

Exhibit "A"

RURAL MUNICIPALITY OF KINISTINO

NO. 459 ZONING BYLAW

NO. 84-2

NOTE: The Regulations as shown in the Zoning Bylaw are indicated in metric. Shown for informational purposes only is the imperial equivalent.

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Section 60 of The Planning and Development Act provides that the Council of a municipality may pass a Zoning Bylaw. Therefore, the Reeve and Council of the Rural Municipality of Kinistino No. 459 in the Province of Saskatchewan, in open meeting enact as follows:

PART I INTRODUCTION

1. Short Title

This Bylaw shall be known as the "Rural Municipality of Kinistino No. 459 Zoning Bylaw".

2. Purpose of Zoning Bylaw

This is a bylaw to control the use and development of land in the municipality.

3. Scope

No person shall carry out any development within the limits of the municipality, except in conformity with the provisions of this Bylaw.

4. Definitions

The list of definitions of words and terms used in the Bylaw, are included in Part IV.

PART II ADMINISTRATION

1. Administrator Responsible

The Administrator of the municipality shall be the Development Officer responsible for the administration of this Bylaw.

2. Development Permit Requirement

Every person, before commencing any development within the municipality, shall apply to the Administrator for a development permit. A development permit does not exclude the need for other permits, approvals, or authorization.

3. A Development Permit is not required for any of the following:

3.1 Farm buildings where applied to a principal agricultural use of the land in the AR - Agricultural Residential District established by this Bylaw. Farm residences shall require a development permit.

3.2 The carrying out of any operations for the purpose of inspecting, repairing or renewing sewers, mains, cables, pipes, wires, tracks or other similar apparatus required by a public utility for any lawful use of buildings or land.

PART II ADMINISTRATION: continued. . .

4. Building Permits

A building permit, where required, shall not be issued unless a development permit has also been issued.

5. Licenses, Permits and Compliance with other Bylaws

Nothing in this bylaw shall exempt any person from complying with the requirements of a building bylaw or any other bylaw in force within the Rural Municipality of Kinistino No. 459 or from obtaining any license, permission, permit, authority or approval required by this or any other bylaw of the Rural Municipality of ~~Kinistino~~ No. 459. Where provisions in this bylaw conflict with those of any other municipal or provincial requirements, the higher or more stringent regulations shall prevail.

6. Service Agreements:

Proposals may be subject to the requirement of entering into a service agreement between the developer and the Municipality and the posting of a performance bond with the Municipality, to cover matters of road construction and maintenance, drainage ditches, culverts, landfill, landscaping, and other aspects felt required by Council as per Section 113(c) of the Planning and Development Act.

7. Non-Conforming Use:

Where at the date of the approval by the Minister of this Bylaw a building is lawfully under construction or all required permits for the construction of a building have been issued, the building shall be deemed to be a building existing at the date of the approval of the Bylaw, provided that the erection of any such building shall be commenced within twelve months after the date of the issue of the last permit relating thereto, and the provisions of Section 76 to 81 of the Planning and Development Act shall apply to such building.

8. Notice of Right to Appeal

7.1 Council shall appoint a Zoning Appeals Board in conformity with the provisions of the Planning and Development Act.

8.2 Appeals in writing may be made to the Zoning Appeals Board by any person who:

- a) Alleges that the Council or any person acting for or on behalf of the Council has misapplied the bylaw in a particular case; or
- b) Claims that there are practical difficulties or unnecessary hardships in the way of carrying out the bylaw by reason of the exceptional narrowness, shortness, shape, topographic features or any other unspecified unusual condition of a specified property.

PART II ADMINISTRATION: Continued...

- 8.3 A person who appeals under clause b) of subsection 8.2 shall not be entitled to have his appeal allowed if:
- a) the unusual condition is the result of his or the property owner's own actions;
 - b) the adjustment requested would constitute a special privilege inconsistent with the restrictions on the neighbouring properties in the same district; or
 - c) a relaxation of the provisions of the bylaw would be contrary to its purposes and intent and would injuriously affect the neighbouring properties.

8.4 In making an appeal to the Zoning Appeals Board, and hearing such appeal, the provisions of The Planning and Development Act, shall apply.

9. Amendment of the Zoning Bylaw

9.1 Subject to Sections 66-75 of The Planning and Development Act this Bylaw may be amended whenever the public necessity, convenience, general welfare or good planning practice require.

9.2 When an application is made to the Council for an amendment to this Bylaw, such application shall be accompanied by an application fee as specified by Section 74(1) of The Planning and Development Act.

10. Offences and Penalties

Any person who contravenes any of the provisions of this Bylaw is guilty of an offence and is liable on summary conviction to the penalties provided by Section 203 of the Act, namely a fine of not more than \$1,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$250.00 for each day during which the offence continues. In addition, a person convicted in respect of a development carried out in contravention of this Act or any order, regulation, bylaw, municipal development plan or scheme in force pursuant to this Act may be ordered to remove such development.

PART III GENERAL REGULATIONS

1. Waste Disposal

No liquid, solid or gaseous wastes shall be disposed of except in accordance with Acts administered by the Departments of Agriculture, Environment and Health.

2. Area Prohibited for Buildings

2.1 No building or structure shall be located on land that, in the opinion of a professional consultant, may be

PART III GENERAL REGULATIONS Continued...

prone to slumping, subsidence, landslides, erosion or any other instability. No residential building shall be located in any area that is a flood plain or water course; or where an all weather access road would be prohibitively expensive to construct or maintain. Where Council is of the opinion that any of the above mentioned conditions may exist on a particular site, Council may require the proponent of the development to pay for an inspection of the site by a professional consultant of Council's choice. A development permit shall not be issued unless a favourable report on the site is presented by the professional consultant. X

- 2.2 No residential, commercial or industrial building will be permitted within 300m (984.25 feet) of a non-refrigerated anhydrous ammonia storage tank or 600m (1968.5 feet) from a refrigerated anhydrous ammonia storage tank. Residences and buildings, which are an integral part of the fertilizer operation, are not subject to the foregoing buffer requirement.
3. Number of Principal Buildings Permitted on a Site
Not more than one principal building or use shall be placed on any one site.
4. Referral to Department of Public Health
A copy of all approved development permit applications involving the installation of water and sanitary services shall be supplied to the local office of the Department of Public Health.
5. Frontage on Road
No development permit shall be issued unless the site or parcel of land intended to be used, or upon which a building or structure is erected, abuts, or has frontage on a public road or unless satisfactory arrangements have been made with Council for improvement to the road where required.

150 ft

PART IV DEFINITIONS

Whenever in this bylaw the following words or terms are used they shall, unless the context otherwise provides, be held to have the following meaning:

Accessory building - A separate building or structure normally incidental to the principal building or structure on the same site.

Accessory use - shall mean a use customarily incidental and subordinate to the principal use or building and located on the same site with such principal use or building.

Act - The Planning and Development Act R.S.S. 1978.

Agriculture holding - shall mean the total land holding within the Rural Municipality of Kinistino No. 459 of a person(s) engaged in an agricultural operation.

Agricultural operator - shall mean a household unit whose principal source of income is derived from the agricultural production of an agricultural holding.

Alteration - shall mean any structural change or addition made to any building.

Building - shall mean a structure used for the shelter or accommodation of persons, animals, goods or chattels.

Building, accessory - shall mean a subordinate detached building appurtenant to a main building or main use and located on the same site, the purpose of which is to provide better and more convenient function of the main building or main use.

Building, residential - shall mean a single detached, semi-detached, duplex or mobile home.

Campground, Tourist - The seasonal operation of an area of land, managed as a unit, providing temporary short term accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers, used by travellers and tourists.

Cluster - Shall mean a grouping of lots approved as a country residential development.

Council - shall mean the Council of the Rural Municipality of Kinistino No. 459.

Development - shall mean the carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the use of any building or land.

Development Permit - shall mean a permit, issued by the Council of the Rural Municipality of Kinistino No. 459 that authorizes development, but does not include a building permit.

PART IV DEFINITIONS

Discretionary Use - shall mean any development permitted in a zoning district subject to the location and conditions specified by Council on the Development Permit.

Dwelling unit - shall mean one or more habitable rooms constituting a self-contained unit and used or intended to be used together for living and sleeping purposes by one or more persons.

Dwelling, semi-detached - shall mean two dwelling units side by side in one building unit with a common party wall which separates, without opening, the two dwelling units throughout the entire structure.

Dwelling, single detached - shall mean a detached building consisting of one dwelling unit as herein defined, and occupied or intended to be occupied as the permanent home or residence but shall not include a mobile home as herein defined.

Farmer - See Agricultural operator.

Farmstead - Means the land area which includes the residence of the farm operator and those buildings or facilities which are related to the farm operation, and are normally surrounded by the farmstead shelterbelt.

Floor Area - The maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling any private garage, porch, verandah, sunroom, unfinished basement, or attic.

Hazard Land - Land which may be prone to flooding, slumping, subsidence, landslides, or erosion or any other instability, or is a flood plain or watercourse.

Household Unit - Means one or more persons occupying a dwelling and living as a single housekeeping unit.

Home occupation - An accessory use carried on as an occupation conducted for gain in a dwelling by the resident or residents.

Intensive Livestock Operation - Shall mean the rearing, confinement, or feeding of poultry, hogs, sheep or cattle in such number as may be prescribed by the regulations made pursuant to the Pollution (By Livestock) Control Act.

Mobile Home - shall mean a trailer coach:

- i) that is used as a dwelling;
- ii) that has water faucets and shower or other bathing facilities that may be connected to a water distribution system; and,
- iii) that is equipped with facilities for washing and water closet or other similar facility that may be connected to a sewage system.

PART IV DEFINITIONS

Municipality - shall mean the Rural Municipality of Kinistino No. 459 .

Non-conforming use - shall mean any use of land, building, or structure lawfully existing at the time of the passing of this Bylaw, the use of which does not comply with all the regulations of this Bylaw governing the zoning district in which it is located.

Non-farm residential - shall refer to a dwelling or site which is located in the AR - Agricultural Residential District whose owner's principal source of household income is derived from a source other than the principal agricultural use of that site.

Permitted uses - Those land uses permitted within a zoning district in conformity with the regulations of the particular zone.

Principal use - shall mean the use of land which is the main use, the most extensive use and the major reason for development of that land.

Principal building - shall mean a building in which is conducted the main or primary use of the site on which said building is situated.

Principal agricultural use - means that the chief reason for the use and development of the land is its use for agricultural purposes, and that such use constitutes the chief source of income or anticipated chief source of income of the applicant for a development permit for land.

Public Road - shall mean a road allowance or a legally surveyed road vested in the name of the Department of Highways.

Public Utility - A government or private enterprise providing a service to the general public.

Reeve - shall mean the Reeve of the Rural Municipality of Kinistino No. 459.

Rural Municipal Administrator - shall mean the Administrator of the Secretary-Treasurer of the Rural Municipality of Kinistino #459

Shoreline - A line defined as such on a registered plan of survey or proposed plan of subdivision or where none exists, a line indicating the edge at the water at its visible high water mark.

Site - Any parcel of land with fixed boundaries of record as in one title registered in the local Land Titles Office.

Sign - Any figures, numbers, emblems, pictures, devices, marks or designs or combination of such, intended to be visible from other than inside a building, for the purpose of making known

PART IV DEFINITIONS

any individual, association, business, industry or service, or for advertisement or for directing or obtaining attention.

Subdivision - A division of land made pursuant to The Planning and Development Act.

Trailer Coach - means any vehicles used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways and includes a self-propelled or non self-propelled vehicle design, constructed or reconstructed in such a manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons notwithstanding that its running gear is removed or that it is jacked up.

Tree Nursery - shall mean the use of land for raising shrubs, trees and bedding plants for the express purpose of commercial sale.

Use - The purpose or activity for which a piece of land or its buildings is designed, arranged or intended, occupied or maintained.

Yard - The open, unoccupied space on a lot between the property line and the front, rear or side wall of a building.

Yard, Front - That part of a site which extends across the full width of a site between the front site line and the nearest main wall of a building or structure.

Yard, Rear - That part of a site which extends across the full width of a site between the rear site line and the nearest main wall of a building or structure.

Yard, Side - That part of a site which extends from a front yard to the rear yard between the side site line of a site and the nearest main wall of a building or structure.

PART V ZONING DISTRICTS

1. Classification of Zoning Districts

In order to carry out the purposes and regulations of this Bylaw, the municipality is hereby divided into the following Zoning Districts:

AR - Agricultural/Residential
F - Forestry District

2. Boundaries of Zoning Districts

The boundaries of such districts referred to above together with explanatory legend, notation and reference, are shown on the map entitled "Zoning District Map".

Unless otherwise shown, on the Zoning District Map, the boundaries of the said Districts are site lines, centre lines of streets, lanes, roads or such lines extended and the boundaries of the municipality. In the case of subdivided land, the boundaries of the Districts may include lot lines.

3. The Zoning District Map

The map, bearing the statement "This is the Zoning District Map referred to in the Bylaw No. 84-2" adopted by the Rural Municipality of Kinistino No. 459 and signed by the Reeve and Administrator under the seal of the Municipality, shall be known as the "Zoning District Map" and such map is hereby declared to be an integral part of this Bylaw.

PART VI ZONING DISTRICT SCHEDULES

The following are the schedules of uses and regulations pertaining to the Zoning Districts of this Bylaw:

PART VI ZONING DISTRICT SCHEDULES Continued:

1. AR - Agricultural Residential District

1.1 Intent

The general purpose of the District is to encourage retention of agricultural land for crop production, livestock operations, related agricultural use, and to allow non-farm residential development at a level which will not jeopardize existing agricultural operations or remove good farmland from production and those specific permitted uses as indicated.

1.2 Principal Uses

Subject to all other provisions of this Bylaw, on any site, in any district defined, designated or described in this Bylaw as AR - Agricultural Residential District only the following uses shall be permitted:

1.2.1 Agricultural - field crops, bee keeping, dairy farming, animal and poultry raising, ranching, grazing, and other similar uses (excluding intensive livestock operations) customarily carried on in the field of general agriculture, including the sale, on the premises, of any produce grown or raised on the premises.

1.2.2 Grain Elevators

1.2.3 Schools, cemeteries, places of worship, and Community Halls.

1.2.4 Public Utilities

1.2.5 Historical and Archeological sites.

1.2.6 Uses Permitted at Council's Discretion

The following uses shall be permitted only by resolution of Council, only in locations and under conditions specified in such resolution of Council:

a) Private Airstrips.

b) Agriculturally related commercial uses which may include: Services, supplies and small scale processing such as grain and seed storage, drying and cleaning; storage of fertilizers (subject to the regulations under the Air Pollution Control Act, Department of Environment); implement and machinery sales and service; bulk fuel sales and stockyards and auction marts and abattoirs.

Where these uses are proposed within 2 km.

PART VI ZONING DISTRICT SCHEDULES Continued

(1.25 miles) of a town of village, comments shall be obtained from the respective town or village council prior to issuance of a development permit.

- c) Gravel pits and gravel crushing operations. The resolution of Council may specify that the developer be required to enter into a development agreement with Council to prescribe conditions respecting operations of the pit, rehabilitation of the site, routing of gravel trucks, tree planting and erection of fencing where required and the maintenance of municipal roadways. Such an agreement may require the posting of a performance bond, to guarantee adherence to the above and/or any other additional requirements that Council may specify.
- d) Recreational, including sports fields, golf courses, tourist campsites, parks and other similar uses.
- e) Tree nurseries, market gardens.
- f) Intensive livestock operations.
- g) A farmstead for the purpose of providing an area for a principal agricultural use and accessory farm residence.
- h) Non-farm residential - single detached dwelling (including a mobile home) subject to Section 1.3.6.
- i) Home occupations.

1.2.7. Accessory Uses

Buildings, structures or uses secondary and accessory to but located on the same site with the principal use are permitted. A single detached dwelling, which may include a mobile home on a permanent foundation is permitted as a secondary and accessory use to a principal agricultural use or when required as accessory to the use of land for grain elevators as a single detached dwelling for the operator of a grain elevator.

1.3 Regulations

1.3.1 Site Area Requirements

- a) Grain elevators and accessory buildings
- no minimum.

PART VI ZONING DISTRICT SCHEDULES Continued...

- b) Public Utilities - no minimum.
- c) Discretionary uses - no minimum except for the following uses:
 - i) Agriculturally related commercial. *
- Minimum - .4 ha. (1 acre)
 - ii) Tree nurseries, market gardens, intensive livestock operations and farmstead sites.
- Minimum - .8 ha. (2 acres).
- Maximum - as determined by demonstrated space needs necessary for a viable principal agricultural use.
 - iii) Residential - Minimum - .5 ha. (1.2 acres)
- Maximum - 1.5 ha. (3.7 acres) except that the maximum site area may be a greater area depending on existing physical circumstances, i.e. limitations or demarcations, peculiar to a proposed non-farm residential site, such as a shelter belt or topographical restraints.
- d) Agricultural uses
 - i) One quarter section, 64 hectares (158 acres) or equivalent shall be the minimum site area required to constitute a farm land holding. Equivalent shall mean 64 hectares (158 acres) or such lesser amount as remains in an agricultural holding because of the registration of road widening, road right-of-way or railway plans or pipeline development, or natural features such as streams or bodies of water, or as a result of subdivision as permitted herein. Any agricultural holding which does not conform to the minimum site area requirement shall be deemed conforming with regard to site area, provided that a registered title for the site existed in the Land Titles Office prior to the coming into force of this bylaw.
 - ii) A reduced site area below 64 hectares (158 acres), but not below 16 hectares (40 acres) will be permitted for the purposes of farmland consolidation and estate settlement subject to a resolution of Council.
 - iii) Land holdings in adjoining Rural Municipalities.
A person not meeting the minimum agri-

PART VI ZONING DISTRICT SCHEDULES Continued...

cultural area requirement of 64 hectares (159 acres) or equivalent in the Municipality, but who owns land in an adjoining Rural Municipality may qualify to meet the minimum area requirements of this Bylaw provided that the following conditions are met:

- a) The person is a farmer.
- b) The person is engaged in a principal agricultural use of the land.
- c) The total farm land holding of this person within both the R.M.'s is a minimum of 64 hectares (159 acres) or equivalent.

1.3.2 Siting of Buildings

- a) All buildings shall be set back at least 45 metres (150 feet) from the centre line of any municipal road allowance, or provincial highway, or such greater distance as required by the Department of Highways.
- b) No dwelling shall be located within 305 metres (1,000 feet) of an intensive livestock operation as outlined by the Pollution (By Livestock) Control Act.

1.3.3 Number of Dwellings

One single detached dwelling or mobile home on a permanent foundation is permitted on any farm land holding and only accessory to a principal agricultural use of the land, except where additional single detached dwellings are required to accommodate full time workers engaged in a principal agricultural use of the land and where such additional single detached dwellings are approved by Council;

1.3.4 The Posting of Signs and Billboards

Signs and billboards are prohibited except for signs showing the names of occupants, signs bearing notices of sale or lease, information signs containing no advertising, and signs advertising the sale of produce.

1.3.5 Subdivision of Land for Non-Farm Residential Use

Only ~~one~~ ^{four} separate site for non-farm residential use shall be permitted to each quarter section in the AR-Agricultural Residential District. Development and subdivision of sites for non-farm residential use shall

*Amended
to allow* ←

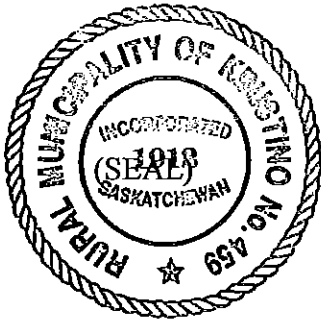
RURAL MUNICIPALITY OF KINISTINO NO. 459

BYLAW NO 05/10

A BYLAW TO AMEND BYLAW 84-2 KNOWN AS THE ZONING BYLAW

The Council of the Rural Municipality of Kinistino in the Province of Saskatchewan enacts to amend Bylaw No.84-2 as follows:

1. Section 1.3 Regulations, subsection 1.3.5 Subdivision of Land for Non-Farm Residential Use is amended by deleting the words "only one" and replacing with the word "four".
2. This bylaw shall come into force and take effect when approved by the Minister.



[Signature]

 REEVE

[Signature]

 ADMINISTRATOR

*Certified a true copy of Bylaw 05/10,
 adopted by resolution of Council on
 the 10th day of December, 2010.*

[Signature]

 Reeve

[Signature]

 Administrator

APPROVED
 REGINA, SASK.
 JAN - 4 2010

[Signature]

 Assistant Deputy Minister
 Ministry of Municipal Affairs

PART VI ZONING DISTRICT SCHEDULES Continued ...

be prohibited in the following instances, however, these provisions shall not apply to existing sites and uses approved for residential use prior to the passage of this Bylaw.

- i) On high quality agricultural lands identified as Class 1 to 2 inclusive by the Canada Land Inventory Soil Capability for Agriculture to be confirmed with greater certainty on the basis of assessment field data and/or the opinion of a recognized agrologist. Except, this provision shall not apply to subdivision of a fragmented part of a quarter section cut off by a physical barrier such as a roadway or highway, by a man made feature such as a shelter belt, or by a natural feature such as a river or coulee which prohibits normal or reasonable access provided adequate setback can be adhered to.
- ii) On hazard land, as defined in the bylaw or as designated by the Department of Environment.
- iii) On sites within the following distances:
 - 2 km (1.25 miles) from a National, Provincial, Regional, or Municipal Park; a wildlife management area; a bird sanctuary, an existing or proposed industrial development, or an airport, subject to demonstration of a potential land use conflict.
 - 305 m (1,000 feet) from an existing farm dwelling or Intensive Livestock Operation as required by the Department of Agriculture, Pollution (By Livestock) Control Act, or such greater distances as determined by Council.
 - 2 km (1.25 miles) from the corporate limit of a town, village, hamlet, organized hamlet or designated country residential district when it is demonstrated that a conflict will result with the future long term development of the urban centre.
 - 201 m (660 feet) from an existing or proposed mineral or petroleum extraction industry or gravel pit operation, excluding oil and gas wells.
- iv) On sites which in the opinion of the Department of Environment and/or the Department of Health would affect the operation of existing or approved sanitary landfills, sewage facilities, domestic and municipal water supplies.
- v) On sites that do not have direct access to public all weather roads and existing school bus route except that this shall not apply where in the opinion of Council such appropriate services can be provided and servicing agreement covering these aspects is entered into by the proponent.
- vi) On sites where water quality and/or quantity is marginal or minimal.

2. F - FORESTRY DISTRICT

2.1 Intent

The intent of the F - Forestry District is to protect the forest resources as well as the habitat of the wildlife by keeping the area in its natural state.

2.2 Permitted Uses:

Subject to all other provisions of this bylaw on any site, in any district defined, designated or described in this bylaw as an F - Forestry District only the following uses shall be permitted, subject to the approval of the Department of Parks and Renewable Resources.

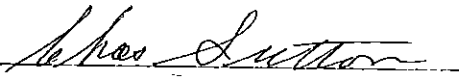
- A. Forestry- logging, processing of timber
- B. Game resources - trapping, hunting, angling
- C. Recreation - natural interpretation and nature trails, cross country skiing, snow mobile and hiking trails, picnic and camp sites, highway rest stops and other similar uses.
- D. Botanical Resources - Grazing, haying, wild rice harvest and berry picking.


2.3 Regulations:

The regulations of this district are established by the Department of Parks and Renewable Resources.

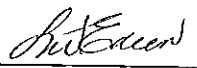
PART VII EFFECTIVE DATE OF THE BYLAW

This Bylaw shall come into force on the date of final approval by the Minister. Bylaw No. 707 and Amendments thereto are hereby repealed.


REEVE


RURAL MUNICIPAL ADMINISTRATOR

Certified a true copy of Bylaw No. 842 passed by the Council of the Rural Municipality of *Kinistino* at a meeting duly convened and held on the *12* day of *October* a quorum being present.


RURAL MUNICIPAL ADMINISTRATOR

S E A L

