



POLICY MANUAL

POLICY NUMBER: PARKS & RECREATION-018

SUBJECT: COMMUNITY GARDENS POLICY

**POLICY STATEMENT:
(Purpose/Objective)**

The City of Brantford recognizes that community gardens contribute positively to environmental, social and economic sustainability, as well as overall community development. The purpose of the Community Gardens Policy is to:

- Provide a framework for establishing and managing successful community garden initiatives in the City of Brantford in an effort to foster a larger community garden network within the City of Brantford.
- Ensure that community gardens nurture a more integrated urban community and increase civic engagement.
- Encourage a community culture that recognizes and places a priority on sustainability.
- Promote the cultivation of local, healthy and affordable food within the community.
- Provide healthy food to members of the community who may not otherwise have access.
- Raise awareness within the community of collective actions that can help to reduce greenhouse gas emissions from food transportation.
- Increase foliage within the community that can sequester carbon, offsetting a portion of community greenhouse gas emissions, while working to improve air quality.

RELATED POLICY PROCEDURES/GUIDELINES:

1. Application

This policy applies to all City-owned Parks and all community gardens located in City-owned Parks.

2. Definitions

For the purposes of this Policy, the following terms shall have the following meanings:

- 2.1 "Allotment Community Garden" means a garden where individual plots are made available for use by individuals or organizations, including businesses, in exchange for a fee.
- 2.2 "Application" means the application form for a Community Garden, attached to this Policy as Appendix "A".
- 2.3 "Applicant" means the person making the Application.
- 2.4 "City" and "City of Brantford" are used interchangeably and both mean The Corporation of the City of Brantford.
- 2.5 "City Coordinator" means the staff person from the Parks and Recreation Department appointed by the Director of Parks to oversee the Community Gardens Program on behalf of the City of Brantford.
- 2.6 "Community Gardens" means a garden or gardens established on land owned by the City where residents of Brantford, including corporations based in Brantford, can meet to grow and care for a variety of plants, including, fruits, vegetables, herbs, flowers, native and/or ornamental plants for communal use and enjoyment, and shall include Communal Community Gardens and Allotment Community Gardens.
- 2.7 "Community Gardens Committee" means the committee established pursuant to section 3.1 of this Policy.
- 2.8 "Communal Community Garden" means a garden that is managed and gardened collectively by a group of volunteers, the produce from which is made available to the volunteers, residents of Brantford, and organizations based in Brantford for free.
- 2.9 "Licensee" means a legal entity, including a person, who has followed the application process set out in this Policy and has been awarded the rights to operate a Community Garden in accordance with this Policy.

2.10 "Parks and Recreation" means the Parks and Recreation Department of the City of Brantford.

2.11 "Policy" means this Community Gardens Policy.

3. Community Gardens Committee

3.1 A Community Gardens Committee will be established by Parks and Recreation, comprised of three (3) representatives from City staff and one (1) representative from Council.

3.2 The Parks and Recreation representative of the Community Gardens Committee shall be the primary contact both internally, for the City, and externally, for the public and shall be referred to as the City Coordinator.

3.3 The City Coordinator shall ensure that this Policy is up-to-date, and shall be responsible for assisting members of the public with filling out applications for Community Gardens, as well as for coordinating the provision of supplies and services from the City to the Community Gardens in accordance with this Policy.

3.4 The Community Gardens Committee shall be responsible for reviewing and approving all applications for Community Gardens, and for administering this Policy. In the event of any conflict or dispute between community groups, residents, or volunteers, the matter shall be referred to the Community Gardens Committee for consideration and recommendations with respect to a solution. The decision of the Community Gardens Committee with respect to the approval of any application and the use of any Community Garden shall be final.

3.5 The Community Gardens Committee shall consult with members of Equal Ground Community Gardens when reviewing and considering new applications for Community Gardens.

4. Application and Licensing Process

4.1 All requests for Community Gardens must follow the application process set out below.

4.1.1 Interested persons shall fill out an Application, attached to this Policy as Appendix "A", and shall submit the completed Application form to the City Coordinator by April 1st in the year for which the Application applies.

4.1.2 The Applicant must be a legal entity in its own right and not an unincorporated association or other form of informal organization.

- 4.1.3 The City Coordinator shall provide the completed Application to the Community Gardens Committee for consideration. The Community Gardens Committee shall only consider complete Applications. All incomplete Applications will be returned to the Applicant with instructions to properly complete the Application, when the Applicant can be reached.
- 4.1.4 The City shall engage in a consultation/notification process with the neighbours near the potential Community Garden site, where the proposed site is a new site and not a site that has been used in the year prior to the year in which the Application was made, in accordance with subsection 7.1(g).
- 4.1.5 Upon review by the Community Gardens Committee, the City Coordinator shall advise the Applicant of the acceptance or rejection of the Application.
- 4.1.6 If an Application is accepted, the City Coordinator shall provide the Applicant with a Licence Agreement in a form and with such content as may be approved by Legal and Real Estate Services from time to time.
- 4.1.7 The City Coordinator shall work with the Applicant to draft and submit to the City of Brantford for review, a detailed description and/or site plan outlining the proposed layout of the garden.
- 4.1.8 The Applicant shall execute the Licence Agreement and shall provide the City Coordinator with proof of insurance in amounts satisfactory to the City's Coordinator of Risk Management & Insurance.
- 4.1.9 Upon completion of steps 4.1.1 to 4.1.8, the Applicant shall be considered the Licensee and shall be entitled to use the Community Garden for the time period specified in the Licence Agreement.
- 4.2 All licenses for Community Gardens shall only be for the period of May 1st to October 1st of the year in which the Application is submitted, and shall automatically renew unless the Licensee or the City terminates the Agreement.
- 4.3 Minimum setbacks of 3 meters from the edges of the Community Garden to surrounding amenities, property lines, hedgerows and trees may be required to allow for regular park maintenance.
- 4.4 Licences for Community Gardens and/or plots within Allotment Community Gardens shall be granted on a first come first served basis.

- 4.5 Notwithstanding subsection 4.4 above, where two Applications are received for the same Community Garden site, and where the first Applicant already holds a Licence for a Community Garden and/or a plot at another location within the City of Brantford, the Licence shall be granted to the second Applicant, except if the second Applicant also holds a Licence for a Community Garden and/or plot within the City of Brantford.
- 4.6 The Licensee shall be fully responsible for the Community Garden and for all persons who attend at the Community Garden to garden, harvest, construct, or otherwise work or support the Community Garden. The Licensee shall represent all gardeners and volunteers for the Community Garden and will serve as the main contact person with the City of Brantford.
- 4.7 The Community Gardens Committee shall not approve more Applications than what the current budget for the Community Gardens reserve fund can support for the year in which the Applications are made.

5. Community Gardens: General Features

- 5.1 In general, new Community Garden sites must be:
- a. Consistent with the City's overall zoning and development plan for the land;
 - b. Suitable for successful gardening with appropriate sun exposure, soil quality and drainage (site and soil testing may be required prior to garden development).
 - c. Appropriate for the intended surrounding community.
 - d. In accordance with the principles of universal accessibility design under the *Accessibility for Ontarians with Disabilities Act* ("AODA").
 - e. In close proximity to urban neighbourhoods and preferably in areas of high population density.
 - f. Accessible by public transit and/or have sufficient parking (on site or on adjacent roadways).
- 5.2 Community Gardens may have one or more of the following features, subject to approval of the Community Gardens Committee and subject to budgetary considerations:
- a. Access to existing municipally managed water infrastructure, or the use of rain barrels as a water source.

- b. Compost bins, sheds for tools and storage.
- c. Signage and fencing.

6. Community Gardens: Conditions of Use

- 6.1 Community Gardens may produce edible and ornamental plants for the personal use of the garden members or for donation to charitable causes and/or local food banks. At no time may the produce from the Community Garden be sold.
- 6.2 Community Gardens are to be kept accessible to the general public at all times.
- 6.3 Community Gardens are to be operated in a safe, respectable and transparent manner.
- 6.4 Use of chemicals is strictly prohibited.
- 6.5 No motorized equipment shall be permitted to be used at the Community Garden.
- 6.6 All instances of theft, vandalism or violence must be reported to the City Coordinator immediately.
- 6.7 Site enhancements or modifications not included and approved pursuant to the original Application process, including the installation or erection of structures at the site, are prohibited, except where said enhancements/installations receive prior, written, approval from the Community Gardens Committee.
- 6.8 Complaints relating to Community Gardens are to be provided, in writing, to the City Coordinator, who will be responsible for seeking input and advice from the necessary City Departments and then coordinating a response to the complainant.
- 6.9 Community Gardens shall at all times be operated in accordance with all applicable laws.
- 6.10 Upon termination of the Licence, the site upon which the Community Garden is located shall be returned to its original condition at the sole cost and expense of the Licensee.
- 6.11 No signs shall be permitted at the Community Garden except those signs erected by the City.

7. City Responsibility

7.1 Without limiting the generality of any other provision of this Policy, the City of Brantford may demonstrate its support for Community Gardens by:

- a. Compiling and maintaining an inventory of suitable sites for Community Gardens.
- b. Encouraging owners of underutilized, unused, open land to make available these lands for gardening by the community.
- c. Assisting in the development and ongoing review of this Policy and the Licence Agreement for Community Gardens.
- d. Establishing a capital reserve fund to assist with the start-up and maintenance costs of Community Gardens.
- e. Providing, subject to the availability of resources, and subject to approval of funds for the Community Gardens' reserve fund pursuant to the City's budget process each year: rototilling and transportation of topsoil and mulch, as well as the provision of water sources and backflow preventer (if community gardeners are unable to provide this on their own). In the event a water service is not readily available to the site, the City will provide rain barrels.
- f. Supporting the development of a Community Garden network with the common goals of information and knowledge sharing, skill development, community engagement and interaction, and increased awareness of Community Garden programs within the City of Brantford.
- g. Implementing a community consultation process prior to the approval of a new Community Garden, including, but not limited to, holding a public open house and circulating notice of said open house to all residents living within 400 m of the property boundary where the proposed garden site is located. Where Community Gardens are to be located in public parks, notification shall be provided to all residents within the park catchment area (as approved by the City Coordinator).
- h. Inspecting Community Gardens from time to time to evaluate needs of garden and assess compliance with this Policy.

<p>7.2 The City of Brantford shall not be responsible for the loss, damage, injury or any other type of incident or claim arising from the creation, operation, products or condition of the Community Garden.</p> <p>7.3 The City retains the right to stop any activities it deems to be unsafe, and to revoke any Licence and remove any Community Garden that the City, in its sole discretion, deems to be operating in contravention of this Policy, or deems to be a health or safety risk to the public or a risk to the City. In no event shall the City be responsible for compensating any gardeners, Licensees, volunteers or other participants for loss of produce, for their time or work on the Community Garden, arising from or in any way related to the City's exercise of discretion pursuant to this Policy.</p>	
<p>Date of Enactment: June 28, 2016</p>	<p>Related By-law Number/Staff Report Number: By-law 95-2016/Task Force Report</p>
<p>Review and Amendment Dates:</p>	<p>Department Responsible for Review: Parks & Recreation</p>
<p>Date of Next Review: June 2019</p>	<p>Applicable Legislation/Legislative Authority:</p>

Community Garden Application Form

Application Process:

- ☐ Please submit this application to: Community Gardens Coordinator, City of Brantford, Parks and Recreation, 1 Sherwood Drive, Brantford ON, N3T 1N3.
- ☐ This application is for the creation of Community Gardens within City owned parkland(s) only.
- ☐ Please contact the Community Gardens City Coordinator at mwellsman@brantford.ca or 519-756-1500 x 5512 for assistance with your application.
- ☐ Applications must be received by **April 1st** in the year for which the application applies, in order to allow sufficient time for planning and preparation for the pending growing season.
- ☐ Please note this is a **request form only**, and applying does not guarantee acceptance. Complete applications will be reviewed by the Community Gardens Committee. Incomplete applications will not be considered and will be returned to the Applicant, where possible.
- ☐ Upon receipt of a complete application, the City shall engage in a consultation/notification process with Residents near the potential Community Garden site, where the proposed site is a new location.
- ☐ Following review by the Community Gardens Committee, the City Coordinator shall advise whether the application has been accepted or rejected. If an Application is accepted, City Coordinator shall outline the program, process and related responsibilities with the Applicant who will be required to enter into a License Agreement. Applicants will also be required to provide Police Vulnerable Sect Screening Clearance as a condition to the Agreement.
- ☐ Additional information about the Community Garden Policy, Applicant obligations, typical license agreement, as well as other Community Garden sites in Brantford can be found www.brantford.ca/communitygardens.

Applicant Information:

The Applicant shall be fully responsible for the Community Garden and for all persons who garden, harvest, construct, or otherwise work or support the Community Garden. The Applicant shall represent all gardeners and volunteers for the Community Garden and will serve as the main contact person with the City of Brantford. The personal information collected on this form is collected in accordance with Sections 11(1) and 11(3)5 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended. The information you provide will not be used for any other purpose than to evaluate your application and to communicate with you with respect to the Community Garden program in the City of Brantford, unless you provide your consent. Should you have any questions concerning the use of your personal information by the City of Brantford please contact Vicki Armitage at 519-759-4150 ext. 5527 or VArmitage@brantford.ca. This form is further subject to the rights and safeguards set out in the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56, and the City of Brantford is committed to treating your personal information in accordance with this law.

A: Main Contact Information (please print clearly)

First Name		Last Name	
Address		Apt/Suite	Phone #
City	Postal Code	Alt. Phone #	
E-mail Address			

B: Designate Contact Information (please print clearly)

First Name		Last Name	
Address		Apt/Suite	Phone #
City	Postal Code		Alt. Phone #
E-mail Address			

Site Information:

Please provide the address and/or name of the park property where you would like to establish a community garden.

Please describe the site area within the property where you would like to have your garden.

Garden Information:

Describe the design of your Community Garden and what methods you will use to operate and maintain the garden throughout the season, including your end of season plan. How will your group fund the ongoing operational costs of the garden - tools, plants, seeds, future soil amendments?

Community Garden Group Information:

How many committed volunteers do you have?

What past experience do you and your volunteers have in growing food, gardening community or organizing community groups? Please provide examples:

How will this garden benefit your community?

Site Plan:

Please attach a site plan outlining the proposed layout of the garden including: a) Number and size of plots b) Structures - such as a fence, raised beds, compost bins and storage sheds; c) Pathways - including materials and/or other features. *Note that: minimum setbacks of 3 meters from the perimeter of the Community Garden(s) to surrounding amenities, property lines, hedgerows and trees may be required to allow for regular park maintenance. The City Coordinator shall work with the Applicant to finalize a detailed site plan outlining the proposed layout of the garden for review and approval by the Community Gardens Committee.*

For Office Use Only

Date Application Received: _____

Circulated To:

☐ Other

- ☐ Community Gardens Committee
- ☐ Ward Councilors
- ☐ Equal Ground Community Garden Representative(s)

Application Approval:

- ☐ Date Approved: _____
- ☐ Satisfactory Community Consultation
- ☐ Agreement(s) signed and delivered
- ☐ Police Vulnerable Sector Check: Date Received : _____

Application Denial:

Reason for Denial:

- ☐ Applicant informed

Date: _____

By whom: _____