

"ANYTHING TWO PEOPLE KNOW IS NOT A SECRET."

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Chalk up one for the residents

Judge Roberta Coates rules that her Court is not bound by an "interpretation" of a city employee

by Dave FEATHERLY

Even though, in an obvious attempt to toss a bone to the City and County, Circuit Court Judge Roberta Coates found a county resident guilty (and fined him \$180.00 plus costs of \$30.00) for a violation of which he wasn't charged, her ruling in a November 29, 2006 trial in her courtroom dealt a huge setback and incalculable embarrassment to the misguided parties who attempted to prosecute this matter.

A brief review: In what is evolving into a "City/County of Snitches," a county resident filed a complaint against his neighbor. The complaint was filed with the Laramie County Zoning Office and alleged that the nonspecific violation involved "Vehicles" and "Zoning". The form appeared to have been completed by a County employee, not the complainant. It is unsigned so there could be no penalty for false accusations.

The complaint says: "Impound yard for -- several vehicles, boats, etc." (Note: A campground was named and abbreviations were used in the actual complaint.) The complaint was dated May 30, 2006. Handwritten in both the upper right and left-hand corners are names and phone no.'s of two other neighbors who presumably added their names to the same complaint. The accusation from them is unstated. One notation is dated June 2, 2006 - the other is undated.

On the basis of this vague accusation, and in direct contradiction to the County's official policy about not getting involved in neighbor's disputes, the complaint was pursued. The official position ...

Laramie County will take corrective action on all complaints that affect the public health, safety and well-being; but will not initiate corrective action as to issues that have basis in private social, economic, or cultural life style differences unless the situation can be substantiated under these regulations to be one that obviously infringes on the health, safety, or well-being of others. Enforcement authorities will not respond to situations that are reflective of personal neighborhood disputes arising from such differences or other causes. In all such instances the citizen has the responsibility for taking correction action through the appropriate process.

... Burden of proof that a threatening health, safety, or welfare condition exists shall be the responsibility of the complaining party ...

As a part of the same Nuisance Regulations (Enforcement) it states:

Notice and Order: B.) A statement that the enforcement authority has found a public nuisance with a brief and concise description of the nature of the violation.

Not until November 29, in Judge Coates' courtroom, was any specific (concise) description of the violation provided to the accused county resident.

The Laramie County planning department employee who carried the water on this fiasco testified that she first visited the property on the same day the complaint was registered. (Note: Builders must love that. It takes them weeks to get action, a vague complaint like this one gets action the same day.) She took two pictures. The following day, she testified, she sent a "letter of violations" to the property owner.

That letter refers to a violation but does not state which vehicle, boat, etc. is in violation. The property owner is given until June 15, 2006 to cure - remove this unspecified vehicle. On June 28, 2006, the County employee visited again. This time, she took three pictures. There is no evidence in the court file than any further complaint was registered by a neighbor. Now, it had become a personal affront. The property owner neither responded to the threat nor removed the unspecified car, truck, trailer or boat.

On June 29, a second letter of violation was sent, this time stating one vehicle was "unlicensed," but not stating which one. The property owner was given until July 17 to "remove" the offender(s) but not told which vehicle was in violation.

On July 17, the property was visited again. More pictures were taken and this time a certified letter was sent regarding the alleged violations. Still providing no specifics. Pictures introduced in the trial showed that the vehicle, a 1994 Porsche, was hidden from view from the street by a trailer and, except for not having current license tabs, appeared to be an operable vehicle in very good condition. It was up on all four tires and had no discernible body damage.

The accusations were always that the property owner, "did unlawfully store scrap and salvage vehicles on property in violation of 55.070/40.00 Laramie County zoning ordinances." A block was checked for a violation of W.S. 18-5-206.

It took me a long time to figure out why no specific vehicles were ever cited. I concluded that the objective was to force the property owner to remove ALL vehicles, campers, trailers, boats, etc., even though none were proven to be in violation of the "ordinances" cited.

55.070 Refuse Disposal: (c) Storage of scrap or salvage materials or vehicles is prohibited in all districts with the exception of LI and HI.

40.000 DISTRICT AR: AGRICULTURAL RESIDENTIAL. (a zoning description)

W.S. 18-5-206. Penalty for violation of W.S. 18-5-201 through 18-5-204.

On August 17, the employee took her fourth trip to the property (which is several miles north of the County offices). More pictures (2) and, in her court testimony, there were now two unlicensed vehicles on the property. One had expired plates - it was unclear whether it was one of the two alleged to be unlicensed but it apparently was. Testimony was given that the owner, a resident at the same address, had not received an annual notice and continued to drive the longtime registered vehicle until he realized it was unlicensed and took corrective action immediately.

After this visit, the Sheriff's Department was conscripted. Again in direct violation of County policy (see Nuisance Regs in the left column).

First (dated 8/17/06) and Final (9/25/06) Notices of the alleged violations were served by the Sheriff's Department. They each stated: "Citation: Section 40.000 and Section 55.070(c)" Copies of these Notices are shown to be provided to the County Commissioners and to the County Attorney, who would prosecute.

On September 21, 2006, a fifth visit to the property far out in the county was made. Three citations in all were issued. Each stated the violation occurred "on or about 21st Sep. 2006." All citations are similar: "Did unlawfully store scrap or salvage vehicles on property, in violation of 55.070/40.00 (sic) Laramie Co. zoning ordinances."

When new Laramie County Attorney Mark Voss filed an "ORDER AMENDING CITATION" with the Court on October 19, 2006 (to add the last two citations to the charges), he wrote both that "all of the violations are alleged to have occurred on or about May 30 2006 to September 21, 2006," and that "all charges constitute violations of Sections 55.070 and 40.00 of the Ordinances, .."

A property owner cannot violate 40.000 (it is not 40.00) because that is a zoning classification (Agricultural Residential). To repeat this mistake so many times shows a gross incompetence. You also can't violate W.S. 18-05-206 because it refers to the penalty, not the violation.

There is no definition of "scrap or salvage vehicle" in County zoning that includes an unlicensed vehicle. So, the County had to make one up.

A new Development Director was coached on what language the County Attorney would need to prosecute these vague accusations. He, regardless of how many days he's had on the job, has the authority (or did until Judge Coates took it away) to interpret zoning rules. This new Director dutifully drafted such an "interpretation." He wrote in a Memorandum to Mark Voss on November 14, 2006: "**Regarding a definition of Junk or Salvage Vehicles - In general, a vehicle is considered to be 'junk' or 'salvage' if it is inoperable, considerably damaged or not displaying current Laramie County registration.**"

"Laramie County registration?" How blatant a contrived "interpretation" is that? It can have any current registration.

The judge's verdict and more on page 5.

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