

# THE CORPORATION OF THE CITY OF WINDSOR POLICY

Service Area:	<b>Office of the City Engineer</b>	Policy No.:	
Department:	<b>Operations</b>	Approval Date:	<b>February 22, 2021</b>
Division:	Pollution Control	Approved By:	<b>B17/2021</b>
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Subject:	<b>Community Gardens on Municipal Property</b>	Procedure Ref.:	
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Prepared By:	Supervisor Environmental Sustainability and Climate Change		Date: May 4, 2020

## 1. POLICY

Community gardens are an important tool for the development of healthy communities and quality of life improvements for residents. People can grow healthy and nutritious food while having a positive impact on the environment. The City of Windsor supports and encourages the development of community gardens on municipally owned lands.

## 2. PURPOSE

2.1 The goals of this policy are to:

- Establish guidelines for the development and operation of community gardens on municipally owned lands;
- Establish site selection criteria;
- Facilitate equal opportunity for all residents to apply for a community garden.

## 3. SCOPE

3.1 This policy is applied to all City-owned land and to all community gardens located on City-owned land. It provides organizations, individuals, and neighbourhood groups the opportunity to operate a community garden on city-owned land.

3.2 Applicability of other policies:

- The policy basis for this program is strengthened by recent Federal documents including the *Food Policy for Canada* (2019) and the creation of a Canadian Food Policy Advisory Council.
- Other Provincial policies supporting Community Gardens include the *Ontario Food and Nutrition Strategy* (2012) developed by the Ontario Collaborative Group of Healthy Eating and Physical Activity, as well as the *Local Food Act* (2013).
- Windsor's Community Strategic Plan, which was adopted in February 2007, provides a vision of a durable economy and a healthy environment. Community Gardens support this vision.

- Objective C10 in the City’s Environmental Master Plan (2017) aims to support education, engagement and local food production through actively promoting the use of underutilized or vacant City of Windsor property for the use of community gardens.
- And finally, the City’s current Official Plan supports the development of community Gardens through Healthy Community (Section 4), Environment (Section 5) and Land Use (section 6) policies.

#### 4. **DEFINITIONS:**

The definitions of terms used in this policy are:

- Applicant: The individual, group or association who applies to operate a Community Garden.
- Community Garden: Lands used for the growing of fruits, vegetables or flowers collectively by a group of people for non-commercial purposes. It may consist of a single or common plot of land or it may be subdivided into individual plots of land.
- City: defined as The Corporation of the City of Windsor, or its representatives.
- Community Garden Committee: A City staff committee consisting of City of Windsor administrative staff from Pollution Control (Environmental Sustainability and Climate Change Office), Planning, Parks, Risk Management and Real Estate Services who oversee the Community Garden Application process.
- Community Garden Coordinator: The individual representative of the Applicant.
- Environment and Sustainability Coordinator: The City employee who acts as liaison with Community Garden Coordinators.
- Garden Permit: The annual permit signed by the Community Garden Coordinator.
- Gardener Waiver: The waiver signed by each individual gardener at the Community Garden.
- Parks: The City of Windsor Parks, Recreation & Culture and Facilities department.
- Properties: A parcel of land.
- Site: A specific location within a parcel of land where a community garden will be located.

#### 5. **RESPONSIBILITY**

##### **5.1 Community Garden Committee**

- Review Community Garden Applications.
- Consists of representatives from Parks, Planning, Risk Management, Real Estate Services as well as the Environment and Sustainability Coordinator.

##### **5.2 Environment and Sustainability Coordinator**

- Be the lead and primary contact both internally for the Community Garden Committee and for the Community Garden Coordinator at each garden.

- Aid interested groups in filling out applications.
- Accept applications and review them with the Community Garden Committee.
- As required, bring requests for Community Gardens not on the pre-approved Parks list to City Council for approval.
- In consultation with the Parks department, define and review community garden design guidelines.
- In consultation with the Parks department, work with the applicant to finalize site plan.
- Complete and document semi-annual inspections of all Community Gardens on municipal property.
- Collect signed Garden Permits and all signed Gardener Waivers from Community Garden Coordinators.
- Communicate regularly with Community Garden Coordinators.
- Assist the Community Garden Coordinator(s) with enforcement issues arising from the Community Garden Policy, and work with the Community Garden Coordinator(s) and the gardeners, whenever possible, to assist them in resolving the issue.
- Provide support to gardeners regarding advertising and promotion opportunities for Community Garden events and projects.
- Provide potential updates to the policy as well as keep track of outstanding applications.

### **5.3 Community Garden Coordinator (Community Representative)**

- Read and sign the Garden Permit annually.
- Responsible for communication with all gardeners in their respective Community Garden.
- Ensure that all gardeners have signed Gardener Waivers and remain in compliance with Code of Conduct.
- Contact the Environment and Sustainability Coordinator for assistance and support if concerns, questions or complaints arise.
- Consult with Environment and Sustainability Coordinator before erecting permanent or semi-permanent structures within the garden, including fences, sheds, and additional signage.
- Take responsibility for the collective management of the Community Garden, including sourcing garden materials for the garden after the initial setup and maintaining all paths within the garden.
- Ensure the Community Garden is well maintained.
- Encourage gardeners in the Community Garden to obey by the Community Garden guidelines as described in this Policy.
- Oversee compliance of the Code of Conduct by gardeners within the community gardens.
- If any violation of the Code of Conduct is found, discuss the matter with the gardener. If necessary, discuss the issue with Environment and Sustainability Coordinator who may issue a written notice to the gardener.

### **5.4 Gardeners**

- Read and adhere to the Community Garden Policy.

- Sign Gardener Waiver.
- Follow the direction of the Community Garden Coordinator regarding the guidelines.
- Contact the Community Garden Coordinator with any concerns and questions.
- Contact the Environment and Sustainability Coordinator only for unresolved issues with the Community Garden Coordinator.
- Dispose of litter (i.e. wrappers, uneaten food, cups, etc) into onsite garbage containers or remove from the site.
- Garden waste materials (i.e. plant material) will be managed in methods approved by the Community Garden Committee. Larger garden waste materials (i.e. tree trimmings as well as brush, leaves, stumps, etc.) should be placed at the roadside for pickup by the City of Windsor based on the Yard Materials Collection schedule.

### **5.5 Legal Department**

- Assist in the development and maintenance of a Garden Permit template, Gardener Waiver template, Code of Conduct and Community Garden Policy.

### **5.6 Parks Department**

- Create and maintain a list of parks that are recommended by administration for Community Gardens.
- Meet on site with applicants to go over site logistics.
- Provide mulch, water and garbage facilities at Parks' discretion and as resources permit to the Community Gardens when needed as well as install Community Garden signage.
- If there are any issues with maintenance or compliance, Parks staff will notify the Environment and Sustainability Coordinator.
- Assist the Applicants and the Environment Sustainability Coordinator to conduct public consultation requirements for potential Community Gardens in parks as determined by the Community Garden Committee.

### **5.7 Real Estate Services**

- Provide input on applications received requesting the use of vacant city-owned property for a community garden.
- Create and maintain a list of vacant municipal properties that are recommended by administration for Community Gardens.

### **5.8 Planning Department**

- Assist the Applicants to conduct public consultation requirements for potential Community Gardens on vacant lots as determined by the Community Garden Committee.

### **5.9 Risk Management Department**

- Review, approve and maintain any (voluntary) insurance certificates received from Applicants.

## 6. **GOVERNING RULES AND REGULATIONS**

All requests for Community Gardens on City property must follow the application and site selection processes, and meet the criteria as outlined below. These criteria must be met for Community Garden approval.

### 6.1 Application Process

- It is recommended that Applicants consult a list of pre-approved parks and vacant lots recommended to host Community Gardens. Applications for a Community Garden in a park or vacant lot not pre-approved must be approved by Council.
- Applicants will contact the Environment and Sustainability Coordinator in writing through the Application form to express interest in developing a Community Garden on City property.
- Applications for Community Gardens can be submitted at any time throughout the year however new applications should be received by November 30<sup>th</sup> to begin the site selection process for the growing season of the following year.
- Development of new Community Gardens will be considered on an annual basis, depending on interest. New Community Gardens may also be built as parks are being redeveloped, if public engagement suggests there is a need and interest.
- The City will work with the Applicant to meet all requirements for approval of a Community Garden.
- Community Garden Coordinators who are in good standing under their existing agreements will have first opportunity for their Community Garden location.

### 6.2 Site Selection Process

- Through consultation with administration a garden site plan will be prepared (as part of the Application process) and submitted.
- The garden site plan will include plot layouts and other features. Soil amendments and materials for pathways must also be defined.
- Minimum setbacks of 5 meters from the edges of the Community Garden to surrounding amenities, property lines, hedgerows and trees may be required to allow for regular maintenance in a park setting.

The City will work with the Applicant to identify and assess viable sites that meet the criteria in order to choose an appropriate site.

#### Site considerations include but are not limited to:

- An area that receives 6 or more hours of sunlight daily
- Availability of water (via existing water connection or ability to harvest and store in rain barrels or cisterns from the roof of an existing building.)
- In an area that will not interfere with other uses (ie. recreational)
- In an area that will not interfere with water drainage and site maintenance
- Walkable to the gardening community and accessible to parking and/or busing

- Any other criteria as the City may from time to time deem necessary

### 6.3 Public Consultation

- The Applicant may be required to conduct public consultation with residents in close proximity to the proposed Community Garden. Administration will assist community groups to conduct public consultation

### 6.4 Conditions of Use

- The Applicant can be a legal entity in its own right, an unincorporated association or other form of informal organization or group.
- The Applicant will execute the approved Garden Permit in its Template form annually, running from April 1 to March 31, which will include but is not limited to the applicable rules for use:
  - Produce cannot be sold;
  - Care and maintenance of the site;
  - Restrictions on use of chemicals;
  - Restrictions on use of equipment;
  - Restrictions on construction, use and maintenance of any structure, including raised beds and storage shed;
  - Upon termination of the licence, return the site to its original condition; and
  - It is recommended that the Applicant carry insurance in an amount(s) and type(s) satisfactory to the City's Risk Management Department, but not required; and the Applicant agrees to indemnify and hold harmless The Corporation of the City of Windsor from and against any losses.
- The City will establish a code of conduct and each individual gardener at the community garden would be required to sign a Gardener Waiver assuming all risks associated with their use of the community garden, and releasing and indemnifying the City from any claims or actions resulting from their use of the community garden.
- Community Garden boxes must conform to administrative design standards.
- Applicant identifies a Community Garden Coordinator and an alternate contact who will be the main contact(s) with the City. The name and contact information of the Applicant's Coordinator and the alternate will be provided to the City at the beginning of each season.
- Educational activities surrounding local food are encouraged at the Community Garden site.
- Native Plants are encouraged at the Community Garden site to promote pollinator habitat. Invasive plants are prohibited.
- Impervious area should be limited encouraging the infiltration of storm water except where warranted for minimum accessibility considerations.
- Plot assignment is on a first come, first serve basis, with the gardener having the right of first refusal for the next gardening season.

## 7. **RECORDS, FORMS AND ATTACHMENTS**

- 7.1** Garden Permits will be filed and retained by the Clerks Department. Community Garden Applications and Gardener Waivers will be filed and retained by the Environment and Sustainability Coordinator.
- 7.2** Community Garden Design Guidelines will be maintained by the Environment & Sustainability Coordinator and the Parks Department.
- 7.3** Community Garden Inspection form will be maintained by the Environment & Sustainability Coordinator.