



City of Kingston
 Policies and Procedures
 Recreation and Leisure Services

**Community Gardens
 Development and Operations**

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1.0 PURPOSE

The purpose of this policy is to establish guidelines for the development and operation of Community Gardens on municipally owned lands. This policy establishes the City's role as a facilitator and provides a framework to ensure equal access for all residents.

NB: This policy is in addition to the By-Law to Provide for the Regulation Use of Parks and Recreation Facilities of the Corporation of the City of Kingston - By-Law No. 2009-76, the Province of Ontario's Pesticide Act 63/09 and Environmental Protection Act 153/04.

2.0 REVISION HISTORY

| Date | Rev. No. | Change | Ref. Section |
|------|----------|--------------|----------------|
| | 1.0 | New document | Not applicable |
| | | | |

3.0 DEFINITIONS

In this policy, these terms have the following meanings.

- a. **“Accessibility”** shall be defined as barrier free accommodations for persons with a diversity of abilities.
- b. **“City”** shall be defined as the Corporation of the City of Kingston, or its representatives.
- c. **“Clean Fill”** shall be defined as imported soil that is free of contaminants, refuse, and putrescible wastes. Topsoil, sand, black earth, etc. purchased from gardening suppliers would meet this definition.
- d. **“Communal Plot or Garden”** shall be defined as a shared garden space for cultivating vegetables, fruits, herbs, native plants and/or ornamentals that is available to all garden members.
- e. **“Community Garden”** shall be defined as a site operated by community members and/or a community organization where municipally owned lands are used for the growing of produce, flowers and native plants for non-profit use through individual or shared plots located on

municipally owned lands.

- f. **“Community Garden Agreement”** shall be defined as the written terms and conditions that the City and garden members must agree to abide by that will be effective for three years.
- g. **“City of Kingston Community Gardens Program Coordinator”** shall be defined as a City representative who acts as the first point of contact and as a resource for all community gardening inquiries.
- h. **“Donation Plot or Garden”** shall be defined as a plot where food is planted and harvested by a group of garden members and donated to a local food bank, soup kitchen or other such related organization.
- i. **“Drainage Swale”** shall be defined as a low tract of land, especially one that is moist or marshy for the purpose of capturing surface runoff.
- j. **“Floodplain”** shall be defined as a low plain adjacent to a river that is formed mainly of river sediment and is subject to flooding.
- k. **“Garden Coordinator or Executive”** shall be defined as an individual or group that has been selected and/or elected to be the point of contact with the City for a specific community garden.
- l. **“Geo-membrane”** shall be defined as a general term used to describe a synthetic membrane or barrier. Similar to landscape fabric but usually constructed to higher standards and is impermeable. Common uses include pond liners and landfill liners. For this application, lower grade applications would be acceptable as the main purpose is to discourage deep root penetration.
- m. **“Landscape Barrier”** shall be defined as a landscape fabric weed barrier sold by the roll at most outdoor garden centers in various grades and qualities. Used to control weed growth in a garden or along a path.
- n. **“Liability Insurance”** shall be defined as part of the general insurance system of risk to protect the purchaser (the “insured”) from the risks of liabilities imposed by lawsuits and similar claims.
- o. **“Membership”** shall be defined as the privilege conferred upon garden members to access the community garden for gardening or non-gardening purposes in exchange for certain responsibilities fulfilled by each member.
- p. **“Stormwater Management Pond”** shall be defined as an element of an urban drainage system used to control flooding by temporarily storing flood waters.

4.0 COMMUNITY GARDEN FEATURES

- 4 . 1 A community garden may have the following features:
 - 4 . 1 . 1 Plots and amenities such as water, soil tilling, and shared tools, usually in exchange for a fee or voluntary labour;
 - 4 . 1 . 2 Accessible compost bins, tool storage sheds and other provisions necessary for the operation of the community garden subject to City approval;
 - 4 . 1 . 3 Posted signage identifying the area as a community garden as well as an accessible space as outlined in the City Facility Accessibility Design Standards (FADS).
- 4 . 2 A community garden may:

- 4.2.1 Promote the production of local, healthy and fresh food in an urban setting;
- 4.2.2 Enhance local food security;
- 4.2.3 Provide gardening and other environmental education activities to encourage the involvement of schools, youth groups and senior citizens in gardening activities;
- 4.2.4 Host harvest festivals and other family-oriented activities that encourage positive social interactions among all community members;
- 4.2.5 Encourage partnerships with other community organizations;
- 4.2.6 Donate surplus food to local food banks or other organizations.

5.0 SITE SELECTION

Priority Criteria

- 5.1 In identifying new community garden sites priority will be given to those sites that meet the following criteria
 - 5.1.1 Supportive community members.
 - 5.1.2 Availability of the proposed site.
 - 5.1.3 Sites that do not require site clearing (if required the community garden group is responsible for site clearing).
 - 5.1.4 Ability of the garden members to obtain Public Liability Insurance.
 - 5.1.5 Soil quality and drainage.
 - 5.1.6 Sun exposure.
 - 5.1.7 Close proximity to urban neighbourhoods and areas of population density.
 - 5.1.8 Willingness of volunteers to develop, operate, manage and maintain the community garden.
 - 5.1.9 Site accessibility during the gardening season.
 - 5.1.10 Availability and accessibility of parking
 - 5.1.11 Access to existing municipally treated water infrastructure.
- 5.2 In accordance with Ontario Regulation 153/04 and as amended pertaining to changes of land use, only municipal lands where the current or last known use was residential, parkland, or agricultural will be considered during site selection.
- 5.3 Community garden members, partnering organizations, neighbour associations and groups will contact the Community Gardens Program Coordinator in writing to express interest in developing a community garden.
- 5.4 The community garden members, partnering organizations and groups will then hold a neighbourhood consultation process to demonstrate support for the proposed garden. This process could take place in the form of meetings, neighbourhood petition and/or survey, etc. The City will provide support as required.
- 5.5 A community garden site plan must then be prepared with the support of the

Community Gardens Program Coordinator and other City staff. Community garden site plans must:

- 5.5.1 Include plot layouts, dimensions, fill materials and quantities and construction materials. Wood or timber material used to construct the community garden must be untreated.
 - 5.5.2 Not include structures or barriers preventing access to the general public, unless there are specific security concerns.
 - 5.5.3 Comply with applicable provincial accessibility standards, City Facility Accessibility Design Standards (FADS) and/or municipal by-laws.
 - 5.5.4 Include an 18 foot set back from the edge of plots to allow for movement around the perimeter of the garden to permit for regular maintenance, where possible. The designated space between garden plots will be site specific, meeting accessibility standards.
- 5.6 The City reserves the right to deny a site for any reason at its sole discretion.

6.0 CONSTRUCTION

- 6.1 Prior to the construction of a community garden, the Community Garden Partnership Agreement / Permit must be approved and completed with all required signatures. This agreement/permit is for a three year period.
- 6.2 Garden beds must be constructed to provide sufficient soil for the entire community garden, including all root structures. The use of impermeable landscape barriers or geomembranes is strongly encouraged. Soil is to be provided by the community garden group.
- 6.3 New community gardens must consist of at least one raised garden bed, between 18" to 30" high with clean fill, unless otherwise approved by the City. The City may consider additional funding to help cover the cost of raised beds. In new gardens, the City shall provide access to the garden by a pathway or flat surface. Accessibility to existing gardens will be incorporated during major upgrades or expansion.
- 6.4 Preference will be given to projects that demonstrate sustainable construction and operating practices such as methods of water conservation, composting and waste diversion.
- 6.5 Community gardens proposed near stormwater management ponds, drainage swales and floodplains shall be subject to the following conditions:
 - 6.5.1 No fill material of any kind shall be placed near the above mentioned locations below the top of bank.
 - 6.5.2 If City water is used to irrigate the community garden, the chlorine should be removed so as not to harm aquatic plants and animals.
 - 6.5.3 Soil conditioners such as compost are prohibited.
 - 6.5.4 Only native species shall be planted in floodplains that are identified to be in an Environmental Protection Area.
- 6.6 The City will cover the cost of mandatory soil testing for new gardens or expansion of existing gardens.

7.0 OPERATIONS

- 7.1 The City will establish an annual community gardens start-up and enhancement fund for the development of new Community Gardens and the enhancement/maintenance of existing Community Gardens as well as the development of donation plots. It can also be applied to the cost of obtaining Public Liability Insurance.
- 7.2 The City will provide information to garden members, organizations and groups on other sources of funding.
- 7.3 The City will support the development of donation plots through the provision of extra funding from the community gardens start-up and enhancement fund.
- 7.4 The City will provide some information on how to develop and maintain community gardens.
- 7.5 The City will support the development of a community garden network with the common goals of sharing knowledge and skills, enhancing interaction between garden members and increasing awareness of and access to the City's community gardens.
- 7.6 The City will provide some support to garden members regarding advertising and promoting opportunities for community garden events.
- 7.7 The City will dispose of waste from the community garden site from the designated City garbage containers located within designated City parks.
- 7.8 The City will provide grass maintenance around the perimeter of the community garden located in designated City parks. Community gardens will be responsible for grass cutting on pathways within the garden itself.
- 7.9 Installation of any permanent structures must receive prior consent from the Community Gardens Program Coordinator.
- 7.10 The use of sustainable gardening practices must be followed in all community gardens where all garden members must agree to abide by the Province of Ontario's Pesticide Act 63/09. Chemical insecticides, herbicides, fungicides and fertilizers are prohibited in all community gardens. Insecticidal soaps may be used in the control of pests and compost and composting manures may be used in soil conditioning and fertilization.
- 7.11 Environmental innovation and demonstration is encouraged. However, certain methods such as composting toilets cannot be located near a drainage swale unless a rain water retention program is ratified.
- 7.12 The Community Gardens Program Coordinator must be notified in writing, at least two weeks in advance, of any site enhancements to an existing community garden and a site plan indicating the proposed alterations must be prepared. The Community Gardens Program Coordinator shall review and provide a response to the garden group within two weeks;
- 7.13 Community garden groups participating in community gardens that are not located in designated City parks will be required to provide grass maintenance as well as waste removal and disposal within the community garden site.

- 7.14 The City will provide rain barrels to community gardens where there is no access to municipal water.
- 7.15 The City will notify community garden groups in writing when within the groups' last year of their three year term.
- 7.16 The following information will be provided by the community garden members to the Community Gardens Program Coordinator annually:
- 7.16.1 The date of an annual meeting or start-up meeting (providing a minimum of two weeks notice).
 - 7.16.2 Copies of the budget (required) and all minutes (if applicable).
 - 7.16.3 Reports of and responses to vandalism (if applicable). Vital situations should be reported to the Community Gardens Program Coordinator immediately.
 - 7.16.4 Information pertaining to the individual community garden and the garden members, which will assist in providing a statistical picture of community gardening in Kingston and aid in the establishment of additional community gardens where applicable. This information will include:

Required

- Number of garden plots.
- Number of garden members.
- Number of plots available for new garden members.
- Number of individuals on the waiting list.
- Fees charged for an individual garden plot.
- Number of garden plots available to garden members with physical disabilities.

Optional

- Anonymous information on garden member demographics.
 - Number of identified groups (i.e. youth, seniors, etc.) that participate in community gardening and/or visit the community garden annually.
- 7.17 A fee structure may be developed by partnering groups and/or organizations in consideration of the expected operating costs of the community garden as well as the ability of garden members to pay. In order to ensure equal access and opportunity to all community members the fee structure must provide a fee waiver or sliding scale fee for those that indicate they are unable to pay the garden plot fee (if applicable). Fee structuring and collection will be the responsibility of each individual garden group.
- 7.18 At the end of the three year period, the community garden group must submit a written request for renewal.

8.0 CONDITIONS OF USE

The partnering groups must agree to develop, operate, manage and maintain the gardens according to the Community Gardens Partnership Agreement / Permit with the City that will identify terms and conditions of use including, but not limited to:

- 8 . 1 The standard term of the agreement / permit will be three years; with an option to renew.
- 8 . 2 Residents of the City of Kingston will be given priority for membership and the opportunity to participate in the community garden program.
- 8 . 3 Gardening organizations and/or groups must carry Public Liability Insurance of \$2 million that explicitly indemnify, defend and hold harmless the City from and against any damage or injury to any person or any real property.
- 8 . 4 A Garden Coordinator or Executive must be selected and/or elected through an open and transparent process.
- 8 . 5 Allotment of garden plots must be made through an open and transparent process with sufficient communication and notice given throughout the neighbourhood.
- 8 . 6 Each identified community garden is responsible for developing and administering their own Community Garden Agreement, which must be signed by all individuals occupying the land for the purpose of a community garden at the beginning of each season.
- 8 . 7 Produce grown in allotment plots within the community garden will be for the personal use and consumption of the individuals involved in the community garden. Produce sold by the garden as a whole from a dedicated plot for the purpose of fundraising for garden projects and programs is permitted given that all applicable permits and/or licenses are in place.
- 8 . 8 Membership and use of the site can be revoked for non-compliance with any City agreement, by-law and/or provincial regulations or if the property is required for other purposes. The City has the authority to remove the community garden if not actively utilized and/or maintained by community garden members.

9.0 RETENTION OF EXISTING SITES

- 9 . 1 The protection and retention of existing sites is an essential part of this policy. The City endeavours to partner with non-profit organizations and/or groups to support the promotion, retention and enhancement of existing community garden sites as a valuable use of municipally owned lands.