association.
 - The bee colonies must be insured.
 - The keeper must register the keeping of bees in the allotment garden association with the board request.
 - The written consent of the direct neighbors must be available.
- (4) Beehives should preferably be placed at the edge of the allotment garden site.
- (5) Dogs and cats are not allowed in the allotment garden. Dogs must be kept on a leash.
- (6) Soiling caused by the animals on the paths and in the facility must be removed immediately by the animal owner.

- (7) Neighboring allotment gardeners must not be significantly disturbed by an allotment gardener's pets.

6. Communal facilities and equipment

- (1) All buildings, squares, facilities, green areas, playgrounds, enclosures and gates of the allotment garden site as well as parking areas serving the common use must be treated with care. The same applies to ditches, receiving waters and watercourses. Unauthorized changes to these facilities by the allotment gardener are not permitted.
- (2) The design of the external fencing and the open spaces must be agreed with the respective lessor in compliance with public building and local law.
- (3) Every allotment gardener is obliged to report any damage to the common areas or facilities caused by him or a third party to the association's executive committee without delay. Liability is governed by the general principles of civil law.
- (4) Solid outer enclosures (walls/closed fences) and the use of barbed wire within the allotment garden site are not permitted. The outer fence of the garden site may not be interrupted by the installation of doors, gates etc. to the individual plots. The existing side entrances must be permanently closed by the association at the latest when there is a change of tenant.
- (5) The maintenance of the accompanying greenery along the paths of the common areas (paths/areas) of the immediately adjacent gardens is the responsibility of the allotment gardener according to the specifications of the association.
- (6) The areas of 1 m bordering the outer fence of the allotment garden site must be maintained by the allotment garden association.
- (7) Driving on the allotment garden sites with vehicles of any kind is only permitted within the framework of the regulations laid down by the association's executive committee. It is forbidden to drive, park or stand vehicles of any kind on the allotment site.
- (8) The parking of caravans and mobile homes within the allotment garden site is prohibited.
- (9) The care and maintenance of the green, play and open spaces as well as the paths are regulated by the association board. If necessary, liability insurance must be taken out by the allotment garden association.
- (10) The use of paths, parks, children's play areas and communal facilities is at the user's own risk. If an allotment garden site is not cleared of snow and ice during the winter months, this must be indicated by signs at the entrance gates to the allotment garden site.
- (11) The construction of clubhouses must be in keeping with the overall appearance of the facility. According to public building law, the construction of a clubhouse requires the approval of the state capital Erfurt as the building supervisory

authority. The clubhouse serves the organization of community life, professional advice and training as well as social purposes of the gardening community.

- (12) Commercial activities and trade of any kind as well as the erection of company signs for outdoor advertising are not permitted on allotment garden sites.
- (13) The allotment garden sites must be kept open for recreational use during the day from May to September, i.e. from 8 am to 8 pm. The closing times of the entrance gates to the allotment garden site are regulated by the association's executive committee.

7. Structures in the allotment garden

For the following listed points, the **association's board** must check **in advance** whether the **allotment garden use** of the leased area complies with the requirements of the BKleingG. Only then may the board give its approval. The approval must be in writing.

- (1) A gazebo in the allotment garden is permitted in a simple design with a **maximum size of 24 m²** floor space (including covered outdoor seating **area** and a maximum eaves height of 2.25 m and a maximum roof height of 3.50 m (cf. § 3 para. 2 BKleingG). A roof overhang > 0.60 m is considered a covered outdoor seating area. A maximum eaves height of 2.25 m applies to flat and monopitch roofs.
- (2) **Gazebos** or other ancillary facilities used for allotment gardening **that were legally erected before October 3, 1990** can be used unchanged in accordance with § 20 a no. 7 sentence 1 of the BKleingG.
- (3) **Building applications** for structures in allotment garden associations and in the allotment garden plots must be submitted to the association's executive committee in due time (content according to the application form of the city federation, according to the regulations for processing applications for building measures in the allotment garden sites - according to information 01/2009 of the city federation).
- (4) After approval by the association's board, the **documents** must be submitted **in triplicate** to the Stadtverband Erfurt der Kleingärtner e. V..
- (5) **Applications are processed** by the building commission of the municipal association in accordance with the Regulations - Information No. 01/2008 dated 01.03.2008. The building commission issues the building permits applied for and carries out the acceptance and inspection.
- (6) The construction of **chimneys** and a **cellar under** the arbors are not permitted.
- (7) If **construction projects violate the** provisions of the BKleingG or public building law, the City of Erfurt, as the building supervisory authority, can prohibit use or order dismantling or demolition depending on the specific circumstances of the individual case.

- (8) The erection of **ancillary structures** (equipment containers, toilet blocks, garages, etc.) is not permitted. Equipment rooms or similar are to be included in newly built arbors. The location of the gazebos is defined in an expansion plan and will be checked by the association board.
- (9) The construction of **arbours within TWSZ II** of the Erfurt water catchment facilities requires an exemption permit in accordance with Section 130 (3) of the Thuringian Water Act (ThürWG) of 28.05.2019, amended by Article 17 of the Act of 11 June 2020 (GVBl. p. 277). A permit under water law pursuant to Section 79 ThürWG is required for the construction, modification or removal of structures and buildings on, in, under or above surface waters and in the riparian area.
- (10) A free-standing **greenhouse with a** floor area of up to 12 m² and a maximum ridge height of 2.50 m can be erected with the **prior approval of the association's executive committee**. Foil tents must be adapted to the size of the allotment garden.
- (11) An artificial **pond**, which should be designed as a wetland biotope, is permitted in the allotment garden up to a size of 4 m² and a maximum depth of 1.00 m and with a shallow edge area. The installation **must be approved by the association board**. Applicable safety regulations must be observed during operation.
- (12) The installation of removable **swimming pools** is permitted up to a diameter of 3.60 m (standing on the ground) with a maximum height of 0.90 m. However, the installation of fixed swimming or bathing pools in the allotment garden is prohibited. The location must be **approved in advance by the executive committee**. This also applies to **children's play equipment** (e.g. setting up a trampoline that is not fixed to the ground). The external dimensions are limited to 2.50 m. The tenants are responsible for traffic safety.
- (13) **Garden paths and squares** must be permeable to water. Large areas of gravel and crushed stone within the allotment gardens are prohibited.
- (14) **Privacy screens** are permitted up to a maximum height of 1.80 m on seating areas and terraces with a maximum length of 5.40 m and a border distance of 1.00 m to the neighboring garden. They may not be designed as enclosures or consist of solid walls. A living privacy screen in the form of a permissible hedge is recommended.
- (15) **Separation fences** between the plots are to be made of wire mesh to a maximum height of 0.80 m or in the form of a hedge.
- (16) **Path hedges** as a boundary to the inside may not exceed 1.60 m in height (measured from the outside).
- (17) **Hedges on the outer fence** may not exceed 2.00 m.
- (18) **Tree houses** are permitted up to a maximum height of 3.50 m with the **prior consent of the board of directors**, subject to safety protection for children. Enclosure of the support area is prohibited. The playhouse may have a maximum floor area of 3 m². The maximum total floor area of the tree house, including the

playhouse, may not exceed 6 m². The **removal/dismantling** is to be carried out at the expense of the tenant handing over to a new tenant.

- (19) After demolition or **destruction of an arbor** or structure, the protection of the existing structure expires. The tenant must ensure that it is disposed of without replacement. This also applies in the case of partial demolition or other changes to the arbor. In this case, the existing protection expires partially (e.g. partial demolition of an extension). The recognizable aim of conversion measures must be the creation of legally compliant conditions in accordance with the BKleingG.
- (20) The erection of a **brick barbecue** is subject to approval up to a maximum base area of 1.00 m x 0.80 m and a maximum height of 2.50 m and a minimum distance of 2.00 m from the neighboring garden.
- (21) For other **structures/playground equipment** not expressly mentioned, there is also an obligation to obtain the **written consent** of the responsible board of the association prior to their installation or erection. The same applies to **raised beds**.
- (22) **Fire bowls and fire baskets** may not be used for the purpose of disposing of waste. The burning of plant waste, such as tree and shrub cuttings, is prohibited.
- (23) The **installation of mobile and non-fixed, self-sufficient solar cells** up to a maximum total output of 1.6 kWp (balcony power station) without feeding into the electricity grid **can be approved by the association's executive committee**. However, they must be dismantled after the end of use of the allotment garden plot. They are not included in the valuation.

8. Supply and disposal

- (1) Supply and disposal facilities that were legally erected before October 3, 1990 are protected in accordance with § 20 a no. 7 sentence 1 BKleingG.
- (2) Supply and disposal lines can be approved and installed by the association as far as they serve the allotment garden use.
- (3) Water must be used sparingly. Dishwashers and washing machines may not be installed and operated in the allotment garden. In the event of gross misuse, the association board is entitled to shut off the water supply.
- (4) For new allotment garden sites to be built, a safe and proper wastewater disposal system in accordance with the BKleingG must be guaranteed for clubhouses and communal facilities. Disposal is free of objections if, above all, the legal requirements for hygiene and health as well as water protection are fulfilled. For example, the intended water disposal must not cause any harmful contamination of water bodies.
- (5) In the case of existing gardens in accordance with § 20 a BKleingG, the waste water produced must be disposed of in a verifiable manner. The provisions of the drainage statutes and waste water fee statutes of the state capital Erfurt apply in the respective valid version. In all new/other allotment garden plots, no waste

water may be produced, except for applicable drinking water protection regulations.

9. Expansion and refurbishment

- (1) The type and scope of the structural use are determined by the lease agreement, the Federal Allotment Garden Act and the relevant development plans of the city.
- (2) The allotment gardeners are obliged to tolerate the necessary changes when extending and renovating the allotment garden site.

10. Community benefits

- (1) The association's executive committee is authorized to call upon the allotment gardeners to provide common services for the allotment garden site and to maintain the common facilities of the allotment garden site within the framework of the association's statutes.
- (2) In the event of failure to provide community services, the lessor has the right to terminate the lease in accordance with § 9 Para. 1 No. 1, Para. 2 No. BKleingG.

11. General order

- (1) The allotment gardener, his relatives and guests are obliged to avoid anything that significantly disturbs or impairs peace, order and security as well as community life on the allotment garden site. In particular, loud music, noise and actions that are detrimental to peace on the allotment site must be refrained from. Special regulations of the association apply to association parties.
- (2) It is forbidden to make noise that disturbs the neighbors and impairs the recreational value. The operation of noisy garden equipment during quiet hours on the allotment site is prohibited. The quiet times are determined by the association's executive committee.
- (3) The use of firearms of any kind is prohibited on the entire allotment garden site. Shooting events organized by the association may only be carried out in compliance with the relevant legal provisions and all safety precautions.
- (4) The allotment gardener has to put a sign with the garden number on the garden door.

12. Final provisions

- (1) These allotment garden regulations apply to all allotment garden sites in the city of Erfurt that are affiliated to the city federation, as decided by the respective general meetings. They are an integral part of the lease agreement with the Erfurt allotment garden federation.

- (2) In case of violation of these allotment garden regulations by the members of the association, the lease can be terminated according to § 9 para. 1 no. 1 BKleinG.
- (3) Annexes 1, 2 and 3 are an integral part of these allotment garden regulations and must be observed.

Boundary and planting distances

| Variety | Form/Type | Height in cm | Recommended planting distance in m | Mandatory plant spacing in m |
|----------------------|------------------------------|--------------|------------------------------------|------------------------------|
| Apple | Low trunk | up to 60 | 2,50 - 3,00 | 2,00 |
| Pear | Low trunk | up to 60 | 3,00 - 4,00 | 2,00 |
| Quince | | | 2,50 - 3,00 | 2,00 |
| Sour cherry | Low trunk | 60 | 4,00 - 5,00 | 2,00 |
| Plum | Low trunk | 60 | 3,50 - 4,00 | 2,00 |
| Peach | | 60 | 3,00 | 2,00 |
| Apricot | | 60 | 3,00 | 2,00 |
| Sweet cherry | Single tree | | | 3,00 |
| Fruit trees | Hedge | | | 2,00 |
| Spindles | slim | | | 2,00 |
| Trees | small-crowned | | | 2,00 |
| Black currant | Bush | | 1,50 - 2,00 | 1,25 |
| Redcurrant red/white | Bush/stem | | 1,00 - 1,25 | 1,25 |
| Raspberries | Trellis | | 0,40 - 0,50 | 0,50 |
| Blackberries | Trellis climbing | | 2,00 | 1,00 |
| Blackberries | Trellis upright | | 1,00 | 0,75 |
| Wine | Vine | | 1,3 | 0,70 |
| | Ornamental shrubs and hedges | | | 1,00 |
| | Quarter / tall trunks | | | 3,00 |

Plants that are forbidden in allotment gardens

Reason: They are host plants for plant diseases = therefore prohibited

- Rock medlar (Cotoneaster)
- Hawthorn (Crataegus)
- Firethorn (Pyrantha)
- Mountain ash (Sorbus)
- Stranvaesia (Stranvaesia)
- Blackthorn (Prunus spinosa)
- Haferschlehe (Prunus insititia)
- Common buckthorn (Lycium halimifolium)
- Sade tree (Juniperus sabina)
- Hop clover (Medicago lupulina)
- Buttercup species (Ranunculus acer)
- White clover, incarnate clover (Trifolium)
- Sweet clover (Melilotus alba)
- Juniper
- Conifers; thuja (single standing)
- Ginkgo tree
- Yew
- Nut trees (all varieties)
- Elderberry
- Cannabis

Laws and regulations of the Free State of Thuringia as amended from time to time

- Thuringian Waste Management and Contaminated Sites Act
- Thuringian Building Code
- Provisional Ordinance on Competence under the Building Code
- Thuringian Neighborhood Act
- Thuringian Law on Nature Conservation and Landscape Management
- Thuringian ordinance on the disposal of plant waste
- Thuringian Hazardous Waste Ordinance
- Thuringian Water Act
- Thuringian Ordinance on the Determination of Responsibilities in the Area of
of immission control
- Thuringian Wastewater Act
- Ordinance on the preservation, care and protection of trees
- Municipal regulations of the relevant municipality
- Thuringian Public Holidays Act