

## PART II

### THE CODE

#### Chapter 1

#### General Provisions

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#### **SEC. 1-1. HOW CODE DESIGNATED AND CITED.**

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as "The Code of the City of Buffalo, Wyoming, 1982.", and may be so cited. The Code may also be cited as the "Buffalo City Code, 1982".

#### **SEC. 1-2. DEFINITIONS AND RULES OF CONSTRUCTION.**

In the construction of this Code and of other ordinances of the City of Buffalo, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the council or the context clearly requires otherwise:

**Bond:** When a bond is required, an undertaking in writing shall be sufficient.

**City:** The words "the city", "city" or "City of Buffalo" mean the Town of the City of Buffalo, in the County of Johnson, in the State of Wyoming.

**Computation of time:** The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is Sunday, that day shall be excluded.

**Council:** The word "council" shall mean the Council of the Town of the City of Buffalo, Wyoming.

**County:** The words "the county" mean the County of Johnson, in the State of Wyoming.

**Gender:** Words importing the masculine gender include the feminine and neuter.

**In the city; in the corporate limits of the city:** The words "in the city" or "in the corporate limits of the city" mean and include any territory within the corporate limits of the Town of the City of Buffalo, Wyoming, and the police jurisdiction thereof, and any other territory over which regulatory power has been conferred on the City of Buffalo by general or special act, except as otherwise specified.

**Joint authority:** All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

**Month:** The word "month" means a calendar month.

**Number:** Words used in a singular include the plural and words used in the plural include the singular.

**Oath:** The word “oath” includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” are equivalent to the words “affirm” and “affirmed”.

**Or, and:** The word “or” may be read as “and” and the word “and” as “or”, where the sense requires it.

**Owner:** The word “owner”, applied to a building or land, shall include not only the owner of the whole, but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land, and shall include any agent of such owner, and where such owner is a body corporate it shall include the managing agent or officer within the City of Buffalo.

**Person:** The word “person” includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.

**Personal Property:** The words “personal property” include every species of property, except real property.

**Preceding, following:** The words “preceding” and “following” mean next before and next after, respectively.

**Property:** The word “property” includes real, personal and mixed property.

**Real Property:** The words “real property” include lands, tenements and hereditaments.

**Shall, may:** The word “shall” is mandatory. The word “may” is permissive.

**Sidewalk:** The word “sidewalk” means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

**Signature, subscription:** The word “signature” or “subscription” includes a mark when the person cannot write, when his name is written near such mark and is witnessed by a person who writes his own name as a witness.

**State:** The words “the state” mean the State of Wyoming.

**Street:** The word “street” means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the City of Buffalo.

**Tenant, occupant:** The words “tenant” and “occupant”, applied to a building or land, mean any person who occupies the whole or a part of such building or land, whether alone or with others.

**Tense:** Words used in the past or present tense include the future as well as the past and present.

**Writing, written:** The words “writing” and “written” include typewriting, printing on paper and any other mode of representing words and letters.

**Year:** The word “year” means a calendar year, except where otherwise provided.

### **SEC. 1-3. PROVISIONS CONSIDERED AS CONTINUATION OF EXISTING ORDINANCES.**

The provisions appearing in this Code, so far as they are the same as those of the ordinances existing at the time of the adoption in this Code, shall be considered as a continuation thereof and not as new enactments.

### **SEC. 1-4. HEADLINES OF SECTIONS.**

The headlines of the sections of this Code are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of any section; nor, unless expressly so provided, shall they be so deemed when any section, including its headlines, is amended or re-enacted.

### **SEC. 1-5. SEVERABILITY OF PARTS OF CODE.**

If for any reason any part, section, subsection, sentence, clause or phrase of this Code, or the application thereof to any person or circumstance, is declared unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Code.

**SEC. 1-6. OFFICIAL CITY DATUM PLANE ESTABLISHED.**

The official city datum plane, or plane of reference for all elevations in the City of Buffalo, is hereby fixed at a horizontal plane six hundred and thirty five feet below the top of the copper plate on the government bench mark or monument established by the United States Geological Survey, and which is situated in the Court House Square of the City of Buffalo; which official city datum plane will then be at a distance of approximately four thousand feet above the mean level of the sea. (R.O. 1955, §25-1.)

**SEC. 1-7. ELEVATIONS WITH REFERENCE TO DATUM PLANE.**

All official elevations hereafter established in the City of Buffalo shall be described with reference to their elevation as compared to the official city datum plane as described in the preceding section, their elevations above the official city datum plane being stated in feet and decimal parts of a foot. No grade or official elevation shall be established other than by ordinance and in the manner described in this section. (R.O. 1955, § 25-2)

**SEC. 1-8. CORPORATE SEAL.<sup>1</sup>**

A seal, the impression of which shall be as follows: In the center a cut of the male buffalo, bearing upon the right side thereof the word "Seal" and around the outer edge the words "City of" and "State of Wyoming," such cut expressing the name of the City of Buffalo shall be and the same is hereby adopted and declared to be the seal of the City of Buffalo. (R.O. 1955, §2-1)

1. For state law as to power of town to have, use, etc., a common seal,  
See W.S., 1977, §15-1-103.

**SEC. 1-9. REASONABLE TIME OR NOTICE.**

In any case where any provision of this Code or any other ordinance of the City of Buffalo shall require any act to be done in a reasonable time, or reasonable notice to be given to any person, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt execution of such duty or compliance with such notice. (R.O. 1955, §14-8)

**SEC. 1-10. EFFECT OF REPEAL OF ORDINANCES.**

When an ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it be therein expressly so provided. (R.O. 1955, §14-6)