Community Garden Handbook

Rules & Procedures for Establishing a Community Garden on Municipal Property

www.halifax.ca/rec/CommunityGardens.php



Last update: March 2017

Table of Contents

| Section 1: Introduction to Community Gardens on Municipality-Owned Property 3 |
|---|
| What is a Community Garden? |
| Alternate Community Garden Locations 4 |
| Join an existing Community Garden 4 |
| Section 2: The steps to make it happen5 |
| Parks & Recreation Contact List 6 |
| Forming a Non-Profit Society7 |
| Community Engagement: Signatures Letter 8 |
| Section 3: Definitions10 |
| Section 4: Rules for Using Municipally-Owned Property11 |
| Operational Procedures for Community Gardens11 |
| Requirements for Building the Community Garden12 |
| Section 5: Creating a Site Plan15 |
| Section 6: Operating the Community Garden16 |
| Section 7: Urban Orchards18 |
| Section 8: Community Garden Application |

A fillable PDF of the application can be obtained from your Staff Contact or from our website, www.halifax.ca/rec and click on "Community Gardens"



Section 1: Introduction to **Community Gardens on Municipality-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 Municipally-owned 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.

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 municipality-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. All funding to start and operate the Community Garden is the responsibility of the Garden Group.

Community Garden Policy: This Community Garden process follows the Halifax Regional Council approved "Community Garden Program" Administrative Order (2014-009-OP). This order can be found here: www.halifax.ca/legislation/adminorders/documents/2014-09-OP.pdf

Community gardens are not permitted on any HRM Right-of-Way. More details can be found on page 11 of this booklet.



Alternate Community Garden Locations

Before you apply to create a community garden on municipally-owned property, you may wish to look at what space other organizations and institutions are offering in your neighbourhood.

- ~ 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 municipally-owned property, some are not. Find out more at www.halifax.ca/rec

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



Photo: The Take Action Society's Community Garden located in Dartmouth North



Section 2: The steps to make it happen

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

The whole process to consider an application should take about 4 - 8 weeks to complete after the March 31 deadline (Depending on the number of applications received).

Step 1: Complete the application in Section 7 (back of this book) and start the process of forming a non-profit society. You should also take this time to talk to your neighbourhood to see if there is interest in having the Community Garden.

Step 2: Please send the completed application to the Municipal staff contact in your area (See following page for the contact nearest you). Any questions concerning your application should be directed to the Parks & Recreation contact for your area.

Step 3: Your Municipal staff contact will review the application to ensure it is complete. They will then send it to the Community Garden Review Team. (See section 3 for definitions)

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: You will then need to complete the Community Engagement signatures page. You need to obtain 100% support from residents that surround the garden, and 80% support from the neighbourhood. More details on page 8.

Step 7: Final Approval: Once all other steps are complete and meet the requirements, you will receive a Community Garden Agreement from your Municipal staff contact. This agreement will lay out all the terms and conditions of your approval. This must be signed prior to the start of your Community Garden.



Parks & Recreation Contact List

| Municipal Staff Contact | Serving the areas of | Phone | Email |
|----------------------------|--|--------------|---------------------|
| Darren Hirtle* | Eastern Passage, Dartmouth and area | 902-490-4865 | hirtled@halifax.ca |
| Kate MacLennan* | Halifax Peninsula and area | 902-490-4408 | maclenk@halifax.ca |
| Shawna Shirley* | Bedford, Sackville, Fall River, Musquodoboit Valley | 902-869-4202 | shirles@halifax.ca |
| Natalie Perkins* | Cole Harbour, Lake Echo, Lawrencetown, East Preston, North Preston, Cherrybrook, Eastern Shore, Musquodoboit Harbour | 902-717-6799 | perkinn@halifax.ca |
| Bronwyn MacKinnon* | Armdale, Springvale, Fairview, Clayton Park, Spryfield, Sambro, Harrietsfield, Herring Cove, Rockingham, Beechville, Lakeside, Timberlea, Prospect, Kingswood, Uplands Park, Hammonds Plains, Tantallon, Hubbards and area. | 902-479-4486 | mackinnb@halifax.ca |



Forming a Non-Profit Society

All community gardens located on the municipality's property must be managed by a non-profit society. When you submit your application, you should be in the process of starting a non-profit society.

What is a Non-Profit Society?

A society is formed to promote benevolent, philanthropic, patriotic, religious, charitable, artistic, literary, educational, social, professional, recreational, sporting or any other useful object, but not for the purpose of carrying on any trade, industry or business.

- The incorporation of a non-profit organization is purely voluntary
- There needs to be five or more persons

Documents Needed to Form a Society

To incorporate a society, submit the following documentation to the Registrar of Joint Stock Companies:

- 1. Name Reservation the proposed name of the society must be reserved by the office of the Registrar of Joint Stock Companies prior to incorporation. Name reservation is free for societies.
- 2. Memorandum of Association the Memorandum of Association must state:
 - a. The objectives or purposes for which the society is to be incorporated.
 - b. A statement that that no profits will accrue to the members.
 - c. A minimum of five (5) individuals
- 3. Society Classification check which non-profit classification best describes your organization.
- 4. By-laws are the rules of management with respect to membership, appointment of directors, duties of directors, financial reporting, method of conducting meetings, etc. A set of bylaws is available.
- 5. Notice of Directors this lists the names, addresses and occupations of the first directors of the society
- Appointment of Recognized Agent provides the Registry and the public with a consistent contact person.
- 7. Notice of Registered Office provide an office address within Nova Scotia.
- 8. Fees the incorporation fee is \$43.30. The Annual renewal fee is \$31.15.

The forms for societies are located: http://novascotia.ca/sns/access/permits/forms/registry-jointstock-companies.asp#14379

You can contact the Registry of Joint Stocks at (902) 424-7770 or www.rjsc.ca.



Community Engagement: Signatures Letter

To obtain final approval of your Community Garden project you'll need to make sure the surrounding community supports the location you've chosen for the Community Garden.

This engagement should begin before you submit your application. Talk to the neighbours and see if they support the idea of the community garden. Explain to them that it is a small scale garden that will be kept clean. Identify any issues they might have so you can work to address them.

After you submit your application, we will complete a site visit which could affect the location you've chosen for the garden. After that meeting, the final part to complete before approval is to obtain the signatures of the surrounding neighbourhood to show their support for the project.

The Signatures Letter (See example on the next page) is used to confirm your neighbours' support to establish the Community Garden.

In order for you to start your Community Garden, 100% of the residents that surround the immediate location of the garden must support this project. We then ask that you go around to the rest of the neighbourhood (with in a 1 block area) and gain at least 80% support. (The residents that surround the garden site count towards that 80% total)

All signature letters must include the following:

- Location of the Community Garden
- Attach a copy of your updated site plan to show exactly what you are going to do
- When you hand this back to us, please note which neighbours surround the garden site



(Sample Signature Letter)

Dear Neighbour,

As you may know, our neighbourhood has been working to establish a Community Garden located at

We are asking for your agreement in using this location for the garden. The project will start only if 80% of the residents on surrounding the garden site give their signed support to start the Community Garden.

You are invited to come and participate in this garden by being a part of the organizing society or just to come and garden!

Please make note of the below details about the project:

- Please take a look at the attached site plan. It shows you exactly where the garden will be located.
- This community garden will have _____ garden beds allowing ____ number of people to garden on the site

Your signature indicates that you have read and understand the above details of the project and that you support the Community Garden.

| Printed Name | Signature | Civic Address |
|--------------|-----------|---------------|
| | | |
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Section 3: Definitions

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

Community Garden: A Community Garden (on municipally-owned 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
- Demonstration gardening or other related instructional programming

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

Community Garden Application: Found at the end of this booklet, it has all procedures and rules to start a Community Garden on Municipally-owned land.

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: A non-profit society with lead responsibility for managing and operating a Community Garden

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.

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





Section 4: Rules for Using Municipally-Owned **Property**

Operational Procedures for Community Gardens

What Areas Are Not for Community Garden Use?

The Municipality 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 Municipal staff contact 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 Garden

Raised Garden Beds / Cribbing Around the Garden

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 untreated wood (or another material such as brick or stone). This helps maintain an aesthetically pleasing look for all residents in the area. Pressure treated lumber or lumber using creosote (rail ties) for cribbing around the garden is not permitted.

Garden Soil

The organization shall inform the Municipality 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 1/2 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 Municipality reserves the right to request an Agricultural Soil Test.

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/ge/labserv/

Gardening Equipment

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

Fences

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 limit 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 Garden Group.

Garden 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.

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.



Compost Bins

Each Community Garden will be provided with a Composter free of charge. If you chose to add additional compost bins, they must be a closed bin to keep animals and pests out. Every gardener should be aware of the compost bin located on site.

Disposal of organic waste / Onsite Garbage

When your garden group weeds the garden, harvest your crops and cut down flowers, please don't throw the waste on the pathways, in the fields close by, or just beyond your plots. As a community gardener, you are a steward of both your plot and the garden; you should compost what you grow, and dispose of your garden wastes/weed in a safe and responsible way using the onsite Compost Bin.

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



Photos: Goodness Grows! Community Garden in Dartmouth





Section 5: Creating a Site Plan

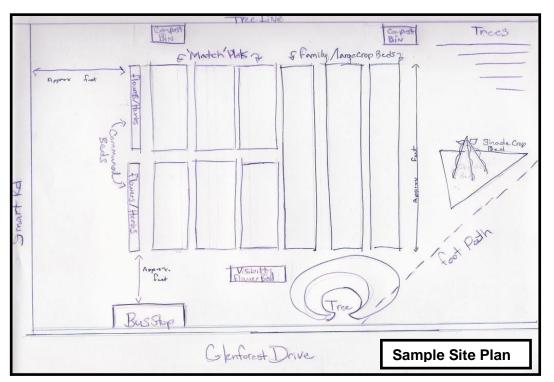
Site Selection

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. Site plans (see example below) are required upon submitting an application; if you wish to expand your garden you must send your Municipal staff contact a new site plan and a letter/e-mail requesting the expansion. Municipal Staff will have the final decision 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, it all cases, it must be legible, drawn to scale and contain the following information:

- Location of proposed garden beds (Draw out how many garden beds you wish to have)
- 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.)
- 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.



Section 6: Operating the Community Garden

Community Garden Agreement

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

Once you have completed all the requirements and the Community Garden Review team approves your application, you will be given a signed agreement.

How Long Will This Agreement Last?

Your 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 is for (3) years, with an option to renew.

Funding

Your organization is responsible for all expenses associated with building, operating and maintaining the garden site including the provision of water to the community garden.

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 Municipal staff contact. They will review and check with the Community Garden Team. Changes to the approved plan require the written approval by the Municipality prior to installation. The Municipality 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 Municipality 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 risk management review the Nova Scotia Volunteer Protection Act visit www.gov.ns.ca/legislature/legc/ and contact an insurance agent. The applicant organization must have a plan to promote safety and to minimize any risk to its volunteers and participants.



Common Area in Your Design

Your Garden Group is required to maintain at least 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 / Plot Holders

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. The Garden Group must also have a plan to inform surrounding neighbours of the project.

A Plot Holder is a member of the Garden Group who has shared or full responsibility for gardening at least one garden plot within a Community Garden. Plot Holder Agreements should be created between the society (Garden Group) and residents who wish to garden on your site. If you assign a garden bed to a resident for the season, this Plot Holder Agreement will help share your rules and procedures to the resident who wishes to garden at your site. Examples of these agreements can be provided to you if needed.

Membership / Plot Fees

Your Community Garden will be located on Municipally-owned property. Because of this, we require you to keep any membership fees below \$30.00 per person for the season.

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

Site Maintenance

When designing the layout of your Community Garden, please keep enough space for a lawn mower to move between your garden beds. Your society will be responsible for maintaining the area between the garden beds. The municipal contractors who cut the grass are not required to cut between your garden beds.



Section 7: Urban Orchards

The municipality will offer existing Community Gardens the opportunity to include Urban Orchard items into their Community Garden design. This is a small scale opportunity that allows Community Garden Groups to plan several fruit and nut trees as well as berry bushes. The maximum number of items available to each garden depends on the size of the garden site.

Depending on budget availably, most garden groups will have the opportunity to plant approximately 4 – 5 fruit / nut trees and 8-10 berry buses. Those numbers will be modified depending on budget availability.

Requirements:

In order to take advantage of this opportunity, Community Garden Groups must:

- Be established and gardening for a minimum of 1 vear
- Have its Joint Stock paperwork updated and in good standing
- Complete the short questionnaire prior to planting the Urban Orchard items. (See below)

The Community Garden Group is responsible for:

- Planting all Urban Orchard items
- Long term care and maintenance of the items
- Figuring out how to distribute the product when ready



Information needed:

If you want to participate in this opportunity, please e-mail your Staff Contact the answers to the following questions:

- 1. What Urban Orchard items would you like to plant in your garden?
- 2. Please describe how you will maintain the Urban Orchard items as part of your **Community Garden?**
- 3. How will your group distribute the product when ready?
- 4. Please update your site plan to include the location of the Urban Orchard Items. (If you need a copy of your site plan, please e-mail us in advance)





Section 8: Community Garden Application

The deadline to submit a Community Garden Application for the start of the garden season is March 31. Applications will be accepted after that date; however, the timeline for review may vary.

| NAME OF GARDEN GROUP: | |
|--|---|
| CONTACT PERSON: | EMAIL: |
| MAILING ADDRESS: | NUMBER OF VOLUNTEERS IN THE PROJECT: |
| LOCATION OF PROPOSED GARDEN (civic address/s | treet address) |
| MANDATE AND HISTORY OF THE GARDEN GROUP: | |
| | |
| | |
| | |
| | |

| NAME: | EMAIL: | PHONE: |
|-------|--------|--------|
| NAME: | EMAIL: | PHONE: |
| NAME: | | PHONE: |
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| NAME: | EMAIL: | PHONE: |
| NAME: | EMAIL: | PHONE: |

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

Signature: _____

(Main Contact)

Date: _____



OPERATING THE COMMUNITY GARDEN

MEMBERSHIP FEES

How much will you be charging community members to have a plot in the Community Garden? \$_____ (Max \$30/season)

WAIT LIST

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**

COMMON AREA

Describe how your Garden Group plans to include a common area for all community members to access? How will you make your garden accessible to the neighbourhood and maintain this common area? (e.g. area to be used by a local elementary school, etc.)

INFORMING THE NEIGHBOURS

In addition to the Community Engagement Signature Letter, please describe any other plans your Garden Group has 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 does your group plan to maintain the site? (Grass cutting, composting, etc)

VANDALISM:

How does your group plan to minimize vandalism at your site?



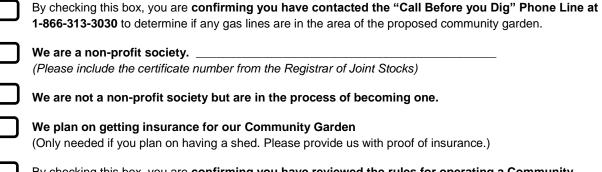
GARDEN BED MATERIALS:

What materials will you use to create your garden beds? (non-treated wood, stone, etc.)

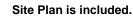
SITE PLAN:

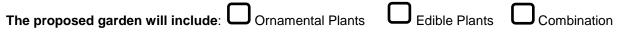
Please include a site plan with this application. See section 5 for an example of what we are looking for.

CHECK ALL THAT APPLY



By checking this box, you are confirming you have reviewed the rules for operating a Community Garden on Municipal Property as part of the application process.





Contact Information for Website

The municipality receives requests from 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 will also be posted on our website (Halifax.ca/rec).

E-mail: (please print clearly)

In accordance with Section 485 of the Municipal Government Act (MGA), the personal information collected on this application will only be used by municipal staff and, if necessary, individuals under service contract with the municipality, for purposes relating to the administration of the Community Garden Program. If you have any questions about the collection and use of this information, please contact the Access and Privacy Office at 902-490-4390 or accessandprivacy@halifax.ca

