

**Environment & Sustainability Standing Committee
June 5, 2014**

TO: Chair and Members of the Environment & Sustainability Standing
Committee

Original signed

SUBMITTED BY:  _____
Brad Anguish, Director of Community & Recreation Services

DATE: May 30, 2014

SUBJECT: **Community Garden Administrative Order #2014-009-OP**

ORIGIN

Community Gardens have been operating on city-owned property for many years. Since 2009, there has been a process in place to accept requests to establish Community Gardens on city-owned property. Each year since 2009, the number of request to establish Community Gardens has increased to a point where HRM now needs a supporting policy.

LEGISLATIVE AUTHORITY

Subsection 59(3) of the *HRM Charter* says “In addition to matters specified in this Act or another Act of the Legislature, the Council may adopt policies on any matter that the Council considers conducive to the effective management of the Municipality”.

Subsection 61(3) of the *HRM Charter* says “The property vested in the Municipality, absolutely or in trust, is under the exclusive management and control of the Council, unless an Act of the Legislature provides otherwise.”

RECOMMENDATION

It is recommended that the Environment & Sustainability Standing Committee recommend that Halifax Regional Council adopt Administrative Order 2014-009-OP, the *Community Garden Administrative Order*, as set out in Attachment 1 of this report.

BACKGROUND

Community gardening offers many benefits for residents. It can be a way to increase interaction among neighbours, add to the beauty of an area, promote environmental stewardship, and encourage active living. Community gardening is also an opportunity for people to share skills and learn from one another.

Gardening in Canada is becoming the second most popular physical activity after walking. As a result, many municipalities across North America have developed policies and procedures to facilitate community gardening.

Community Gardens exist on public and private lands such as schools, universities, churches, not-for-profit and municipal land. Within the Halifax Regional Municipality, staff are receiving an increasing number of requests from residents wishing to start or participate in community gardens on City-owned property.

DISCUSSION

A Community Garden (*on City-owned public property*) is a small-scale site that is operated by an individual or group, on a non-profit basis, for one or more of the following purposes:

1. Production of produce for:
 - a. Personal use;
 - b. Donation to local food causes; or
 - c. Generating revenue to reinvest in the Community Garden.
2. Production of a floral or landscape display; or
3. Demonstration gardening or other related instructional programming.

Community Gardens can include vegetables, fruit, herbs, flowers, native and/or ornamental plants established and operated within existing municipal regulations, by-laws and assessments.

A Community Garden must have “common areas” with shared upkeep, and may include individual garden plots. All Community Gardens involve a group effort in making decisions to start and operate a garden in order to provide opportunities for the community to participate. In those limited circumstances where a Community Garden is to be located within a municipal park, the Community Garden will be accessible to the public during daylight hours.

With the number of requests to establish Community Gardens growing each season, there is a need for a policy to support the Community Garden process. Staff reached out to other municipalities across Canada to see what policies they have in place. Based on the research and consultation with other Business Units, staff have drafted the proposed Administrative Order number 2014-009-OP.

Administrative Order number 2014-009-OP (Attachment 1) applies to Community Gardening,

with the rules and procedures provided in the Community Garden Application Booklet. The Application Booklet (Attachment 2) will be reviewed and updated by staff annually to ensure it meets the needs of the community and adheres to the approved policy direction of Council.

Community Recreation & Culture's Business Plan Deliverable

In Section 6.05 of CR&C's Business Plan; "Review vending services and Community Garden program to ensure alignment with Local Food Production and Promotion strategy" is identified as a goal for the 2014 / 2015 budget year. By creating this Administrative Order, it fulfills this goal. Staff have reviewed the current Community Garden program, researched programs from other municipalities across Canada and have made changes to ensure alignment with the Local Food Production and Promotion strategy.

FINANCIAL IMPLICATIONS

Staff time will be needed to update Garden Groups about the new Community Garden Administrative Order which will be accommodated through the approved Community and Recreations Services' operating budget.

COMMUNITY ENGAGEMENT

The Community Garden process has been shared with community groups currently operating gardens on City-owned property. This policy supports the process.

Staff will begin to update Community Garden Agreements, informing current Garden Groups that there is a new policy governing our Community Garden Process. Staff will also update the Halifax.ca website to reflect the new policy.

ENVIRONMENTAL IMPLICATIONS

The Community Garden Administrative Order meets the Council approved Environmental Policy.

ALTERNATIVES

The Standing Committee could recommend that Regional Council not adopt the policy and discontinue the Community Garden application process that is currently in place. This is not recommended as the number of requests that Staff receive from residents each year demonstrates that Community Gardens encourage strong, engaged neighbourhoods. They help increase local food security, local food production and contribute to the health and well-being of the residents in HRM.

ATTACHMENTS

Attachment 1: Proposed Community Garden Administrative Order number 2014-009-OP
Attachment 2: Community Garden Application Booklet

Attachment 3: Community Garden List

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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**ADMINISTRATIVE ORDER NUMBER 2014-009-OP
RESPECTING THE COMMUNITY GARDEN PROGRAM**

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

Short Title

1. This Administrative Order may be cited as the *Community Garden Administrative Order*.

Purpose

2. The purpose of this *Administrative Order* is to permit the operation of Community Gardens within the Municipality and provide direction for the establishment and operation of such gardens.

Interpretation

3. In this Administrative Order,

(a) “CAO” means the Chief Administrative Officer of the Municipality, or his or her delegate;

(b) “Community Garden” means a garden located on public property owned by the Municipality that is:

(i) no more than five percent (5%) of the size of such property, and

(ii) is operated by a Garden Group;

(c) “Community Garden Agreement” means an agreement between a Garden Group and the Municipality which sets out the rights and responsibilities respecting managing and operating a Community Garden;

(d) “Garden Group” means a person, society not-for-profit corporation or a registered Canadian charitable organization, operating a Community Garden for one or more of purposes set out in clause 5(b);

(e) “Council” means the Council of the Municipality;

(f) “Municipality” means the Halifax Regional Municipality, its employees, elected officials, agencies, boards, and commissions;

(g) “Plot Holder” means the member of a Garden Group who has shared or full responsibility for gardening at least one garden plot within the Community Garden; and

ADMINISTRATIVE ORDER NUMBER 2014-009-OP
RESPECTING COMMUNITY GARDENS

(h) “Plot Holder Agreement” means the agreement between a Plot Holder and the Garden Group that stipulates rights, responsibilities and rules to be followed within the Community Garden.

Application

4. (1) This *Administrative Order* shall apply to the lands of the Municipality whereon a Community Garden is located or proposed to be located.

(2) A Community Garden shall not be located:

(a) on a sport or a recreational field,

(b) on a street or a median between streets,

(c) on a municipal park, unless the Garden Group enters into a Community Garden Agreement with the Municipality as is contemplated under subsection 4(3) herein, or

(d) on lands of the Municipality, where a Community Garden is otherwise restricted or prohibited by law.

(3) Where a Garden Group operates a Community Garden on a municipal park pursuant to a Community Garden Agreement, in addition to any other requirement under this *Administrative Order*, the Garden Group shall:

(a) not impede public access to a Community Garden during day-light hours, except as is necessary to maintain and protect the Community Garden; and

(b) not build, construct or install a garden shed, greenhouse or other structure in a municipal park, unless such building, construction or installation is permitted by resolution of the Council.

5. A Community Garden shall be operated,

(a) on a non-profit basis and any money received from:

(i) the distribution or sale of produce,

(ii) holding a display or demonstration, or

(iii) providing instructional programming,

shall be invested in the Community Garden, and;

ADMINISTRATIVE ORDER NUMBER 2014-009-OP
RESPECTING COMMUNITY GARDENS

- (b) for one or more of the following purposes:
 - (i) for the production of produce for personal use or for donation to local food causes such as a Food Bank,
 - (ii) for the production of a floral or landscape display within the Municipality,
 - (iii) for demonstrating gardening or other related instructional programming, or
 - (iv) for the distribution or sale of produce to local retailers;
- (c) in a safe and fair manner in a way that enhances neighbourhoods; and
- (d) subject to the rules and procedures of use set out in Schedule 1 of this *Administrative Order*.

Process for Establishment

- 6. (1) Every application for a Community Garden shall be received by the Municipality by 4:30 pm on March 15th of any given year.
 - (2) If March 15th falls on a weekend or Holiday, the application deadline shall be 4:30 pm of the next business day.
 - (3) Only applications received by the date set out in this section shall be considered for a Community Garden.
- 7. Before entering into a Community Garden Agreement, the Garden Group shall consult the public including holding at least one public information meeting.
- 8. (1) After the public consultation, every Garden Group seeking to establish a Community Garden shall make application to the Municipality requesting permission to create a Community Garden.
 - (2) Every application shall disclose the results of the public consultation and provide to the Municipality:
 - (a) the name of Community Group that is applying for the proposed Community Garden;
 - (b) the civic address for the proposed Community Garden;
 - (c) a site plan; and
 - (d) any other information the Municipality may require.
 - (3) The site plan shall show:
 - (a) the location of existing property lines on the proposed Community Garden site;

ADMINISTRATIVE ORDER NUMBER 2014-009-OP
RESPECTING COMMUNITY GARDENS

- (b) the location of existing structures and buildings on the proposed Community Garden site;
 - (c) the location of existing landscape features such as planting beds, trees, pathways, benches, lighting, fencing, parking areas on the proposed Community Garden site;
 - (d) the location of any existing watercourses such as streams and rivers on the proposed Community Garden site;
 - (e) a brief description of who owns or occupies the properties surrounding the proposed Community Garden site;
 - (f) the distances between existing property lines, existing structures and existing landscape features near the proposed Community Garden site;
 - (g) the dimensions of the proposed Community Garden and the location in the proposed Community Garden where planting will occur;
 - (h) the dimensions and location on the proposed Community Garden site of any proposed fencing, composting bins, small garden sheds or greenhouses, pathways or other similar features to be installed in support of the proposed Community Garden; and
 - (i) the location of the proposed water source for the proposed Community Garden site.
9. (1) Once a completed application is received by the Municipality, if the application is received by the deadline pursuant to section 6 of the *Administrative Order*, the Municipality may consider whether to approve a Community Garden at the site location.
- (2) If a Community Garden is approved by the Municipality, the Garden Group shall enter into an agreement a Community Garden Agreement.
10. Every Garden Group with an executed Community Garden Agreement shall:
- (a) operate and manage the Community Garden in a fair, equitable, and transparent manner;
 - (b) comply with the approved site plan and Community Garden Agreement;
 - (c) be responsible for all expenses associated with operating and maintaining the Community Garden including the provision of water to such Garden;
 - (d) execute, maintain and enforce Plot Holder Agreements with Plot Holders; and
 - (e) comply with the rules and procedures set out in Schedule 1 of this *Administrative Order*.

ADMINISTRATIVE ORDER NUMBER 2014-009-OP
RESPECTING COMMUNITY GARDENS

11. The failure of a Garden Group to comply with this *Administrative Order* may result in the termination of the Community Garden Agreement and closure of the Community Garden by the Municipality.

Roles and Responsibilities

12. The Municipality may demonstrate its support for Community Gardens by:

- (a) promoting Community Garden initiatives and participating as a stakeholder with third parties;
- (b) encouraging the use of Community Gardens for demonstration gardening and other related instructional programming to support local food production;
- (c) compiling and maintain an inventory of current Community Garden sites on property owned by the Municipality; and
- (d) in any other way the Municipality decides.

Prohibited Activities

13. The Garden Group shall not:

- (a) distribute or sell produce grown in a Community Garden except as is specifically permitted in this *Administrative Order*, and if so permitted, such distribution or sale shall be a restricted activity subject to the terms of the Community Garden Agreement;
- (b) expand their Community Garden without first obtaining the consent of the Municipality.

14. The Plot Holder Agreement shall impose on Plot Holders the same prohibitions as are applied against Garden Groups in this section.

Delegation

- 15. (1) Council delegates to the CAO the authority to approve and sign, on behalf of the Municipality, Community Garden Agreements and any amendments to such Agreements.
- (2) The CAO may delegate such authority to employees of the Municipality.

Schedule

16. Any Schedule attached to this *Administrative Order* shall form part of this Administrative Order.

ADMINISTRATIVE ORDER NUMBER 2014-009-OP
RESPECTING COMMUNITY GARDENS

Done and passed in Council this ____ day of _____, 2014.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on [month], [day], 201_.

Cathy Mellett, Municipal Clerk

DRAFT

ADMINISTRATIVE ORDER NUMBER 2014-009-OP
RESPECTING COMMUNITY GARDENS

SCHEDULE 1
RULES AND PROCEDURES FOR COMMUNITY GARDENS
ON MUNICIPALLY OWNED PROPERTY

The following rules and procedures shall apply to all Community Gardens located on lands owned by the Municipality.

Location of Community Garden

1. A Community Garden shall not be permitted within any part of the street right-of-way of the Municipality or anywhere else prohibited by section 4 of this *Administrative Order*.

Municipal Bylaws

2. The establishment and operation of the Community Garden shall comply with all By-laws of the Municipality including:

- (a) Bylaw P-600, the *Municipal Parks By-law*; and
- (b) Bylaw P-800, the *Pesticide By-law*.

Risk Management

3. The Municipality shall not be responsible for loss, damage, injury or any other type of incident or claim arising from the creation, operation, products or site of a Community Garden.

4. The Municipality shall not be responsible for loss, damage, theft or vandalism of any structure or equipment and the Garden Group shall maintain insurance coverage relative to such matters, to the satisfaction of the Municipality.

5. The Municipality shall not provide insurance to the Garden Group.

6. If a shed or greenhouse is permitted by the Municipality, the Garden Group shall provide to the Municipality proof of a valid and in force Commercial General Liability policy with minimum limits of one million dollars (\$1,000,000.) with the Municipality named on the policy at the time of signing, at renewal or in the event of any material changes to the insurance policy.

7. The Municipality may, without notice, stop any activities in the Community Garden it considers unsafe or dangerous.

Garden Group Membership

8. Membership in the Garden Group and the opportunity to be assigned a plot and be a Plot Holder shall be open to any resident of the Municipality.

Plans

9. The Garden Group shall have a plan to promote safety and to minimize any risk to its volunteers and participants.

10. (1) The Garden Group shall have a plan for community involvement in gardening

ADMINISTRATIVE ORDER NUMBER 2014-009-OP
RESPECTING COMMUNITY GARDENS

activities.

(2) The community involvement plan shall encourage the involvement of groups such as schools, youth, seniors and citizens who do not have an assigned plot or are not a Plot Holder.

11. The Garden Group shall have a plan to consult with surrounding neighbours of the Community Garden.

Raised Garden Beds

12. The Garden Group shall not carry out any major excavation or disturbance of the land of the Municipality including the site of the Community Garden.

13. Only the regular turning and working of the surface area for the preparation of raised garden beds in the Community Garden site shall be permitted.

Plots

14. If the Community Garden contains plots, a first come, first-served waiting list shall be created and maintained by the Garden Group.

Soil Test

15. The Garden Group may undertake a standard soil test to know what soil nutrients the Community Garden may be lacking.

16. The Municipality reserves the right, at any time and without notice, to perform an Agricultural Soil Test of the soil in the Community Garden.

Garden Soil

17. The Garden Group shall inform the Municipality on the source and quality of the soil or mulch before such soil is used in the Community Garden.

18. All top soil brought to the Community Garden shall:

(a) be free of any foreign objects, contaminants, subsoil, roots, sods, rocks or other unwanted materials including raw manures;

(b) be screened through a one-half (1/2) inch screen and shall consist of loose, friable fertile loam (textural class);

(c) be a light mixture to sustain vigorous plant or root growth and with sufficient humus to prevent over-compaction; and

(d) have a minimum two percent (2%) organic carbon content and ph of not less than 5.7 or greater than 7.2.

Cribbing around the Garden

19. Wolmanized or pressure treated lumber or lumber using creosote (rail ties) for cribbing

ADMINISTRATIVE ORDER NUMBER 2014-009-OP
RESPECTING COMMUNITY GARDENS

around the Community Garden shall not be permitted.

Gardening Equipment

20. The use of heavy excavation equipment shall not be permitted.

21. (1) Small motorized gardening equipment, such as a Rototiller, is permitted for annual soil turning providing such equipment is operated by an experienced and skilled individual.

(2) Proper clothing, proper foot wear and safety equipment shall be required when operating such equipment.

External Structures: Small Storage Sheds and Greenhouses

22. A small garden shed may be permitted in or near the Community Garden providing the shed:

- (a) is no larger than eight feet by 10 feet (8 x 10);
- (b) does not have running water, electricity or a permanent base; and
- (c) the Community Group has insurance as set out in section 6 of this Schedule.

23. If a Community Group wants a greenhouse in or near the Community Garden, the Community Group shall:

- (a) provide the Municipality with a site plan with all the required information set out in section 7 of this *Administrative Order*; and
- (b) have insurance as set out in section 6 of this Schedule.

24. If the Municipality agrees with the construction or erection of a garden shed or greenhouse,

(a) the Municipality shall not responsible for nor liable for the design, construction, maintenance or removal of garden sheds or greenhouses associated with the Community Garden; and

(b) loss of any type to the shed or greenhouse, including to its contents, by theft, fire, vandalism, spillage or damages of any kind (including personal injury) shall be the responsibility of the Garden Group.

Compost Bins and Fences

25. Compost bins are permitted and shall be located in a safe location and checked frequently to ensure rodents do not have access.

26. A low fence to keep out animals is permitted during the growing season if:

ADMINISTRATIVE ORDER NUMBER 2014-009-OP
RESPECTING COMMUNITY GARDENS

- (a) the fence is approved by the Municipality prior to installation and maintained in good condition by the Community Group during the term of the Community Garden Agreement;
- (b) the fence is visible and public accessibility to the Community Garden is maintained during day-light hours, and
- (c) the fencing supports are visible.

Garbage/Litter

- 27. Waste receptacles for non-organic waste (garbage) shall be permitted in the Community Garden.
- 28. The Garden Group shall remove all garbage from the Community Garden immediately.

Changes

- 29. A Community Garden shall not be expanded without approval of the Municipality.
- 30. Any changes to the site plan require the prior written approval of the Municipality.

End of the Project/Restoration of the Garden Site

- 31. The Municipality or the Community Group may terminate the Community Garden Agreement, without cause, by providing ninety (90) days written notice of termination to the other party.
- 32. The Garden Group shall be responsible for the clean-up and any rehabilitation of the Community Garden site at the end of the project.
- 33. The Municipality reserves the right to terminate the Garden Agreement, at any time and without notice, if in the Municipality's sole determination the Community Garden Agreement is breached by:
 - (a) the Garden Group, or
 - (b) the Garden Group or Plot Holder fails to follow these rules and procedures.



Table of Contents

Section 1: Introduction to Community Gardens	2
Section 2: The steps to make it happen	4
Section 3: Definitions	6
Section 4: Rules for using City-owned Public Property	7
- Operational Procedures for Community Gardens	
- Requirements for building the Community Garden	
Section 5: Creating a site plan	10
Section 6: Operating the Community Garden	11
Section 7: Application Form (<i>Detachable</i>)	14



The deadline to submit a community gardening application is March 15th

***An electronic version of this application is available for download on www.halifax.ca/rec and click on “Community Gardens” in the side menu.**



Section 1: Introduction to Community Gardens on City-owned Property

Community gardens provide many benefits for residents. They offer opportunities to interact with other neighbours, add beauty to the neighbourhood, encourage environmental sustainability, and promote active living. Community gardening is an opportunity to share and learn with others about the environment around you.

What is a Community Garden?

A Community Garden (*on City-owned public property*) is a small-scale site that is operated by an individual or group, on a non-profit basis, for one or more of the following purposes:

1. Production of produce for:
 - a. Personal use;
 - b. Donation to local food causes; **or**
 - c. Generating revenue to reinvest in the Community Garden.
2. Production of a floral or landscape display; or
3. Demonstration gardening or other related instructional programming.

Community Gardens can include vegetables, fruit, herbs, flowers, native and/or ornamental plants established and operated within existing municipal regulations, bylaws and assessments.

A Community Garden must have a “common area” with shared upkeep, and may include individual garden plots. All Community Gardens involve a group effort in making decisions to start and operate a garden in order to provide opportunities for the community to participate.

Community gardening differs from urban agriculture (Urban Farms) which is an industry that produces agricultural products for distribution to local markets.

Halifax Regional Municipality (HRM) may consider requests from volunteers & non-profit organizations to access city-owned (public) property for the purpose of establishing, operating and maintaining a community garden. All requests are subject to current HRM regulations, bylaws and requirements.

Community gardens are not permitted on any HRM Right-of-Way.

Alternate Community Garden Locations

Before you apply to create a community garden on HRM owned property, you may wish to look at what other organizations and institutions are offering in your neighbourhood. You can approach any of these other institutions to see if they have space available.

- ~ Churches
 - ~ Local businesses / organizations
 - ~ Private / public schools
 - ~ Private land
 - ~ Other public lands (Provincial or Federal)
-

Join an existing Community Garden!

There are many Community Gardens found in the Halifax Regional Municipality. Some are on city-owned property, some are not.

The Halifax Garden Network Website (<http://halifaxgardennetwork.com/>) is the best source for this information. The website is managed by the Ecology Action Centre.

Starting a Non-Profit Society

If you require information on how to form a non-profit society, information on volunteer training opportunities, or information on various community grants please contact the Volunteer Resource Centre at 490-4599 or HRMVolunteerServices@halifax.ca. There are also many community gardening resources on the web with information to help you get you started (Section 6 of this booklet).

Section 2: The steps to make it happen

The Community Garden Team has created a process to review and accept applications for Community Gardens on City-owned Public Property. Please read through this application booklet. If you have any questions, please contact your local Recreation Area Coordinator (information below)



Step 1

Complete the application in Section 7 (*back of this book*)

**An electronic copy of the application is available online (Halifax.ca/rec)*



Step 2

Please send the completed application to your Recreation Area Coordinator c/o your local Community Recreation Centre. (A list of the Recreation Area Coordinators is on the following page)

- A list of recreation centres is available by visiting halifax.ca/rec
- A list of the Area Coordinators is provided on the following page
- Any questions concerning your application should be directed to your Area Coordinator



Step 3

The Recreation Area Coordinator will review the application to ensure it is complete. They will then send it to the Community Gardening Review Team (made up of City Staff)



Step 4

The Community Garden Review Team will review and discuss your application. They will compile a list of questions that will be e-mailed to you.



Step 5

An on-site meeting could be scheduled (if needed) with your group and a member(s) from the staff team.



Step 6

If approved, you will receive a Community Garden Agreement from your Area Recreation Coordinator.

The whole process to consider the application should take about 4 - 8 weeks to complete after the **March 15 deadline** (Depending on the number of applications received).

Area Coordinators – Community Recreation Services:

Call 311 and ask to be connected to the Recreation Area Coordinator nearest to you!

Area Coordinator	Serving the areas of...	Phone	Email
Kathy MacKinnon*	Eastern Passage, Dartmouth and area	490-4725	mackink@halifax.ca
Sherri Moffat*	Halifax Peninsula and area, Spryfield, Sambro, Harrietsfield, Herring Cove	490-5178	moffats@halifax.ca
Ivy Warren*	Bedford, Sackville, Fall River, Musquodoboit Valley	869-4208	warreni@halifax.ca
Mary Angela Munro*	Cole Harbour, Lawrencetown, Lake Echo, East Preston, Cherrybrook, North Preston, Eastern Shore, Musquodoboit Harbour	490-4635	munrom@halifax.ca
Doug Branscombe*	Armdale, Springvale, Fairview, Clayton Park, Rockingham , Beechville, Lakeside, Timberlea, Prospect, Kingswood, Uplands Park , Hammonds Plains, Tantallon, Hubbards and area.	876-4365	branscd@halifax.ca

*Subject to change. Call 311 to be connected to the closest Recreation Area Coordinator to you!



Section 3: Definitions

City: The Halifax Regional Municipality, its employees, elected officials, agencies, boards, and commissions.

Community Garden: A Community Garden (*on City-owned public property*) is a small-scale site that is operated by an individual or group, on a non-profit basis, for one or more of the following purposes:

1. Production of produce for:
 - a. Personal use;
 - b. Donation to local food causes; **or**
 - c. Generating revenue to reinvest in the Community Garden.
2. Production of a floral or landscape display; or
3. Demonstration gardening or other related instructional programming

Community Garden Agreement: An agreement between a Garden Group and the City that stipulates rights, responsibilities and rules to be followed within the Community Garden.

Community Garden Application: This is a booklet with all procedures and rules to start a Community Garden on City-owned land. This booklet can be found on Halifax.ca/rec.

Community Garden Review Team: This is a team of city staff from different departments. The Staff come together to review and make recommendations on the submitted application.

Garden Group: The individual or group with lead responsibility for managing and operating a Community Garden.

Liability Waiver: A waiver that Plot Holders sign acknowledging the risks of participating in a Community Garden and that they are responsible for their own actions.

Plot Holder: A member of a Community Garden who has shared or full responsibility for gardening at least one garden plot within the Community Garden.

Plot Holder Agreement: An agreement between a Plot Holder and the Community Garden Group that stipulates rights, responsibilities and rules to be followed within the Community Garden.

Season: The growing season is May 1 and October 31 in each year.

Section 4: Rules for using City-owned Public Property

Operational Procedures for Community Gardens

What areas are not for Community Garden use?

The City will not accept applications for Community Gardens that would be located on sport fields (they can be put next to them if there is enough space), boulevards and middle medians (areas between streets). Ask your Area Recreation Coordinator for help when searching for a location! Look for city-owned spaces next to Community Centre's, parks, etc.

The Halifax Regional Municipality's Right-of-Way

Use of the Right-of-Way is reserved for motorists, cyclists, and pedestrians. The Right-of-Way also serves as a corridor for utility infrastructure. To ensure the safety of the public travelling on our roadways and sidewalks as well as the safety of those participating in the gardening activities, and to provide a safe working environment for our utilities to maintain vital public infrastructure, Community Gardens are not permitted within the Right-of-Way.

Bylaw P-600 Respecting Municipal Parks

The establishment and operation of a community garden must comply with Bylaw P-600, Respecting Municipal Parks (i.e. vending, use of motor vehicles, etc.). A copy of Bylaw P-600 will be provided to the applicant organization. Bylaw P-600 must be reviewed prior to completing and submitting an application for a community garden. A copy of the bylaw can be obtained on-line at: <http://www.halifax.ca/legislation/bylaws/hrm/documents/By-LawP-600.pdf>

Bylaw P-800 Respecting the Regulation of Pesticides, Herbicides, and Insecticides

The establishment and operation of a community garden must comply with Bylaw P-800, Respecting the Regulation of Pesticides, Herbicides and Insecticides. A copy of Bylaw P-800 will be provided to the applicant organization. Bylaw P-800 must be reviewed prior to completing and submitting an application for a community garden. A copy of the bylaw can be obtained on-line at: <http://www.halifax.ca/legislation/bylaws/hrm/blp-800.pdf>

Requirements for building the Community Gardens

Raised Garden Beds

The organization shall not carry out any major excavation or disturbance of the land. Only the regular turning and working of the surface area for the preparation of raised garden beds is permitted.

Raised Garden beds are to be made out of wood. This helps maintain an aesthetically pleasing look for all residents in the area.

Cribbing around the Garden

Wolmanized / pressure treated lumber or lumber using creosote (rail ties) for cribbing around the garden is not permitted.

Garden Soil

The organization shall inform the City on the source and quality of the soil/mulch before it is used on the site. The organization must ensure all top soil brought to the site is free of any foreign objects, contaminants, subsoil, roots, sods, rocks or other unwanted materials including raw manures. Topsoil is to be screened through a ½ inch screen and shall consist of loose, friable fertile loam (textural class). Topsoil shall be a light mixture to sustain vigorous plant/root growth and with sufficient humus to prevent over-compaction. Topsoil shall have a minimum 2% organic carbon content and ph of not less than 5.7 or greater than 7.2. The City reserves the right to request an Agricultural Soil Test.

Gardening Equipment

The use of heavy excavation equipment is not permitted. Small motorized gardening equipment, such as a Rototiller, is permitted for annual soil turning and must be operated by an experienced individual. Proper clothing, proper foot wear and safety equipment is required when operating such equipment.

Compost Bins and Fences

Compost bins are permitted and must be located in a safe location and checked frequently to ensure rodents do not have access. A low fence to keep out animals is acceptable, but must be approved first. Visibility and accessibility to the garden must be maintained. All fencing supports must be visible for safety. The City is not responsible for loss, damage, theft or vandalism of any structures or equipment.



External Structures: Small Storage Sheds and Greenhouses

The Halifax Regional Municipality's definition of a small garden shed typically (sold at Kent or other hardware stores) is one that is no larger than 8 x 10 ft. It cannot have running water, electricity or a permanent base.

If you wish to have a greenhouse on your site your group will require insurance. (Also, please include it in the site plan with the proposed dimensions) The size of the green house is the same as the small garden shed as mentioned above.

Should the City Review Team agree with the construction or erection of a garden shed or green house, then your group will require:

Insurance:

In the event permission is granted for a garden shed to be installed as part of the Community Garden program, the Halifax Regional Municipality is not responsible for- nor liable for the design, construction, maintenance or removal of garden sheds associated with Community Gardens. In addition, Participants should be aware that loss of any type to the Participants, Shed or its contents including but not limited to theft, fire, vandalism, spillage or damages of any kind (including personal injury) are the responsibility of the Participant Group.

Participant Groups must provide proof of a valid and in force Commercial General Liability policy with minimum limits of one million dollars (\$1,000,000.) with Halifax Regional Municipality named on the policy at time of signing, at renewal or in the event of any material changes to the policy.

Garbage/Litter

No waste receptacles for non-organic waste (garbage) shall be permitted on the garden site. The organization shall remove all garbage from the garden site immediately.

End of the Project / Restoration of the Garden Site

Either party may end the agreement without cause by providing ninety (90) days' written notice of termination to the other party. The Organization shall be responsible for the clean-up and any rehabilitation of the garden site at the end of the project.

Standard Soil Test

The organization may wish to undertake a standard soil test to know what nutrients the garden's soil may be lacking. For more information on a soil test, contact the Nova Scotia Department of Agriculture, Quality Evaluation Division, Laboratory Services at (902) 893-7444 or by the web at <http://www.gov.ns.ca/agri/qe/labserv/>



Section 5: Creating a site plan

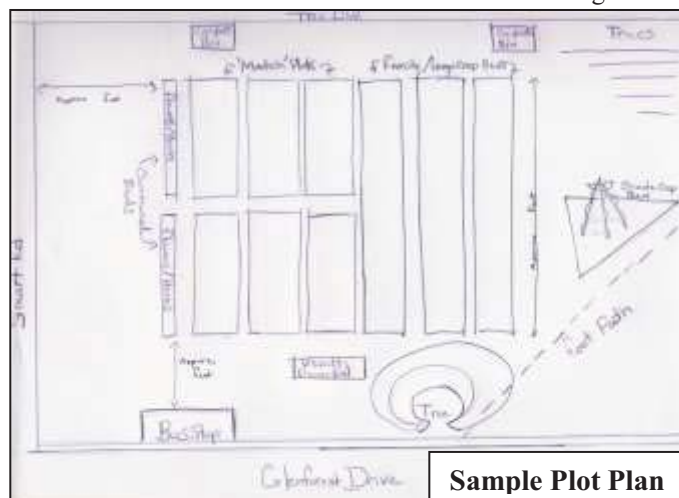
Site Selection

When selecting a site for a community garden you must consider the look of the site and ensure your garden will compliment it. You must also consider security, and how it will be provided for the site. Plot plans (see example below) are required upon submitting an application; if you wish to expand your garden (*insert expansion info*). HRM Staff will have the final decisions on the site plan which will be determined after a site meeting.

Site Plan

To enable a timely and complete review of a proposal for a community garden, a detailed site plan is required. This plan forms a substantial portion of the information used to determine whether or not to permit a community garden. Establishment of the community garden must be in compliance with the approved plan. The plan may or may not be professionally drawn but, in all cases, it must be legible, drawn to scale and contain the following information:

- Location of existing property lines
- General location of existing structures (buildings, play structures, etc.)
- General location of existing landscape features (planting beds, trees, pathways, benches, lighting, fencing, parking areas, etc.)
- General location of any existing watercourses (streams, rivers, etc.)
- Information on who owns the properties around the proposed garden area
- Distances between existing property lines, existing structures and existing landscape features
- Dimensions of the proposed garden area (where you will be planting)
- Dimensions and location of any proposed fencing, composting bins, small garden sheds or greenhouses, pathways or other similar features to be installed in support of the proposed community garden
- Location of the proposed water source
- Please note what area will be used as a “Common Area” for all to garden and use.



To access basic geographical information which may help with preparing your plot plan, visit www.halifax.ca/giss and click on the **Explore HRM** link. Please use the metric system when calculating measurements and dimensions on your plot plan. To facilitate conversion from imperial to metric measurements, visit www.onlineconversion.com/length

Section 6: Operating the Community Garden

Community Garden Agreement

This agreement is between a Garden Group and the City that stipulates rights, responsibilities and rules to be followed within the Community Garden.

Once the Community Garden Review team approves your application, you will be given a signed agreement.

How long will this agreement last?

The organization is responsible to maintain, manage and operate the site as per the rules / operating procedures and the definition of a community garden outlined on the application. The agreement will not exceed three (3) years, with an option to renew. The organization is responsible for all expenses associated with operating and maintaining the garden site including the provision of water to the community garden. Establishment of the community garden must be in compliance with the approved plot plan.

Expanding existing (approved) Community Gardens

If you wish to expand an existing Community Garden, please send the proposed changes (Written description, reasons for the expansion and a new drawing of the proposed site) to your local Recreation Area Coordinator. They will review and check with the Community Garden Team. Changes to the approved plan require the written approval of the City prior to installation. The City reserves the right to end the agreement if the operating procedures are not followed.

Risk Management

The Halifax Regional Municipality is not responsible for loss, damage, injury or any other type of incident or claim arising from the creation, operation, products or site of the garden in this open space. The City has the authority to stop any activities they see which are unsafe. The Halifax Regional Municipality does not provide insurance to the volunteer organizations. For information on the Nova Scotia Volunteer Protection Act visit www.gov.ns.ca/legislature/legc/. The applicant organization must have a plan to promote safety and to minimize any risk to its volunteers and participants.

Plot Holder Agreement & Liability Waiver

This is a combined document, a Plot Holder agreement and a Liability Waiver. This document will help protect you, the Garden Group.

The Plot Holder Agreement is between a Plot Holder (Community Member / Resident) and you (the Community Garden Group). It stipulates rights, responsibilities and rules to be followed within the Community Garden.

The waiver that Plot Holders sign acknowledge the risks of participating in a Community Garden and that they are responsible for their own actions.

A copy of this document will be provided to you if your application is approved. The Garden Group must keep these files in a safe place.

If you require copies of this document, you can have it photocopied at your nearest Recreation Centre. Please just arrange this with your Community Recreation Area Coordinator.

Common Area in your design

We require your Garden Group to maintain one area that is open for anyone to garden in. You should plan to encourage the involvement of groups such as schools, youth, seniors and citizens who do not have an assigned plot.

Assigning Individual Plots

If the community garden contains individual plots, a first-come, first-served waiting list must be maintained. Membership in the Garden Group and the opportunity to be assigned a plot must be open to any resident.¹ The Garden Group must also have a plan to inform surrounding neighbours of the project.

Membership / Plot Fees

Your Community Garden will be located on city-owned property. Because of this, we require you to keep any membership fees below \$20 per person for the season.

All money collected must go back into the Community Garden program.

¹ Adapted from Vancouver Park Board Community Garden Policy, 2005

Notes





Section 7: Community Garden Application

Name of Garden Group:		
Mandate and History of the Garden Group:		
Names of Volunteers involved in this project: <i>(At least 4 adults must be involved)</i>		
Name: (Main Contact)	E-mail:	Phone:
Name:	E-mail:	Phone:
Name:	E-mail:	Phone:
Name:	E-mail:	Phone:
Name:	E-mail:	Phone:
<i>*Feel free to include a membership list with your application</i>		
Number of Volunteers Involved in the Project:		
Mailing Address of main contact / organization:		
Location (Civic/Street Address) of the Proposed Community Garden:		

I hereby make application for approval of a Community Garden on city-owned property with the full knowledge and authorization of the applicant organization as identified on this form.

Signature: _____

Date: _____



Operating the Community Garden

Membership Fees

How much will you be charging community members to have a plot in the Community Garden? \$ _____

Wait List

Please confirm that you will maintain a wait list of community members wanting to participate in your Community Garden, and will select new members as space becomes available on a first come – first served basis.

YES I AGREE / NO I DISAGREE
(circle one)

Common Area

Please describe how your Garden Group plans to involve the local community in gardening activities. How will you make your garden accessible to the neighbourhood? How will you maintain this Common Area? (e.g. area to be used by a local elementary school, etc.)

Informing the Neighbours

Please describe how your Garden Group plans to inform surrounding neighbours of the project. (i.e. circulating a flyer, word of mouth, ad in the local paper)

Safety

Please describe how your Garden Group plans to promote safety and minimize any risk to garden volunteers and participants.

WATER SOURCE: Please describe where you plan to get your water for this garden?

SITE MAINTENANCE: How do you plan to maintain the site? (Grass cutting, composting, etc)

VANDALISM: How will your group deal with potential vandalism?

INCLUDE A PLOT PLAN: Please include a plot plan with this application. See section 5 for an example of what we are looking for.

Check all that apply

- By checking this box, you are **confirming you have contacted the “Call Before you Dig” Phone Line at 1-866-313-3030** to determine if any gas lines are in the area of the proposed community garden.
- We are a non-profit society.** _____
(Please include the certificate number from the Registrar of Joint Stocks)
- We are not a non-profit society.**
- We plan on getting insurance for our Community Garden**
(Please provide us with proof of insurance if you do this)
- By checking this box, you are **confirming you have reviewed the rules for operating a Community Garden on HRM Property** as part of the application process.
- Site Plan has been included**

The proposed garden will include: Ornamental Plants Edible Plants Combination

Contact information for HRM’s Website

HRM receives requests from other members of the public looking to get involved in Community Gardens. What e-mail address can we give out for others to contact you to get involved? This information would also be posted on our website (Halifax.ca/rec).

E-mail: (please print clearly) _____

The deadline to submit a community gardening application is March 15



Attachment 3 Community Gardens on City-owned Property

Name of Garden	Community	Location Remarks
Take Action Society	Dartmouth	Located in the old tennis court behind Harbourview Elementary
Hawthorn Garden Project	Dartmouth	Located on the field beside Hawthorn Elementary School
Goodness Grows!	Dartmouth	Located behind the Findlay Community Centre
Rope Works Community Garden	Dartmouth	Located on Victoria Park (Corner of Pelzant & Bligh)
Dartmouth Commons Community Garden and Community Oven	Dartmouth	Located on Leighton Dillman Park
Hope Blooms Community Garden	Halifax	Located at Murray Warrington Park
Glen Garden	Halifax	Located on Glenforrest Drive / corner of Smart Street
Devonshire Garden Group	Halifax	Located beside the Devonshire Arena
Bloomfield Centre Community Garden	Halifax	Located beside the Bloomfield Community Centre
Halifax Multicultural Garden	Halifax	Located behind 3311 Ashburn Ave. (behind the Church)
Beaver Bank Kinsac Senior Association	Beaverbank	Located across from the Community Centre
BLT Community Garden Project	Lakeside	Located behind the Lakeside Community Centre

For a list of other Community Gardens (on private property) in the Halifax Regional Municipality, please visit the Halifax Garden Network website.
(<http://halifaxgardennetwork.com/>) This website is managed by the Ecology Action Centre.