

Community Garden Handbook

Parks & Recreation

Rules and Procedures for Establishing a
Community Garden on Municipal
Property

Updated 2020



Table of Contents

Introduction to Community Gardens on Municipality-Owned Property

Section 1: Community Garden Program	3
Section 2: Community Garden Process	3
Section 3: Rules for Using Municipally-Owned Property	8
Section 4: Operating the Community Garden	9
Section 5: Community Garden Application	11
Appendix A: Community Engagement	16
Appendix B: Forming a Non-Profit Society,	16
Appendix C: Creating a Site Plan	18
Appendix D: Definitions	19

Section 1: Community Garden Program

The Municipality's Community Garden Program allows non-profits to operate a community garden on Municipally-owned property by Administrative Order (2014-009-OP) found here:

<https://www.halifax.ca/city-hall/legislation-by-laws>

The Community Garden Program is intended for small scale operations by a group for:

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

Before you apply you may wish to consider

1. Contacting your Community Developer to discuss your proposed location to see if it is feasible and explore other properties in your neighbourhood such as Churches, businesses, schools, private land owners or other public lands (Provincial or Federal).
2. Joining an existing community garden.

Find out more about existing community gardens on Municipal land at

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

Section 2: The Community Garden Process

The process to consider an application should take about 4 - 8 weeks to complete after the March 30 deadline (Depending on the number of applications received).

Step 1	Step 2	Step 3	Step 4	Step 5
Community Engagement	Submit Application	Application Reviewed by Staff	Onsite Meeting	Final Approval

Step 1: Community Engagement

Before you apply, host at least one community meeting to:

- inform the neighbourhood of the proposed project
- recruit volunteers to support the project
- gauge community support
- identify any issues and how you will address them

Step 2: Application

If you feel there is enough community support, complete the Community Garden Application (available at www.halifax.ca/recreation) and send to the Community Developer in your area (see below). Any questions about your application or the process should be directed to your Community Developer.

Community Developer	Serving the areas of...	Phone	Email
Darren Hirtle	Dartmouth & Eastern Shore	902-490-4865	hirtled@halifax.ca
Devon Bundy	Cole Harbour, Cherrybrook, East Preston, North Preston & Eastern Shore	902-490-9959	bundyd@halifax.ca
Kate Moon	Halifax Peninsula	902-490-4408	daltonm@halifax.ca
Shawna Shirley	Bedford, Sackville, Fall River, Musquodoboit Valley	902-869-4202	shirles@halifax.ca
Bronwyn MacKinnon	Clayton Park, Spryfield, Sambro Loop, Timberlea, Prospect, Hammonds Plains, Tantallon and Hubbards.	902-479-4486	mackinnb@halifax.ca

Step 3: Application Review

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: Onsite Meeting

Staff will visit the site in the spring. Representatives from your group may attend this meeting to ask questions and resolve any outstanding issues.

Step 5: Final Approval

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. You must be a non-profit in good standing with the Registry of Joint Stocks to sign the agreement.

Future Expansion: If you operate an existing community garden and wish to make changes to your garden such as addition of more beds, apiaries or structures 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.

Section 3: Rules for Community Gardens Using Municipally-Owned Property

What Areas Are Not for Community Garden Use?

The Municipality will not accept applications for Community Gardens 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 Community Developer for help when searching for a location! Look for city owned spaces next to community centres or in existing parks.

The Halifax Regional Municipality's Right-of-Way

Community Gardens are not permitted within the Right-of-Way to ensure public safety. Right-of-ways are reserved for motorists, cyclists, and pedestrians and serve as a corridor for utility infrastructure.

Bylaw P-600 Respecting Municipal Parks

The establishment and operation of a community garden must comply with Bylaw P-600, Respecting Municipal Parks, which deals with uses such as vending, or parking 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 applying for a community garden. See: <https://www.halifax.ca/city-hall/legislation-by-laws>

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 applying for a community garden. See <https://www.halifax.ca/city-hall/legislation-by-laws>

Requirements for Building the Community 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 of untreated wood or another material such as brick or stone. The community garden must 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, and

fertile loam (textural class). Topsoil shall be a light mixture to sustain vigorous plant/root growth and with enough 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.

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 that are under 8' x10' 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
- be larger than 8'x10' (80 Square Feet)

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.



Insurance

Halifax Regional Municipality requires anyone operating on property owned by the Municipality to carry a general liability insurance policy with limits equal to the risk of their activity. 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) and 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.

There are 2 options:

1. Each community garden group can purchase their own insurance through any insurance broker or insurance company. Some groups may already have a liability policy in place and only need to add Halifax Regional Municipality as an additionally insured. A copy of the Certificate of Insurance must be provided to your Community Developer no later than May 1 of each season.
2. In the event your group does not have insurance and cannot afford it, the Halifax Regional Municipality has a group insurance plan that you can opt into. The HRM Community Garden Insurance program is free to join, however, it does have a \$1000 deductible that is the responsibility of the garden group. Requirements:
 - Contact your Community Developer to join the policy in writing (email or letter)
 - Your group's community garden agreement must be up to date and signed.

The Community Garden Liability Insurance policy provides the required liability insurance and is for any insurance claims or incidents which may arise from a group's real or perceived negligence in operating a community garden. This policy carries a maximum of One Million Dollars (\$1,000,000.) in liability coverage with a One Thousand Dollar (\$1000.) deductible which is the group's responsibility.

The Community Garden Group Insurance policy is not intended for operations outside the scope of the Community Garden Administrative Order such as commercial garden ventures, greenhouses or sheds larger than 8'x10', aviaries or apiaries. Please contact your Community Developer with any questions regarding this program or to ensure your eligibility.

End of the Project / Restoration of the Garden Site

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

Water Barrels

Some gardens do not have ready access to water and may consider collecting rain water using barrels. The average rain barrel holds 55 gallons and can be attached to more barrels for more water.

- Water barrels should be “Food Grade” and have not contained any substances that would not be fit for human consumption such as petroleum product or other harmful chemicals.
- Water barrels shall be covered
- The inlet opening should be screened, both to block debris such as leaves, AND to prevent mosquitoes from making their home in there. A simple patch of window screen will do;

It is recommended that:

- The outlet spigot should be near the bottom of the barrel, but not so low that you cannot access it to put a hose on it. There should be an overflow for when your barrel gets full. Plan an easy escape route so that water can safely and non-destructively find its way to the storm drain.
- Install your rain barrel on a secure, well-compacted surface. When it is full, it will weigh nearly 500 pounds. Barrels are often placed on top of cinderblocks, to raise the barrel a bit so that you can fit a watering can underneath the outlet spigot.

Composting

Each Community Garden may have a composter onsite which must be a closed bin to keep animals and pests out. Every gardener should be aware of the compost bin located on site.

Halifax Regional Municipality’s Solid Waste team has a number of online workshops available currently. Specifically, there are workshops around composting that we thought might be a resource your groups could find interesting. More information at: www.halifax.ca/3rsonline

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/weeds 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 complement it. You must also consider security, and how it will be provided for the site to prevent theft or vandalism. Site plans (see example Appendix C) are required upon submission of application.

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 4: Operating the Community Garden

Community Garden Agreement

The agreement between the garden group and the Municipality stipulates rights, responsibilities and rules to be followed within the community garden. Once you have completed all the requirements, the Community Garden Review team approves your application, and the agreement has been signed, you can start your garden. Your organization is then responsible to maintain, manage and operate the site as per the rules and the definition of a community garden outlined on the application.

How Long Will This Agreement Last?

The agreement is for up to (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 for review with the Staff 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 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, 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 a fair process to access a garden plot.

A plot holder is a member of the garden group and 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, expectations 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 to provide access to all residents to garden. We require any membership fees to be reasonable and set to cover the operating costs of the community garden for the season. All money collected must go back into the community garden for operations and maintenance. Proper records shall be maintained following standard financial practices.



Section 5: Community Garden Application

The deadline to submit a Community Garden Application is March 30.

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

NAMES OF VOLUNTEERS INVOLVED IN THIS PROJECT: (<i>at least 5 adults must be involved</i>)				
NAME:	EMAIL:		PHONE:	
NAME:	EMAIL:		PHONE:	
NAME:	EMAIL:		PHONE:	
NAME:	EMAIL:		PHONE:	
NAME:	EMAIL:		PHONE:	

COMMUNITY ENGAGEMENT

Please describe the results of your community meeting and any other forms of community engagement. How did your group inform neighbours of the project (i.e. circulating a flyer, word of mouth, ad in the local paper)? What feedback did you hear? Is there community support? Is there opposition to the garden? How will you incorporate community feedback into your decisions?

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 then there is garden space? How does your group plan to maintain the site?

WATER SOURCE

Community Garden Groups are responsible for providing their own water for the garden. Please describe your plan to access water for your garden.

GARDEN BED MATERIALS:

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

COMMON AREA

Each community garden shall have a common area to allow access for community members to participate if they cannot get an assigned garden plot. Please describe how your garden group plans to include a common area (e.g. area to be used by a local elementary school, etc.).

SAFETY

Please describe how your garden group plans to promote safety and minimize any risk to garden volunteers and participants. How does your group plan to minimize vandalism at your site?

SITE PLAN:

Please attach a site plan with this application. See Appendix C 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 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 our own insurance for our Community Garden
- We wish to join the Community Garden Group Insurance Program
- By checking this box, you are confirming you have reviewed the Community Garden Handbook as part of the application process.
- Site Plan is included.

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).

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.

Name: _____

Date: _____

Signature: _____

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

Appendix A: Community Engagement:

Before applying for a community garden, you will need to engage your neighbours to gauge support for the project. You will need to host at least one community meeting to get input. Make every effort to inform your neighbours of the meeting through methods such as posters, social media, speaking to neighbours or going door-to-door. Please describe the results of your community engagement in the application form. How many of your neighbours participated and what were the results?

Appendix B: 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 may consider starting the process of registering as a non-profit society when you submit your application or look for an organization who may partner with your group.

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 carrying on any trade, industry or business.

To incorporate a society, submit the following documentation to the Registry 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, 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 to provide the Registry and public with a contact person.
7. Notice of Registered Office - provide an office address within Nova Scotia.
8. Fees – pay the incorporation fee

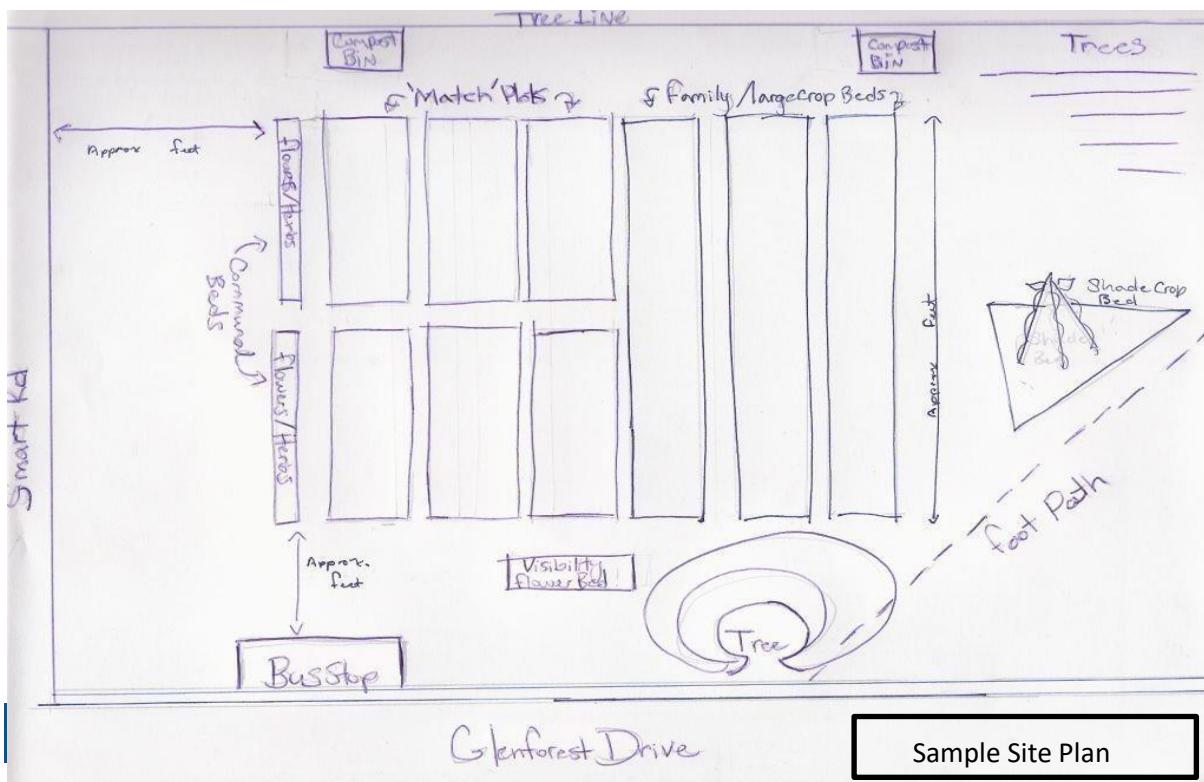
You can contact the Registry of Joint Stocks at (902) 424-7770 or through Access Nova Scotia.

Appendix C: 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 follow 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.



Appendix D: 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.
 - d. Production of a floral or landscape display; or
 - e. 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 staff from Halifax Regional Municipality 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 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 through to October 31 each year unless approved by your Community Developer.