



# Risk Management Considerations for Community Gardens

## Negotiate a Win-Win Situation

Community gardens are popular with urban dwellers who don't have access to gardening space. They can also be beneficial for municipalities, if properly managed.

Community gardens are parcels of public land that are sub-divided into smaller plots and gardened by a group of people. They provide an open space where residents can grow their own food, engage in healthy exercise and make their community a better place to live.

Community gardens can also be beneficial to municipalities because they allow cities to assume a leadership position in the protection and use of open space while promoting a healthy lifestyle and sense of community.

If managed properly, community gardens can be a win-win situation.

## What can happen if it's managed improperly?

A municipality granted permission to a community group to build a garden on a parcel of land. Both parties entered into a short-term agreement that specified that the municipality retained the right to sell the land, but would provide advance notice of sale.

At the beginning of the gardening season, the association signed the short-term rental agreement, fundraised

and used the money to install new raised beds. The municipality's real estate division, unaware of the contractual arrangement, sold the land. The community group did not receive advance notice of sale but rather received notice to evacuate because the land was now under new ownership and construction would begin shortly. Needless to say, the gardeners and their supporters were upset by the process.

The situation resolved itself when the municipality apologized for its error and agreed to find another suitable location, relocate and rebuild the garden at its own cost. As a result of this unfortunate incident, the municipality developed a comprehensive Community Gardening Policy.

## Issues to consider when developing Community Gardening Policies

If you are planning to grant permission for a community group to build a garden on a certain parcel of land, it is recommended that you:

1. Compile an inventory of suitable land space including undeveloped land, marginal areas of parkland, public easements and rights of way. Do not consider land slated for development in the near future. Make sure the land is free of environmental contaminants, has a water source and suitable parking.

2. Consider zoning regulations that establish community gardens as a permitted use of the land. Address the issue of public sale of produce on community gardening property to prohibit unlicensed vegetable markets from popping up.
3. Develop appropriate land use policies such as:
  - Land tenure terms
  - Size of plots
  - Types of plants that can be grown
  - Use of herbicides, pesticides and composting
  - Water access and water use
  - Provision of gardening tools and sheds
  - Garbage pick-up
  - Provision of benches so gardeners can rest
  - Annual rental fees
4. Consider whether you will provide operational support. If yes, what sort of support? For example, rototilling; garden tools, etc.
5. Appoint a municipal point person to address public concerns.
6. Enter into partnerships with local non-profit groups such as gardening clubs and/or neighbourhood associations. Let them manage the process with your support.
7. Work with these partners to identify the target group of gardeners and any modifications that may be necessary. For example, seniors and those with limited mobility may require raised beds, wheelchair accessibility, longer-handled tools, etc.
8. Enter into formalized Land Use Agreements with either the community gardening association or each gardener. Include in a Hold Harmless and Indemnification Clause in the agreement and a requirement for insurance. Consider waivers of liability.
9. Develop community garden rules that are both fair and firm and apply to each gardener. Require all gardeners to agree to the rules in writing at the beginning of every season.

## Community Garden Rules

1. Consider implementing community garden rules for each gardener.
2. Each plot holder is responsible for the maintenance of their plot and related pathways. This includes picking up garbage, and keeping the plot free of weeds.
3. Only organic material is allowed in the garden. Please do not use herbicides, insecticides, chemical fertilizers, animal poisons or other non-organic material.
4. Clean and return all borrowed tools.
5. Borrowed tools do not leave the community garden area.
6. The garden shed, if applicable, should be kept neat and clean at all times.
7. Do not steal from your garden neighbours. Do not pick or remove any items from their plot.
8. If you are no longer able to care for your plot, please call <insert appropriate number here>.
9. Tall crops must be planted in a manner that does not interfere with your neighbour's plot.
10. Pets must be on a leash at all times. Please pick up after your pet.
11. The garden is open from dawn to dusk, seven days a week.
12. Visitors are welcome, please supervise young children.
13. Sprinklers are not allowed, please hand water for conservation reasons.
14. Dispose of weeds in the compost area. Please do not bring food waste from home to the community garden compost.
15. Those not following the community garden rules will be given written notice and a 30 day allowance to bring their plot up to standard.
16. Please do not plant trees or invasive species.