

The State of Wyoming  
First Judicial District

EDWARD L. GRANT  
JUDGE



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LARAMIE COUNTY COURTHOUSE  
CHEYENNE, WYOMING  
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December 13, 2006

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Re: *County Commissioners of Laramie County, et al. v. City of Cheyenne*  
Docket No. 167-452  
*Cox Ranches, et al. v. City of Cheyenne*  
Docket No. 167-523  
Consolidated Cases

Dear Counsel:

I've considered the supplemental briefs on the § 410 statement that all ordinances apply to the territory and inhabitants of areas annexed and its effect on the Grasslands annexation ordinance which purports to exempt the area from some ordinances. The City's position is that certain rules of statutory construction resolve the apparent conflict. The argument is not persuasive.

Requisite to the application of rules of construction is ambiguity in the statute. Here there is none. W.S. § 15-1-410 can be read reasonably only in accord with its plain language, that the territory and inhabitants are subject ". . . to all the . . . ordinances . . . of the city or town . . ." The law is clear that municipalities have only

County Commissioners of Laramie County, et al. v. City of Cheyenne  
Docket No. 167-452  
Cox Ranches, et al. v. City of Cheyenne  
Docket No. 167-523  
Consolidated Cases  
December 13, 2006  
Page 2

the powers given by the legislature. *Wyoming State Treas. v. City of Rawlins*, 510 P.2d 301 (Wyo. 1973). The statutes grant no authority to exempt areas annexed from ordinances. Apparently this was not by legislative oversight.

Among the powers granted as enumerated in § 15-1-103:

xxii – establish and regulate parks . . . and recreation areas . . . upon land owned, leased or controlled outside of the City limits provided:

A. The municipal court of the City or town has jurisdiction to punish every violator of the ordinances of the City or town governing the areas.

It may be that the creation of a park or recreation area would positively require the application of ordinances in areas annexed for that purpose.

It could be argued that the statutory language “. . . every violator of the ordinances of the City or town governing the areas” necessarily acknowledges that there might be some ordinances not applicable in the area. It would be a slender reed on which to lean given the plain language of § 410.

It is argued that § 410 is in conflict with § 15-1-422 which prohibits a City from offering exemption from waste management plans to property owners to secure their agreement with annexation. If the legislature intended to prohibit other practices – like exempting annexed areas from certain ordinances – it is argued, it would’ve done so by listing all such practices as prohibited when § 422 was enacted. The proposition is a *non sequitur*.

There is no conflict between §§ 410 and 422. It could well be assumed that the legislature believed it is unnecessary to prohibit exemptions like these attempted here because § 410 makes it clear that all ordinances do apply. It would be redundant to prohibit exemptions.

The ordinance of annexation contains no severance clause except for individual provisions that are found to be unconstitutional and, it may be that the City Council would not decide to annex without the exemptions. So, there is no mechanism by which

*County Commissioners of Laramie County, et al. v. City of Cheyenne*  
Docket No. 167-452  
*Cox Ranches, et al. v. City of Cheyenne*  
Docket No. 167-523  
Consolidated Cases  
December 13, 2006  
Page 3

to uphold the annexation ordinance but not the exemptions. It appears that there is no alternative to granting the plaintiffs' motion for summary judgment. Accordingly I have entered the order of which a copy is enclosed.

Very truly yours,



Edward L. Grant  
District Judge

ELG/laa