

Community Garden Handbook

Parks & Recreation

Rules & Procedures for Establishing a
Community Garden on Municipal Property

www.halifax.ca/recreation/parks-trails-gardens/gardens/community-gardens

Last update: January 2018

HALIFAX

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A fillable PDF of the application can be obtained from your Staff Contact or from our website,
www.halifax.ca/recreation/parks-trails-gardens/gardens/community-gardens

Section 1: Community Garden Program

The Municipality’s Community Garden Program allows residents to operate a community garden on Municipally-owned property. The program is intended for small-scale operations by a group, on a non-profit basis, for:

- Personal use
- Donation to local food causes
- Generating revenue to reinvest in the community garden
- Production of a floral or landscape display; or
- Demonstration of gardening or other related instructional programming.

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/sites/default/files/documents/city-hall/legislation-by-laws/AO-2014-009-OP.pdf

Before you apply you may wish to consider:

1. Looking at other properties in your neighbourhood such as Churches, businesses / organizations, schools, private land owners or other public lands (Provincial or Federal).
2. Consider joining an existing community garden.

Find out more about existing gardens on Municipal land at

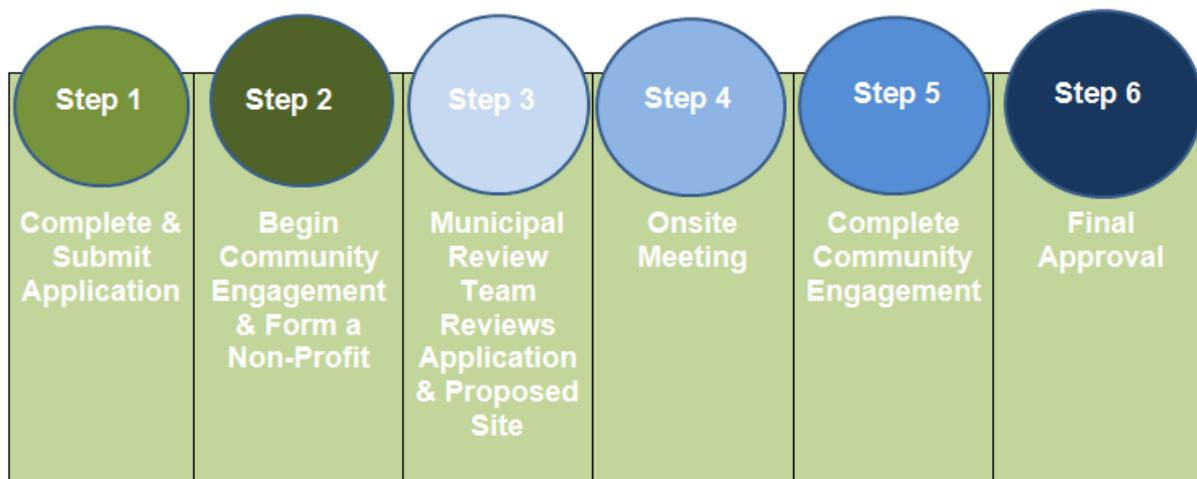
www.halifax.ca/recreation/parks-trails-gardens/gardens/community-gardens

If you have any questions, please contact your Community Developer:

| Community Developer | Serving the areas of... | Phone | Email |
|---------------------|---|--------------|--|
| Darren Hirtle | Dartmouth, Cole Harbour & Eastern Shore | 902-490-4865 | hirtled@halifax.ca |
| Lillian Ash | Halifax Peninsula | 902-490-4408 | ashli@halifax.ca |
| Shawna Shirley | Bedford, Sackville, Fall River, Musquodoboit Valley | 902-869-4202 | shirles@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 |

Section 2: The Community Garden Process

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



Step 1: Complete the Community Garden Application (available at www.halifax.ca/recreation/parks-trails-gardens/gardens/community-gardens) and send to the Community Developer in your area (See page 2). Any questions concerning your application should be directed to your Community Developer.

Step 2: If you are not a Registered Society, start the process of forming a non-profit society (see page 6). You will hold at least one public information meeting to:

- inform the neighbourhood of the proposed project
- gauge community support (100% support of residents who live directly next to the proposed garden is needed.)
- identify any issues and how you will address them

Step 3: Your Community Developer contact will review the application to ensure it is complete. Your application will then be sent to the Municipal Review Team for consideration. They will discuss your application and review the proposed site. The Team may have questions which will be compiled and e-mailed to you for response.

Step 4: An on-site meeting may be scheduled (if needed) with your group and a member(s) from the Municipal Review Team to resolve any outstanding issues.

Step 5: Submit the results of your public meeting and neighbours' support.

Step 6: Once all steps are complete and the requirements are met, you will receive a contract from your Community Developer. The contract will lay out all the terms and conditions of your approval and must be signed prior to the start of your Community Garden being built.

Section 3: Forming a Non-Profit Society

All community gardens located on Municipal property must be managed by a non-profit society. If you are not already registered with the Registry of Joint Stocks, you should be in the process of starting a non-profit society when you submit your application, .

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.

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 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
6. 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: <https://novascotia.ca/sns/access/business/registry-joint-stock-companies/forms-information.asp>

You can contact the Registry of Joint Stocks at (902) 424-7770 or <https://novascotia.ca/sns/access/business/registry-joint-stock-companies.asp>

Section 4: Community Engagement: Public Information Meeting & Signatures Letter

Before you can start your Community Garden, you will need to make sure the surrounding community supports the project. To engage your community, you will need to

1. Hold at least one public information meeting
2. Submit the Signatures Letter (see page 7).

100% of the residents that border the immediate location of the garden must support this project as well as 80% of the surrounding neighbourhood within a 1 block area (The residents that surround the garden site count towards that 80% total).

Collecting the signatures for the Signatures Letter can be done door to door or at the public information meeting. In going door to door, it provides you and opportunity to talk to the neighbours and see if they support the idea of the community garden. Explain the project to them, gather support, identify any issues and discuss possible solutions with them.

All Signature Letters must include the following:

- Proposed location of the Community Garden
- Copy of the site plan

When you submit the Signatures Letter, please note which of the neighbours own property immediately adjacent to the garden location.



Signatures 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 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 details below about the project:

- Please 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
- Our garden group will maintain a waiting list in the event that there is more interest than plots available.

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 5: 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). Community gardens are not permitted on any HRM Right-of-Way. 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: www.halifax.ca/sites/default/files/documents/city-hall/legislation-by-laws/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: www.halifax.ca/sites/default/files/documents/city-hall/legislation-by-laws/By-lawP-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 safe and therefore 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 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 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 <https://novascotia.ca/agri/programs-and-services/lab-services/analytical-lab/>

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.

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.

External Structures: Small Storage Sheds and Greenhouses

The Community Garden Program has allowances for garden groups to have external structures on site such as a Shed or Greenhouse. To qualify for an external structure your group:

- shall have successfully operated a garden on municipal property through the community garden program for at least a year.
- Send a request in writing to your Community Developer with reasons why the external structure is needed
- Send an updated site plan with their request
- Their request will be reviewed by the Review Team

External Structures:

- Cannot have running water, electricity or a permanent base
- Cannot be larger than 8'x10' (80 Square Feet)
- Requires your group to have general liability insurance

In the event permission is granted for an external structure to be installed as part of the Community Garden program, the Halifax Regional Municipality is not responsible for, nor liable for, the design, installation, construction, maintenance or removal of external structures associated with Community Gardens. In addition, the garden group should be aware that loss of any type to the Participants, External Structure 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. The City is not responsible for loss, damage, theft or vandalism of any structures or equipment.

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), Halifax Regional Municipality named on the policy as additionally insured 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 can request a Composter if requested. 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

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 (example: using a Compost Bin). Please do not throw waste or weeds on the pathways, in the fields close by, or just beyond your plots.

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

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 submission of application; if you wish to expand your garden you must send your Community Developer a new site plan and a letter/e-mail requesting the expansion. The Community Developer will have the final decision on the site plan which will be determined after a site meeting with the Review Team.

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.

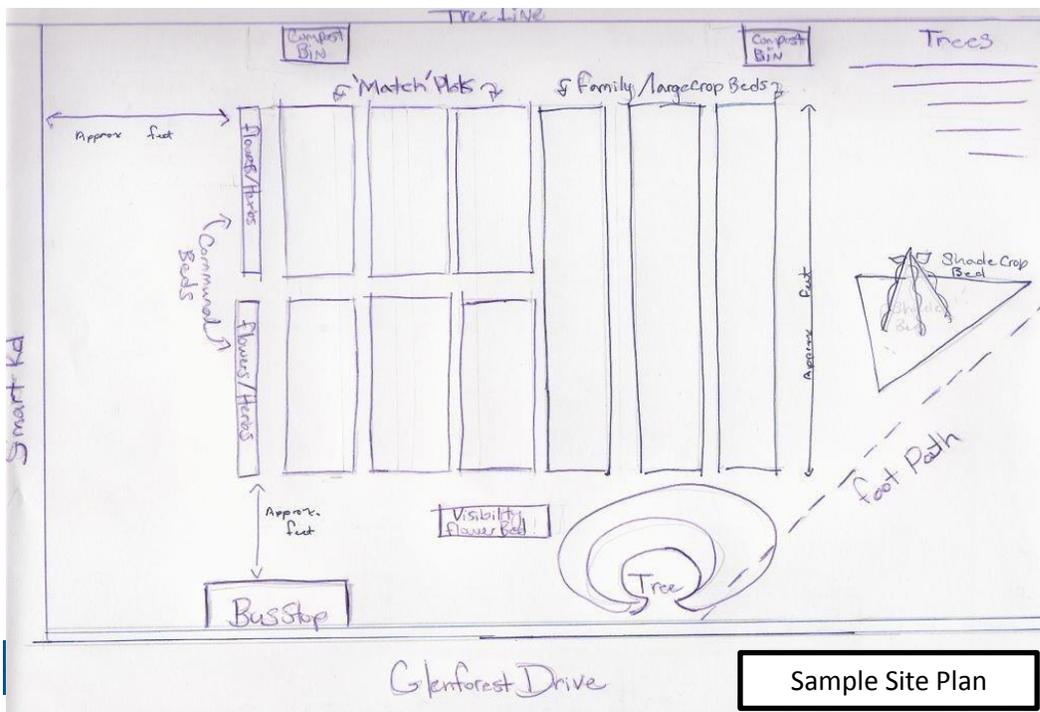


Section 6: Creating a Site Plan

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 eligibility of 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 must be legible, drawn to scale and contain the following:

- Location of proposed garden beds (Show how many garden beds you want)
- 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, structures and 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 7: 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 can start your garden once this agreement has been signed.

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, this includes 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 Community Developer. They will review and check with the Review Team. Changes to the original 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 at https://nslegislature.ca/legc/bills/58th_2nd/3rd_read/b098.htm The garden group 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 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.

Membership / Plot Fees

Your Community Garden will be located on Municipally-owned property. Therefore, 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. Proper records shall be maintained following standard financial practices.



Section 8: Community Garden Application

The deadline to submit a Community Garden Application is March 15.

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

| NAMES OF VOLUNTEERS INVOLVED IN THIS PROJECT: (at least 5 adults must be involved) | | | |
|---|--------|--|--------|
| 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 Garden Group as identified on this form.

Signature: _____
(Main Contact)

Date: _____

OPERATING THE COMMUNITY GARDEN

OPERATIONS

How will this community garden operate? Will residents have individual plots or will there be communal planting and harvesting? Will there be plot fees? How will you ensure all community members shall have access to the community garden? What will you do if there are more people wanting to garden than there is garden space?

COMMON AREA

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

INFORMING THE NEIGHBOURS

Please describe details of your public information meeting and 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). How will you incorporate their feedback into your decisions?

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 attach a site plan with this application. See page 13 for an example.

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 but are in the process of becoming one.**
- We plan on getting insurance for our Community Garden**
- By checking this box, you are **confirming you have reviewed the Community Garden Handbook** as part of the application process.
- Site Plan is included.**

The proposed garden will include: Ornamental Plants Edible Plants Combination

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

Section 9: 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
3. 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.

Municipal Review Team: This is a team of city staff from different departments. The Municipal Review Team is comprised of:

- Community Developer, Recreation Programming
- Coordinator, Real Property Planning
- Coordinator Parks Capital Projects
- Superintendent Sportsfields / Playgrounds & Greenbelts
- Risk and Insurance Analyst
- Urban Forester

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 unless approved by your Community Developer.