

## CHAPTER 17

### PARKS AND PLAYGROUNDS. 1

1. For state law authorizing the Town Council to establish and regulate parks and recreational areas, see W.S. 1977, § 15-1-103 (xx).

- § 17-1. Camping restricted except in designated areas.
- § 17-2. George Washington Memorial Park – Official name.
- § 17-3. Same – Plan of development.
- § 17-4. Board – Official name; Appointment and term of office; Compensation; Vacancies.
- § 17-5. Powers of board and Council.
- § 17-6. Restricted use during certain hours.
- § 17-7. Injuring, etc., park property, etc.; Posting bills.
- § 17-8. No camping.
- § 17-9. The Buffalo Outdoor Pool Board.
- § 17-10. Powers of the Board.
- § 17-11. Creation and establishment of City Tree Board.
- § 17-12. Rules for path systems.
- § 17-13. Rules for Wildlife Habitat Area.

#### **SEC. 17-1. CAMPING RESTRICTED EXCEPT IN DESIGNATED AREAS.**

It shall be unlawful for any person to camp, lodge or dwell within and upon any areas owned, controlled and operated by the City of Buffalo for playground, park or recreational purposes, unless such areas shall be expressly designated and posted for camping; provided, that nothing herein shall be construed to mean that picnics in such areas or grounds ordinarily used and occupied for that purpose shall be unlawful. (Ord. 630, § 1, 10/62)

#### **SEC. 17-2. GEORGE WASHINGTON MEMORIAL PARK – OFFICIAL NAME.**

The tract of land situated in and owned by the City of Buffalo, and laid down and described on the original plat of the Park Addition to the City of Buffalo, on file and of record in the office of the County Clerk and ex-officio register of deeds of the County, and shown on the plat as “Clear Creek Park” is hereby set apart, reserved and rededicated as George Washington Memorial Park. (R.O. 1955, § 65-1)

#### **SEC. 17-3. SAME – PLAN OF DEVELOPMENT.**

The plan for the development of the George Washington Memorial Park as designated and drawn by Harold L. Curtis, University of Wyoming, entitled “General Development Plan of Washington Memorial Park, Buffalo, Wyoming”, is hereby accepted as the plan for such park, and such plan shall be filed by the City Clerk among the records of the City of Buffalo. The City Clerk shall endorse on the plan “Approved and accepted by the City of Buffalo, Wyoming, May 6, 1936.” (R.O. 1955, § 65-2)

#### **SEC. 17-4. BOARD – OFFICIAL NAME; APPOINTMENT AND TERM OF OFFICE; COMPENSATION; VACANCIES.**

Section 17-4 of the Buffalo City Code is hereby repealed. (Ord. 1175, § 1, 9/98)

#### **SEC. 17-5. POWERS OF BOARD AND COUNCIL.**

Section 17-5 of the Buffalo City Code is hereby repealed. (Ord. 1175, § 2, 9/98)

#### **SEC. 17-6. RESTRICTED USE DURING CERTAIN HOURS.**

No person shall use the swimming pool, playgrounds or other recreational facilities located in the Washington Park or be in Washington Park between the hours of 10:00 p.m. and 6:00 a.m., unless such area has been posted for different hours by the authority of the Chief of Police. (Ord. 1183, § 1, 7/99)

**SEC. 17-7. INJURING, ETC., PARK PROPERTY, ETC.; POSTING BILLS.**<sup>2</sup>

No person shall cut, break or in any way injure or deface any tree, shrub, plant, turf or any of the buildings, fences or other structures in the Buffalo Parks, nor shall any person post or affix any bill or poster on any such building, fence or other structure in such parks. (Ord. 967, § 4, 9/81)

2. As to bill posting generally, see Sec. 16-3 of this Code. As to injuring, destroying, etc., property belonging to the City of Buffalo, see Sec. 16-21.

**SEC. 17-8. NO CAMPING.**

It shall be unlawful for any person to camp, lodge, or dwell within and upon any areas owned, controlled or operated by the City of Buffalo, Wyoming, for park, playground or recreational purposes including but not limited to the George Washington Memorial Park.

Any person who violates this section or any rule, regulations, standard or permit issued or adopted by the Buffalo Park Board as created under the Code of the City of Buffalo, Wyoming, shall be fined not more than \$100.00 per day of violation, or imprisoned for not more than one month. (Ord. 901, § 1, 6/78)

**SEC. 17-9. THE BUFFALO OUTDOOR POOL BOARD.**

There is hereby created and established a pool board to be known as the Buffalo Outdoor Pool Board which will consist of five (5) members holding title to real property or residing in the City of Buffalo, Wyoming, to be appointed by the Mayor, by and with the consent of the City Council. Such member shall serve without pay. Term for appointment of each member shall be two (2) years and the City Council shall initially appoint two (2) members for a term of two (2) years and three (3) members for a term of one (1) year. Thereafter, all members shall serve for the full two-year term. Term of office shall be from January 1<sup>st</sup> until December 31<sup>st</sup> of said year or years. Any vacancies on such board, whether by death, removal from office, resignation or otherwise, shall be filled by appointment by the Mayor as hereinabove provided. (Ord. 1052, § 3, 2/87)

**SEC. 17-10. POWERS OF THE BOARD.**

The Buffalo Outdoor Pool Board shall have the power to direct the general operation, maintenance, control and adornment and development of the Buffalo Outdoor Pool. All expenditures from such funds shall be approved by the chairman of the Buffalo Outdoor Pool Board provided that nothing shall be construed as preventing the Council from making appropriations for or paying accounts for pool expenditures from the general funds of the City of Buffalo to purchase equipment, material and property for use of the pool; to contract for and direct operation expenses in the pool. The Buffalo Outdoor Pool Board has the authority to elect a president or chairman and to hold meetings and to keep a record of such meetings, and to make and publish any and all rules and regulations for the management, maintenance and enjoyment of the pool and in their discretion they deem necessary, which rules and regulations may be enforced by excluding violators thereof from the use and benefit of the pool and to do and perform all other acts and other things consistent with the proper and efficient management, control and development of the pool. It is further provided that the board shall provide lifeguards and make arrangements for the payments of such lifeguards reasonably necessary for the operation of the outdoor pool. The board shall submit on or before the first day of March of each year to the Mayor and City Council a proposed budget for the ensuing fiscal year. Said budget shall be subject to alterations, modification or revision by the City Council and after being approved by them shall be adopted as the fiscal plan for the board for the ensuing year. All purchases under the budget shall be in accordance with the purchasing policy of the City of Buffalo. (Ord. 1052, § 4, 2/87)

**SEC. 17-11. CREATION & ESTABLISHMENT OF A CITY TREE BOARD.**

- 1) Definitions:

A) Street Trees: "Street Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

B) Park Trees: "Park Trees" are herein defined as trees, shrubs, bushes and all woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

2) Creation and Establishment of a City Tree Board: There is hereby created and established a City Tree Board for the City of Buffalo, Wyoming, which shall consist of five (5) members, citizens and residents of this City, who shall be appointed by the Mayor and confirmed by the City Council.

3) Term of Office: The term of the five (5) persons to be appointed by the Mayor shall be three (3) years, except that the term of two (2) of the members appointed to the first board shall be for only one (1) year and the term of two (2) members of the first board shall be for two (2) years. In the event that a vacancy shall occur during the term of any members, his successor shall be appointed for the unexpired portion to the term.

4) Compensation: Members of the Board shall serve without compensation.

5) Duties and Responsibilities: It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually and administer a plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval, shall constitute the official comprehensive City tree plan for the City of Buffalo, State of Wyoming. The Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work. When planning for the parks and or any other area of the City under the control of the park or other boards or commissions, the City Tree Board shall make their recommendations in writing to the appropriate board or commission who shall adopt or otherwise act on the recommendations as they see fit.

6) Operation: The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

7) Street Tree Species to be Planted: Any trees which are hardy and adaptable to this altitude zone and recommended for growth in this area. Listings of trees recommended for growth in Wyoming are available from the Agricultural Extension Service, University of Wyoming, Laramie, Wyoming, or from the local County Extension Agent. No noxious type trees or cotton producing cottonwood may be planted without written permission of the City Tree Board.

8) Spacing: The spacing of street trees will be in accordance with the recommendations of the Agricultural Extension Service, University of Wyoming, Laramie, Wyoming, or from the local County Extension Agent fro the particular type of tree to be planted. Consideration shall be given for special plantings designed or approved by a landscape architect, landscape designer or person engaged in the field of landscape contracting.

9) Distance from Curb and Sidewalk: The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the species and size of tree to be planted. No trees may be planted closer to any curb or sidewalk than the following: Small trees – 2 feet; Medium trees – 3 feet; Large trees – 4 feet.

10) Distance from Street Corners and Fireplugs: The planting of street trees on any street corner shall be done in accordance with Section 20-7.2 of the Code of the City of Buffalo, Wyoming. No street tree shall be planted closer than ten (10) feet of any fireplug.

11) Utilities: No street trees, other than those species considered to be small trees, may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

12) Public Tree Care: The City shall have the right, but does not have the obligation, to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

13) Tree Topping: It shall be unlawful as a normal practice for any person, firm, or City department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from the Ordinance, at the determination of the City Tree Board.

14) Pruning, Corner Clearance: The City shall have the right, but does not have the obligation, to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from the street light or interferes with visibility of any traffic control device or sign, or does not meet the requirements of Section 20-7.2 of the Code of the City of Buffalo, Wyoming.

15) Dead or Diseased Tree Removal on Private Property: The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard of life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City Tree Board will notify, in writing, the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the owner.

16) Removal of Stumps: All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

17) Arborists License and Bond: It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license in accordance with Chapter 26 of the Code of the City of Buffalo, Wyoming. However, no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors.

18) Review by City Council: The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.

19) Penalty: Any person violating any provision of this Ordinance shall be, upon conviction or a plea of guilty, subject to a fine of \$25.00 minimum but not to exceed \$50.00.

20) Severability: Should any paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby. (Ord. 1056, 7/87)

## **SEC. 17-12. RULES FOR CLEAR CREEK TRAIL SYSTEM.**

### **A) Definitions:**

1) Clear Creek Trail System shall mean any pathway, whether in City limits or not, constructed on City, or public lands which is not a dedicated street or alley and is cited in the Master Trails Plan or has been adopted by the City of Buffalo.

### **B) General Rules for Entire Path System (see subsections C-F herein for additional trail section rules).**

Permitted:           Foot Travel.  
                          Bicycles Touring, Mountain Biking.  
                          Mountain Skateboards, Nordic Skiing.  
                          Strollers, ADA Mobility Units  
                          Fishing, Wildlife Viewing, Picnicking.  
                          Dogs on Leash  
                          Dogs are Allowed Off Leash at Designated Areas Only (see subsection F herein)

Not Allowed:       Motorized vehicles.  
                          Horseback riding.  
                          Campfires.  
                          Overnight camping.  
                          Littering/Paintball  
                          Fireworks/Firearms.

### **C) Rules for Veteran's Home Pasture and Veteran's Lane**

All general rules apply.  
Additional rule: No Dogs Allowed

- D) Rules for Main Street Sidewalk Access/Historic Walking Tour  
All general rules apply.  
Additional rules: No Skateboards of Any Kind, No Bicycles.
- E) Rules for West Fetterman Street Access  
All general rules apply.  
Additional Rule: Not Skateboards of Any Kind.
- F) Designated Off-Leash Dog Areas  
Old Camp Eagle Rock  
Mountain Plains Heritage Park, South of Stockyard Road  
(Ord. 1206, § 1, 12/01)
- G) Rules for Area "E" – Old Power Plant to Mosier Gulch:  
All general rules apply plus "Pets allowed with leash".

H) Any person violating any provisions of the ordinance shall, upon conviction or a plea of guilty, be subject to a fine not to exceed \$100.00. (Ord. 1081, 11/89; R.O. 1308, 11, 4/2008)

**SEC. 17-13.1. WILDLIFE HABITAT AREA.**

The Wildlife Habitat Area is defined as those lands and improvements lying generally east of the City and located within the following legal description:

A parcel of land in the southeast quarter northeast quarter and northeast quarter northeast quarter of Section 35, Township 51 North, Range 82 West 6<sup>th</sup> P.M., described as follows: Beginning at the northeast corner of the SE1/4NE1/4 of said section running thence north along the east line of NE1/4NE1/4 a distance of 125 feet, thence West a distance of 1320 feet to the west line of said NE1/4NE1/4, thence South and along the west side of the NE1/4NE1/4 and the SE1/4NE1/4 of said section a distance of 1190 feet, thence East a distance of 1320 feet, thence North and along the east side of said SE1/4NE1/4 a distance of 1065 feet to the point of beginning, containing 36.06 acres more or less.

**SEC. 17-13.2. RULES AND REGULATION OF OPERATION.**

It shall be unlawful for any person to engage in any of the following activities in or on the Wildlife Habitat Area:

- A) To use any watercraft, motorized or non-motorized, or any floating device or other device designed for navigation on water by any energy source including human effort;
- B) To camp overnight, hunt, swim, horseback ride, build an open fire or operate any motorized vehicle;
- C) To allow any animal to run at large without restraint of a leash;
- D) To enter upon or walk upon an island located within the Wildlife Habitat Area; or,
- E) To skate on ice at any time the ice shall be unsafe or there is any open water in the Wildlife Habitat Area.

**SEC. 17-13.3. PENALTY.**

Any person who shall violate any of the provisions of this Section 17-13 shall, upon conviction, be fined a sum not less than \$25.00 and not more than \$250.00, to which costs shall be added. (Ord. 1173, 6/98)

## **APPENDIX – PARKS AND PLAYGROUNDS.**

### **A. CANYON PARK.**

- § 17A-1. Designation of Canyon Park.
- § 17A-2. Prohibition against sale, exchange, lease.
- § 17A-3. Control, Management and Direction.

### **B. COUNTRY CLUB PARK.**

- § 17B-1. Designation of Country Club Park.
- § 17B-2. Prohibition against sale or lease.
- § 17B-3. Control, Management and Direction.

### **A. CANYON PARK.**

#### **SEC. 17A-1. DESIGNATION OF CANYON PARK.**

The lands hereinafter described belonging to the City of Buffalo, subject to all existing easements and right-of-way, are hereby set aside, established and dedicated as park property for the protection and preservation of the water supply of the City of Buffalo. The park shall be known and designated as the CANYON PARK, embracing the following described land situated in the County of Johnson, State of Wyoming, to-wit:

The northwest quarter of the northwest quarter (NW1/4NW1/4) of Section Five (5), and the north half of the northeast quarter (N1/2NE1/4); the southwest quarter of the northeast quarter (SW1/4NE1/4); the south half of the northwest quarter (S1/2NW1/4) and the northwest quarter of the southwest quarter (NW1/4SW1/4) of Section six (6), in Township Fifty (50), North of Range Eight-two (82) West of the Sixth (6<sup>th</sup>) Principal Meridian; and Lots Two (2) and Three (3); the southwest quarter of the northeast quarter (SW1/4NE1/4); the northwest quarter of the southeast quarter (NW1/4SE1/4) and the north half of the southwest quarter (N1/2SW1/4) of Section One (1); the north half of the southeast quarter (N1/2SE1/4); the southwest quarter of the southeast quarter (SW1/4SE1/4); the south half of the southwest quarter (S1/2SW1/4) of Section Two (2); the southeast quarter of the southeast quarter (SE1/4SE1/4) of Section Three (3) and the north half of the northeast quarter (N1/2NE1/4); the east half of the northwest quarter (E1/2NW1/4) of Section Ten (10) in Township Fifty (50) North of Range Eight-three (83) West of the Sixth (6<sup>th</sup>) Principal Meridian;

#### **SEC. 17A-2. PROHIBITION AGAINST SALE, EXCHANGE, LEASE.**

Exception – The lands hereby dedicated and set aside as the Canyon Park shall be forever withdrawn from sale, exchange or lease, except that any of said land now leased or which may hereafter be leased to any religious, charitable or benevolent organization, determined by the City Council to be a religious, charitable or benevolent organization, is hereby ratified and declared valid. (Ord. 795, § 2, 9/73)

#### **SEC. 17A-3. CONTROL, MANAGEMENT AND DIRECTION.**

Control, management and direction of the Canyon Park is hereby placed with the City Council of the City of Buffalo, and it shall make and promulgate such rules and regulations governing its care, management and control as it shall deem necessary. (Ord. 795, § 3, 9/73)

### **B. COUNTRY CLUB PARK**

#### **SEC. 17B-1. DESIGNATION OF COUNTRY CLUB PARK.**

That whereas, the City of Buffalo did on the 7<sup>th</sup> day of February, 1947, purchase from Bess V. Gallup a tract of land consisting of 18.61 acres located north west of Buffalo more particularly described as follows:

Township 51 North, Range 82 West 6<sup>th</sup> P.M.

Beginning at a point on the center line of Section 27, in Township 51 North, Range 82 West of the 6<sup>th</sup> Principal Meridian, Wyoming, said point being 1196.73 feet east of the center of said Section 27, running;

Thence N.52 degrees 44' W 318 feet  
Thence S.77 degrees 16' W 182 feet  
Thence N.84 degrees 32' W 466 feet  
Thence S.60 degrees 23' W 965 feet  
Thence S.00 degrees 00' W 280 feet  
Thence N.85 degrees 36' W 596 feet  
Thence N.75 degrees 48' E 890 feet  
Thence N.43 degrees 02' E 405 feet

to the point of beginning, containing 18.61 acres of land located in parts of lots eight (8), nine (9), eleven (11) and northeast quarter of southwest quarter (NE1/4SW1/4) of Section 27 as recorded in official records of the County Clerk, Johnson, Wyoming. (Ord. 813, § 1, 7/74)

Be it ordained by the City Council of the City of Buffalo, Wyoming, that the above described land, purchased for City use be and the same hereby is established as a City Park and Recreation Area, the same to be called and forever known by the name Country Club Park. (Ord. 813, § 2, 7/74)

**SEC. 17B-2. PROHIBITION AGAINST SALE OR LEASE.**

Whereas, it is the belief of the governing body of said City, that the use of the land for pleasure and recreation shall not cause undue interference with the residents within the immediate area, and that the same should be withdrawn from sale or lease and dedicated as a public park and recreation area for the use and enjoyment of the people of the City of Buffalo. (Ord. 813, § 1, 7/74)

**SEC. 17B-3. CONTROL, MANAGEMENT AND DIRECTION.**

The said Country Club Park is hereby placed under the control and discretion of the City of Buffalo Park Board, to be by it regulated and maintained in accordance with the ordinances of the City of Buffalo. (Ord. 813, § 3, 7/74)