

WAHNAPIITAE FIRST NATION BUSINESS LOT ANNUAL ALLOCATION POLICY FOR MEMBERS ONLY

Amended by Band Council Motion: 19/20-06-067
At Chief and Council Meeting of: June 26, 2019
Adopted by Band Council Motion #12/13 – 132
At Chief and Council Meeting of: December 18th, 2012

PURPOSE:

To promote entrepreneurship within our community, that is done on a level where there is fairness and that proposed businesses follow the guidelines under this policy.

DEFINITIONS:

Member: Means any person who is a member of Wahnapiitae First Nation and is listed on the membership Band list set out by the Indian Act.

Business: Means an occupation, profession or trade that is for the purchase and sale of goods or service and is intended to generate a profit.

Commercial Lot: Means a parcel of land within the boundaries of Wahnapiitae First Nation designated for commercial use as per Wahnapiitae First Nation's (Feasibility Study) and Land Use Plan.

Council: Means the duly elected Chief and Council of Wahnapiitae First Nation

NOTE: When a member commences their business the applicant must follow all guidelines set out by Health Canada (eg: wells & septic) and the Ontario Building Codes and any other policies that fall under Wahnapiitae First Nation policies and Federal Legislation (eg, Waste Disposal & Landfill Site Regulations, Environmental Protection Act)

POLICY:

A member will be entitled to open a business in their primary residence if the business is for: Consulting, accounting, bookkeeping.

In all other cases pertaining to opening a Commercial Business a member can apply for an additional section of land for the purpose of developing a business, but not to exceed 5 acres. The commercial lot size can vary depending on requirements and availability of suitable land that are set out under the Wahnapiitae First Nation (Feasibility Study) and Land Use Plan.

This Policy pertains to all new lots designated as proposed business lots as of the date this policy first adopted. A business lot will not be utilized as a resident lot at any time.

If the business is a partnership the member must provide a partnership agreement showing the percentage of ownership, he/she will own. The member must hold at least a 51% ownership in the partnership.

Each Business shall pay to Wahnapiitae First Nation on an annual basis the amount Listed as per the attached Appendix "Business Yearly Fee". This fee will go into public works for the purpose of maintaining our (band infrastructure.) This fee will also be paid on yearly basis due April 1st of each year.

Certificate of Possession can only be applied for by a band member once the business has been open for a minimum of one year, and the member has followed all of the policies and codes set out by Health Canada, band policy and the building Inspector.

Certificate of Possession will not be granted to an incorporated business as a business is not a band member within the meaning of the Indian Act.


PROCEDURE:

The applicant must first meet with the Economic Development Officer (EDO) to obtain all necessary documentation/application forms and a map of the land that is available for commercial use within the Wahnapiitae First Nation Feasibility Study and the Land Use Plan.

1. The member must submit an application and a business plan(eg. What type and nature of business they plan to open.) For the proposed business along with the amount of land requested for the business to take place. This application can be obtained from the Economic Development Officer.
2. Reminder, once the completed application is received by the EDO this process may take up to two months for processing.
3. Chief and Council will make the final decision on business lot allocations. Once a decision is made by Chief and Council, the Executive Director will advise EDO of the approval and any applicable conditions and the EDO shall so advise the applicant in writing of the decision. If the decision and conditions if any are accepted the applicant may move to the next steps as below.

Advise member to consult with the appropriate WFN/Federal/Provincial departments to begin the process.

- a) To arrange for and conduct an environmental screening and assessment if necessary, such costs are incurred by the member

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- b) To arrange for a land survey to be done, such costs are incurred by member
 - c) Meet with Wahnapiatae Community Based Water Monitor/ Health Canada to determine the best place for water and septic
 - d) Provide a lot layout of the business and plan of where all infrastructures and servicing is to go within the lot.
 - e) Make arrangements, for appropriate building inspector to come in when necessary.
 - f) Provide EDO with all copies of inspections reports, environmental assessments and lot layout plans.
 - g) Provide the Economic Development Officer a copy of sufficient commercial Liability insurance showing Wahnapiatae First Nation as an insured party and for each year upon insurance policy renewal.
 - h) Must notify economic development officer if there are any changes to the lot layout plans or business development plans before they can continue.
4. Once the business is opened and the member has complied with all policies and guidelines, and after one year of business the member then may apply to Wahnapiatae First Nation for a Certificate of Possession.
 5. The member must also complete and sign a first right of refusal form in favor of Wahnapiatae First Nation should they wish to sell their business at some time in the future.
 6. The business owner cannot transfer controlling interests of the business to a non- member.
 7. If the Application is denied by Chief and Council, the Executive Director will advise the EDO accordingly and the EDO may advise the applicant in writing with an explanation of reason and will also supply the applicant with an opportunity to reapply.
 8. Should a member close its business, or terminate its business, or the business ceases to operate for one year, the lot must be restored to its original state within 90 days of the business closure/termination and the lot ownership reverts back to Wahnapiatae First Nation.
 9. Breach of this policy could result in the forfeiture of the member's entitlement to a business lot including any Certificate of Possession (CP) issued to that lot.
 10. Failure to commence a business on an assigned lot within one year of the application, Wahnapiatae First Nation reserves the right to revoke its lot assignment and the member's application and the applicant is responsible for all costs incurred by Wahnapiatae First Nation.

11. Once the member is provided notice of the surrender of their CP, the member has 6 months to transfer the CP to the Wahnapiatae First Nation.
12. The business will pay to Wahnapiatae First Nation an Annual fee of \$1200.00 that is set in appendix below; this fee will be paid on the anniversary date of their approval to establish a business.

This policy applies to all commercial and business lots on the Wahnapiatae First Nation established on or after the date this policy is adopted.

AMENDMENTS:

This policy can be amended by the Chief and Council at any time at a duly convened meeting with a majority vote.

REVIEWS:

This policy must be reviewed every 3 years from the date it is first adopted by Chief and Council.

BUSINESS YEARLY FEE

TYPE OF BUSINESS ESTABLISHMENT / BUSINESS CLASS	BUSINESS FEE PER/YR
BAKERY / CATERING	\$1,200 PER YEAR
CAMPGROUNDS (campground owners policy)	\$50.00 PER LOT+ INFLATION 5% PER YEAR
CONVENIENCE STORE	\$1,200 PER YEAR
SALE OF TOBACCO (tobacco allocation policy)	\$1.00 PER CARTON
MOTOR VECHICLE REPAIR GARAGE	\$1,200 PER YEAR
RESTAURANT/ GAS STATION	\$1,200 PER YEAR
STORAGE OF MOTOR VEHICLES, BOATS ETC...	\$1,200 PER YEAR
SUPPLY OR SERVICE	\$1,200 PER YEAR
WAREHOUSING OR STORAGE	\$1,200 PER YEAR

***** Subject to increase as determined by Chief and Council*****

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