

Montezuma County Code of the West

The Montezuma County Comprehensive Land Use Plan recommended that practical information and public education should play a central role in promoting positive relationships among residential and agricultural neighbors as rural Montezuma County continues to evolve.

In response to this recommendation, the San Juan Basin Farm Bureau volunteered to develop a Montezuma County “Code of the West”, which was put together by a Committee made up of Gene Donovan, Lynn Harvey, Jim Porter, Peter Dericks, Judy Lichliter, Charlie Lichliter, Phyllis Snyder and Sidney Snyder. The result is a concise set of well organized and very practical considerations for anyone embarking on the adventure of rural living in Montezuma County.

Montezuma County is pleased to add the Code of the West to our Tools for a Good Neighbor Policy tool kit.

MONTEZUMA COUNTY - CODE OF THE WEST

The Code of the West was first chronicled by the famous western writer Zane Grey. The men and women who first came to this part of the country during the westward expansion of the United States were bound by an unwritten code of conduct. The values of integrity and self reliance guided their decisions, actions, and interactions. In keeping with that spirit, we offer this information to help the citizens of Montezuma County who wish to follow in the footsteps of those rugged individualists by living outside city limits.

INTRODUCTION -

It is important for you to know that life in the country is different from life in the city. County governments are not able to provide the same level of services that city governments provide. To that end, we are providing you with the following information to help you make an educated and informed decision to purchase rural land.

- 1.0 ACCESS - The fact that you can drive to your property does not necessarily guarantee that you, your guests, or emergency service vehicles can achieve that same level of access at all times. Please consider:
 - 1.1 - Emergency response times (sheriff, fire suppression, medical care, etc.) cannot be guaranteed. Under some extreme conditions, you may find that emergency response is extremely slow, expensive, and non-existent under some circumstances.
 - 1.2 - There can be problems with the legal aspects of access, especially if you gain access across property belonging to others. It is wise to obtain legal advice and understand the easements that may be necessary when these types of questions arise. Other property owners may have access across your property.
 - 1.3 - You can experience problems with the maintenance and cost of maintenance of your road. Weather conditions can destroy roads. Some county roads are not maintained by the county - no grading or snow plowing. Make sure you know what type of maintenance to expect and who will provide that maintenance.
 - 1.4 - Many large vehicles, such as fire trucks and school buses, cannot navigate small, narrow roads. Bridges and/or culverts must be adequately constructed to carry heavy vehicles and potential heavy storm runoff. If you plan to build, it is prudent to check out large vehicle access.

- 1.5 - School busses travel only on roads that have been designated as school bus routes by the school district. You may need to drive your children to the nearest designated stop so they can get to school.
- 1.6 - Unpaved roads generate dust and are not always smooth and are often slippery when wet. Narrow roads and blind curves also exist throughout the county.
- 1.7 - Mail delivery is not available to all areas of the county. Ask the postmaster to describe the system for your area. Newspaper delivery is similarly not always available to rural areas. Check with the newspaper of your choice before assuming you can get delivery. Standard parcel and overnight package delivery can be a problem for those who live in the country. Confirm with the service providers as to your status.
- 2.0 UTILITY SERVICES - Water, sewer, electric, telephone and other services may be unavailable or may not operate at standards you are accustomed to.
- 2.1 - Telephone communications can be a problem, especially in the mountain areas of Montezuma County. It may be difficult to obtain another line for FAX or computer modem uses. Even cellular phones will not work in all areas.
- 2.2 - You will need to use an approved septic system or other treatment process. The type of soil you have available for a leach field will be very important in determining the cost and function of your system. Have the system checked by a reliable sanitation firm and ask for assistance from the Montezuma County Health Department and county sanitation officer.
- 2.3 - If you have access to a supply of treated domestic water, the tap fees can be expensive. You may also find that your monthly cost of service can be costly when compared to municipal systems.
- 2.4 - If you do not have access to a supply of treated domestic water you will have to locate an alternative supply. One source is a water well. Permits for wells are granted by the state engineer and the cost of drilling and pumping can be considerable. The quality and quantity of well water can vary considerably from location and from season to season. It is strongly advised that you research this issue very carefully. Another option is to haul water.
- 2.5 - Not all wells can be used for watering of landscape and/or livestock. Permits from the state engineer may restrict water to be used only for uses inside a home. If you have other needs, make certain that you have the proper approvals before you invest. It may also be difficult to find enough water to provide for your needs even if you can secure the proper permit.

- 2.6 - Electric service is not available to every area of Montezuma County. It is important to determine the proximity of electrical power. It can be very expensive to extend power lines to remote areas.
- 2.7 - It may be necessary to cross property owned by others in order to extend electric service to your property in the most cost efficient manner. It is important to make sure that the proper easements are in place to allow lines to be built to your property.
- 2.8 - Three phase electric power may not be available. If you have special power requirements, it is important to know what level of services can be provided to your property.
- 2.9 - If you are purchasing land with the plan to build at a future date, there is a possibility that electric lines (and other utilities) may not be large enough to accommodate you if others connect during the time you wait to build.
- 2.10 - The cost of electric service could include cost of construction of additional lines, hookup fees and connection fees. Then monthly facility fees, consumption fees and taxes. It is important to know all costs before making a decision to purchase a specific piece of property.
- 2.11 - Power outages and momentary blinks can occur in outlying areas with more frequency than in more developed areas. A loss of electric power can also interrupt your supply of water from a well. Power outages, surges and momentary blinks can cause problems. It is important to be able to cope with interrupted utilities if you live in the country.
- 2.12 - Trash removal can be much more expensive in a rural area than in a city. You have to take care of your own trash. You can contract with a private company or you may have to haul your trash to the landfill yourself, which involves paying a fee. Be a good neighbor. Keep your trash in closed containers so it doesn't blow onto neighboring property.
- 3.0 THE PROPERTY - There are many issues that can affect your property. It is important to research these items before purchasing land.
- 3.1 - Not all parcels of land are buildable because of small size. You must check to see if the deed is legal on any thing under three (3) acres. Rural property could have prior agreements recorded which limit or prohibit changes. Conservation easements are agreements which could keep land in production agriculture forever. There may be cost share contracts with the U.S. Government Farm Service Agency or Natural Resources Conservation Service which prevent changing the use of the land for a period of years. You may have to repay cost shared amounts. There may be land classifications, such as highly erodible, with these contracts that restrict changes. Find out from the

Natural Resources Conservation Service if the property has a wetlands designation which would prohibit changes or construction.

- 3.2 - Easements may require you too allow construction of roads, power lines, water lines, sewer lines, etc. Across your land. There may be easements that are not of record. Check these issues carefully.
- 3.3 - Many property owners do not own the mineral rights under their property. Owners of mineral rights have the ability to change the surface characteristics in order to extract their minerals. It is important to know what minerals may be located under the land and who owns them. Be aware that adjacent mining uses can expand and cause negative impacts.
- 3.4 - You may be provided with a plat of your property, but unless the land has been surveyed and pins placed by a licensed surveyor, you cannot assume that the plat is accurate.
- 3.5 - Fences are not always located on the legal description property lines. State statute allows landowners to claim title by adverse possession if the fenceline has been there at least eighteen (18) years.
- 3.6 - Many subdivisions and PUD's have covenants that limit the use of the property. It is important to obtain a copy of the covenants (or confirm that there are none) and make sure you can live with those rules.
- 3.7 - Homeowners associations (HOAs) are required to take care of common elements, roads, open space, etc. A dysfunctional homeowners association or poor covenants can cause problems for you and even involve you in expensive litigation.
- 3.8 - The surrounding properties will probably not remain as they are indefinitely.
- 3.9 - If you have a ditch or a pipeline running across your property, the owners of the ditch or pipeline have the right to come onto your property to maintain the ditch or pipeline.
- 3.10 - Water rights that are sold with the property may not give you the right to use the water from any ditches crossing your land without coordinating with a neighbor who also uses the water. Other users may have senior rights to the water that can limit your use. You may be required to pay for the enlargement or other ditch improvements if you add additional water to the ditch.
- 3.11 - It is important to make sure that any water rights you purchase with the land are sufficient for your anticipated uses.

3.12 - The water flowing in irrigation ditches belongs to someone. You cannot assume that because water flows across your property, you can use it.

3.13 - Flowing water as well as ponds can be a hazard, especially to young children. Before you decide to locate your home near an active ditch, consider the possible danger to your family.

4.0 MOTHER NATURE - Residents of the county usually experience more problems when the elements and earth turn unfriendly. Here are some thoughts for you to consider.

4.1 - The physical characteristics of your property can be positive and negative. Trees are a wonderful environmental amenity, but can also involve your home in a forest fire. Building at the top of a forested draw should be considered as dangerous as building in a flash flood area. "Defensible perimeters" are very helpful in protecting buildings from forest fire and inversely can protect the forest from ignition if your house catches on fire. If you start a forest fire, you are responsible for paying the cost of extinguishing that fire.

4.2 - Steep slopes can slide in unusually wet weather. Large rocks can also roll down steep slopes and present a great danger to people and property.

4.3 - Expansive soils can buckle concrete foundations and twist steel I-beams. You should know the soil conditions on your property.

4.4 - North facing slopes or canyons rarely see direct sunlight in the winter. There is a possibility that snow will accumulate and not melt throughout the winter.

4.5 - The topography of the land can tell you where the water will go in the case of heavy precipitation. When property owners fill in ravines, they have found that the water that drained through the ravine now drains through their house.

4.6 - A flash flood can occur, especially during the summer months, and turn a dry gully into a river. It is wise to take this possibility into consideration when building.

4.7 - Spring runoff or heavy thunderstorms can cause a very small creek to become a major river. Many residents use sand bags to protect their homes. The county does not provide sand bags, equipment, or people to protect private property from flooding.

4.8 - Private landowners have the right to hunt or discharge firearms on their property. Landowners can give permission to others to hunt on their land. Licenses may or may not be required.

4.9 - Nature can provide you with some wonderful neighbors. Most such as deer and eagles, are positive additions to the environment. However, even "harmless" animals like deer and elk can cross the road unexpectedly and cause traffic accidents. Rural development encroaches on the traditional habitat of coyotes, bobcats, mountain lions, rattlesnakes, prairie dogs, mosquitoes, and other animals that can be dangerous and you need to know how to deal with them. In general, it is best to enjoy wildlife from a distance and know that if you do not handle your pets and trash properly, it could cause problems for you and the wildlife. Prairie dogs can be destructive to productive agricultural properties, are carriers of bubonic plague and are considered a nuisance and need to be controlled. The Colorado Department of Wildlife is a good resource for information on conflicts with wildlife or for creating habitat for wildlife.

5.0 AGRICULTURE - Farming, ranching, animal feeding, and all other manner of agricultural activities and operations in Montezuma County are integral and necessary elements of the continued vitality of the county's economy, culture, landscape, and lifestyle. Montezuma County specifically recognizes the importance of agriculture operations as necessary and worthy of recognition and protection.

5.1 - Farmers often work around the clock, especially during planting and harvesting time. It is possible that adjoining agriculture uses can disturb your peace and quiet.

5.2 - Land preparation and other operations can cause dust, especially during windy and dry weather.

5.3 - Farmers occasionally burn their ditches to keep them clean of debris, weeds, and other obstructions. This burning creates smoke.

5.4 - Chemicals (mainly fertilizers and herbicides) are often used in growing crops. You may be sensitive to these substances and many people actually have severe allergic reactions. Many of these chemicals are applied by airplanes that fly early in the morning.

5.5 - Animals and their manure can cause odors. Crop storage can create odors also.

5.6 - Agriculture is an important business in Montezuma County. If you choose to live among the farms and ranches of our rural countryside, do not expect county government to intervene in the normal day to day operations of your agri-business neighbors. It is a declared policy of the State of Colorado and the County of Montezuma to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. When nonagricultural land uses extend into

agricultural areas, agricultural operations often become the subject of nuisance suits. As a result, a number of agriculture operations are discouraged from making investments in farm improvements. It is the purpose of this article to reduce the loss of agricultural resources by limiting circumstances under which agricultural operations may be deemed a nuisance. An agricultural operation is neither, nor shall it become, a public or private nuisance by any change in conditions in or about the locality of such operations after it has been in operation more than one year, provided that it was not a nuisance at the time the operation began, and also provided that it is not a negligent operation, and that a change in operation or substantial increase of the size of operation does not result in a private or public nuisance.

- 5.7 - Colorado has a open range law. This means if you do not want livestock on your property, it is your responsibility to fence them out. It is not the responsibility of the rancher to keep his/her livestock off your property. Legal fences are subject to county, state, and federal fence laws. Check into this carefully so that you will understand the legal description of a fence and your responsibility in protecting your property, your rights, and the rights of your agricultural neighbors.
- 5.8 - Before buying land you should know if it has noxious weeds that may be expensive to control. Some plants are poisonous to your children, your pets, and animals. It is also Montezuma County and State of Colorado law that you control noxious weeds so they don't spread to the neighboring properties. Assistance and financial aid may be available for land owners.
- 5.9 - Animals can be dangerous and can attack human beings. It is not safe to enter some areas where animals are kept. Mothers with young are especially dangerous.
- 5.10 - Children are exposed to different hazards in a rural setting than they are in an urban or suburban area. Farm and oil field equipment, ponds and irrigation ditches, electrical service to pumps and oil field operations, high speed traffic, noxious weeds, livestock, and territorial farm dogs may present real threats to children. It is necessary that children's activities be properly supervised for both the protection of the children and the protection of the farmer's livelihood.
- 5.11 - Agriculture equipment moving on highways and county roads will impede the flow of traffic by moving slower than normal traffic and may be wider than most vehicles. Watch for flashing equipment lights and slow moving vehicle signs and use caution when approaching or passing.
- 5.12 - Livestock moving on highways and county roads will impede the flow of traffic. Do not use your horn, do not get out of your vehicle and drive slowly.

5.13 - Free roaming dogs present a threat to livestock by harassment and sometimes injuring or killing livestock. Keep your dogs at home to avoid conflicts with your neighbors. Stray dogs may be destroyed if they are on someone else's property harassing livestock.

5.14 - Do not trespass. Respect others property and be good neighbors. Leave gates opened or closed, exactly as you found them.

IN CONCLUSION: This information is by no means complete. There are other issues you may encounter that were overlooked and you are encouraged to be vigilant in your duties to explore and examine those things that could cause your move to the country to be less than you expected. It is recommended if you buy property here you should subscribe to the local newspaper.

A good reference guide to rural living is "Rural Living in Southwest Colorado" handbook, prepared by the local Soil Conservation Districts in cooperation with the Natural Resources Conservation Service.