

THE CODE OF THE WEST

This code was first chronicled by the famous western writer, Zane Grey. It embodied much of what is good in mankind. The men and women who 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 Mesa County who wish to follow in the footsteps of these rugged individualists by living outside the city limits. We hope that this will become...

THE CODE OF THE NEW WEST

INTRODUCTION: It is important to know that life in the country is different from life in the city. Enjoy the country life, but at the same time, understand you are not in the city. County governments are not meant to provide the same level of service that city governments provide. One of the keys to enjoying life in the country is to be informed and know what to expect. To that end, we are providing you with the following information to help educate and inform you when you are considering purchasing and/or developing in rural Mesa County.

1.0 ACCESS - The fact that you can drive to your property does not necessarily guarantee that you, your guests, construction, service nor emergency vehicles can achieve that same level of access at all times. Please consider:

1.1 - You may find that emergency services response time is longer and their services may be more expensive. Sheriff departments are usually dispatched from a municipal central location, fire departments are most often staffed by volunteers, as are many ambulance services associated with them. Mesa County can boast some of the most up-to-date training and equipment in the state, but distance from dispatch and road conditions will always be a consideration. Rural Mesa County is a true extended community. Please remember that fewer tax dollars will require more in the way of volunteer effort; your volunteer time and monies are needed by your fire department, EMS and others. Plan on being asked and on serving.

1.2 - Access to your property should not be taken for granted. It is wise to investigate the access to your property by obtaining legal advice or by contacting the County Planning Office. If you are planning to access your property across public lands you should contact the appropriate public land management agency. Make sure you understand the full rights and restrictions of your access.

1.3 - Mesa County has approximately 1500 miles of roads, many paved and a significant number unpaved. Many rural roads are maintained by private road associations, and there are some public roads which are not maintained by anyone. Additionally, the level of maintenance can vary; some roads are maintained only seasonally and some county maintained roads are neither graded nor plowed. Make sure that you know what type of maintenance to expect, who will provide that maintenance, and whether you are expected to pay for some part of that maintenance.

1.4 - In extreme weather, even county maintained roads could become impassable. You may

need a four-wheel drive vehicle with chains for all four wheels to travel during some weather conditions, which could last for several days. Extreme weather conditions can destroy roads. You need to ascertain whether your road has been engineered and constructed properly and who will be responsible for repairing or rebuilding if it is damaged. The cost could come back on you.

1.5 - Many large construction vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction access. Fire response vehicles require adequate access width and turnaround area.

1.6 - If your road is unpaved, do not assume that paving will happen soon or at all. Check carefully with the County Road and Bridge Department when a seller makes a statement about future plans for the being paved or unpaved. Remember that unpaved roads usually mean dust; they are not always smooth and are often slippery when wet. Accordingly, you can expect an increase in vehicle maintenance costs when you regularly travel on rural county roads.

1.7 - School busses travel only on maintained county roads that have been designated as school bus routes by the school district. You may need to drive your child(ren) to the nearest county road so they can get to the bus. In some situations they will need to be transported to their school(s).

1.8 - Even those items we most often expect to be home delivered need to be investigated. Mail delivery is not available to all areas of the county. Ask your postmaster to describe the system for your area. Newspaper delivery is similarly not always available--again check with the local services. Standard parcel and overnight package delivery can be a problem for those who live in the country. Confirm with the various providers as to your status.

2.0 UTILITY SERVICES - Water, sewer, electric, telephone, cable TV, trash and other services are provided by different entities within the County. Be sure to check with the various sources on the availability and cost of these services. Also, be aware:

2.1 - Mesa County is experiencing the same surge in demand for phone lines as the rest of the nation. Some rural areas may still be served by party lines and some areas may not have phone lines available at this time. In some very remote areas, service may be available only by cellular, radio, or satellite phones, and in some cases coverage may be limited. The additional or primary line for use with a FAX or computer modem may not be available.

2.2 - Sewer line hook-up is usually provided by municipalities or sewer districts, normally in close proximity to a town. Do not assume that your property is serviced by a sewer hook-up or district. Even if your neighbor is so serviced your property may not be. If sewer hook-up is not available you will need to contact the Mesa County Health Department to obtain an Individual Sewage Disposal System (ISDS) permit application. The ability to develop an ISDS on your property also is not a given---your soil type, drainage and other factors can prohibit it.

2.3 - If you have access to a supply of treated domestic water the tap fees can be expensive, as can the monthly cost compared to that of municipal systems. If a supply of treated domestic water is not available, you'll have to locate an alternative supply. Well water is not a given and water tables are depleting across the West. The permits for wells are granted by the State Engineer and costs

for drilling and pumping can be considerable. The quality and quantity of well water can vary considerably from location to location and from season to season. Using a cistern and hauling water may be another consideration. And please keep in mind that not all wells can be used for watering of landscape and/or livestock. Water well permits are usually issued for use only inside the home. If you have other needs, make certain that you have the appropriate approvals before you invest.

2.4 - Mesa County requires a pay-as-you-go attitude on development where rural building is concerned. The cost and availability of electric and natural gas service should be checked carefully. The cost of these services usually include a fee for hookup into the system and then a monthly charge for energy consumed. If you are purchasing land with the plan to build at a future date, there is a possibility that the utility lines in place may not be large enough to accommodate you if others connect first. It may be necessary to cross private or public lands in order to bring utilities to your property; make sure that the proper easements are in place or can be obtained. If you have special power requirements, it is important to know what level of service can be provided to your property.

2.5 - Power outages, although mostly short term, occur in rural areas more frequently than in town. A well pump or a computer may be most susceptible to damage due to such outages.

2.6 - Although most rural areas of the county are not wired for cable TV, many areas can receive broadcast TV signals provided by several broadcast stations. However, in mountainous areas reception can be limited and the purchase of a satellite dish may be the only alternative.

2.7 - Trash removal can be much more expensive or non-existent in a rural area. In some cases, your only option may be to haul your trash to the landfill yourself. Recycling is more difficult because pick-up is also not as available in some rural areas.

3.0 THE PROPERTY - There are many issues that can affect your property. It is important to research these items before purchasing land. Check these issues very carefully:

3.1 - Not all parcels are suitable for building or development. Many parcels are not buildable lots in the sense that a building permit cannot be issued. The following are examples of concerns: zoning, environmental concerns (steep slopes, watershed, natural hazards, agricultural lands of importance, wildlife areas and others), wildfire hazards or flood areas. This is a partial list of situations that might not be considered as suitable. A separate parcel number does not absolutely designate a separate lot; the Planning Department or Assessor's Office can help determine this.

3.2 - Some easements held by others allow the construction of roads, irrigation ditches, power lines, water lines, sewer lines, etc. around or across your land. This could restrict some development or building options. Also, some easements may not be recorded, so be sure to research this thoroughly.

3.3 - Some rural lands in Mesa County can be used for mining. However, permitting and review by the Mesa County Planning Department and the Board of County Commissioners is usually required. And although you own your property it does not guarantee that you own what is under it. Many of the mineral rights in Mesa County were sold away many years ago from the property under which they sit. Owners of mineral rights may have the right to change the surface characteristics in order to extract the mineral resources. Be aware that a mining operation or gravel pit near or adjacent to

your property may also be able to expand.

3.4 - Fences do not necessarily define property lines; not all sections are exactly 640 acres. Just because you received a plat of your property, you cannot assume that property boundaries are accurate. Unless the land has been surveyed with pins placed by a licensed surveyor and those pin locations filed with the County Surveyor's office, you cannot be assured of the boundaries of your property.

3.5 - Many subdivisions or PUD's (Planned Unit Developments) will have homeowners associations that place covenants limiting the use of the property. These covenants may also require the care of common elements including roads, open space, etc. They also have the authority to assess dues. A dysfunctional association or poor covenants can cause problems and unforeseen expenses, even involving you in litigation. Mesa County does not enforce covenant restrictions. You should research the existence of any association or covenants on your property. An association may not be in operation when you purchase your property but its existence and covenants can be enforced.

3.6 - Mesa County is growing and changing and you cannot guarantee nor force properties you do not own to stay the same forever. It is advisable that you review Mesa County's Master Plan and study the zoning in your area. The pasture across the road may be scenic today; tomorrow it could be a gravel pit or shopping center.

3.7 - Water rights can be a point of contention even among longstanding neighbors. Do not assume that water which crosses a piece of property you own or are thinking of buying is necessarily a part of that property. Other users may have senior rights to the water or require you to pay for oversizing or other improvements to the course of the ditch. If you have a ditch running across your property there is a possibility that the owners of the ditch have the right to come onto your property with heavy equipment to maintain the ditch. If your development plans call for a large amount of irrigation water, make sure that the land comes with enough rights or that you can increase the amounts of water coming to your property. Not all land has irrigation water rights nor can more be added to them. You must determine what water rights come with the property and understand through whom and how they will work.

3.8 - Irrigation ditches, canals and their banks may be privately owned and their access and use may be restricted. Recreational use may not be allowed and is possibly dangerous.

3.9 - Individuals are responsible for knowing what lands are privately owned. Not all privately owned property is fenced; not all private roads are posted. Trespass is a recurring problem that must be considered before you assume that open land is public land.

4.0 **MOTHER NATURE** - Living and working in the country brings its own special contact with nature and the elements. Keep in mind that a government entity will not indemnify you for losses to your pets or livestock. Please consider these ideas brought to you by the voice of experience.

4.1 - Trees are beautiful and useful. They can be a danger too. Special building and planning codes apply to building materials and site design for development in wildfire hazard areas. A clear open space between buildings and the surrounding vegetation provides a "defensible perimeter" in the event of forest or range fires. It can even protect your pocketbook. Should a fire start as a

result of your carelessness, YOU may be responsible for paying for the cost of extinguishing that fire. When landscaping, remember that the use of native vegetation will not only increase your chances of successful growing, it will also reduce dangers to and from wildfire and wildlife, as well as reducing the chances of the introducing noxious weeds or undesirable vegetation to the area.

4.2 - The dirt under your feet cannot be taken for granted. Soil stability varies widely depending on the area. Expansive soils, such as Bentonite Clay, can buckle foundations and twist steel I-beams. Get sound advice from a qualified engineer about the best foundation for your structure before you begin construction.

4.3 - North facing slopes rarely see direct sunlight in the winter. There is a possibility that snow and ice will accumulate and not melt throughout the winter. You should be cautious about placing any improvements on north facing slopes.

4.4 - A flash flood can occur, especially during the spring and summer months, turning a dry gully into a river. The topography of the land can tell you where the water will go in the case of heavy precipitation or run off. Be wise when choosing a construction site and don't build in an area that could be washed away.

4.5 - Mesa County is home to many wildlife species, including both threatened and endangered, as well as threatening and dangerous wildlife. Rural development encroaches on the traditional habitat of bear, mountain lion, coyotes, bobcats, rattlesnakes, prairie dogs and other animals that can be dangerous to you. You need to know how to coexist with the wild animals and how to handle your pets, and even your trash, properly. The Colorado Division of Wildlife is a good resource for information and publications that can help educate you about living in the "wild".

4.6 - Remember wildlife on the road; even "harmless" animals like deer can cross the road unexpectedly and cause a traffic accident.

4.7 - The time-honored tradition of hunting and fishing continues to be a part of the rural lifestyle. These activities can take place on private property with the permission of the owner, or on public land that may border private property. Consequently, you may find yourself in close proximity to hunters and fishermen. Remember that your safety and that of your property may be in someone else's hands when the use of firearms comes into the picture.

4.8 - Pets always need to be kept under control. Mesa County Animal Control enforces a "Dog at Large" ordinance. Pets that are allowed to run free may become a nuisance to ranchers, livestock and wildlife. Stockmen may shoot animals that threaten their livestock. Wildlife personnel also have the right to protect deer and elk from harassment by domestic pets.

4.9 - You also must be aware of the working livestock dog. He is there to herd and/or guard his owner's livestock. If you trespass on what he considers the territory he is meant to protect, it could be you who is considered the interloper.

5.0 AGRICULTURE - The people who tamed this wild land brought water to the barren, arid western slope and its mountains through an ingenious system of water diversions. This water has allowed

agriculture to become an important part of our environment. Owning rural land means knowing how to care for it. You should be aware of the facts about agriculture in Mesa County.

5.1 - Agriculture is a multi-million dollar business in Mesa County. Colorado has "Right to Farm" legislation that protects agribusinesses from nuisance and liability lawsuits. Do not expect county government to intervene in the normal day-to-day operations of your agribusiness neighbors.

5.2 - Farmers and ranchers often work around the clock, especially during planting, harvesting and the spring when the young are born. Dairy operators sometimes milk without stopping and hay is often swathed or baled at night. Land preparations and other operations can cause dust, odor and noise. If you choose to live among the farms and ranches of our rural countryside, your property may be affected by your agribusiness neighbors.

5.3 - Colorado has an open range law. This means if you do not want cattle, sheep or other 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. "Fence out, not in!"

5.4 - Feedlots, both large and small, and farm animals such as horses, sheep, chickens and hogs can have an odor. Under Colorado Agriculture Law (CRS 35-5-I 01), odors, smoke, noise, dust, spraying are not considered nuisances.

5.5 - Farmers occasionally burn their ditches to keep them clean of debris, weeds and other obstructions. This burning occurs at various times of the year, creating smoke that you may find objectionable. This burning is legal and necessary. Drought conditions may lead to burning bans. Should you decide to burn on your rural property you must check with local authorities before burning.

5.6 - Chemicals (mainly fertilizers, insecticides and herbicides) are often used on growing crops, orchards and vineyards. You may be sensitive to these substances and many people actually may have allergic reactions. These chemicals are often applied in the calm of the morning, sometimes by airplanes. CSU (Colorado State University Extension) can provide information on the use of agricultural chemicals. Your property can also be in a pest control district. This is another item to investigate.

5.7 - Pastureland must be carefully maintained on both private and public lands to ensure its durability and resilience. Therefore, you may encounter livestock being moved on public roadways. Legislation allows the livestock operator the conscientious use of these roadways for this purpose. Should you encounter livestock on the road, patience is recommended; they are usually on the road for only a short distance and will pass fairly quickly. You may wait if they are oncoming, or follow at a safe distance should you come up behind them. If you choose instead to pass through them, please follow the instructions from those in charge of the herd or flock. If you are asked to follow a horse or vehicle through the livestock, please stay as close as you can. Remember that a cow may look small but its kick, even the rub of a rough hide, can still cause damage to your vehicle. Additionally, should you cause injury to livestock you will be held responsible for damages.

5.8 - Animals can be dangerous. Livestock in general, not just bulls, stallions, rams, boars, etc., can attack people. Children need to know that it is not safe to enter pens or pastures, or to

approach livestock.

5.9 - Another danger can be the fencing itself. Electric fence must be considered "hot," and barbed wire may look stationary, even innocent, but it can easily tear clothing and flesh.

5.10 - Owning rural land means knowing how to care for it. Weed control, both noxious and otherwise, is the responsibility of the landowner. The Colorado State University Tri-River Extension office does have weed control and abatement regulations. Native and introduced plants can be poisonous to livestock. Do not assume that because it's green your livestock can eat it. Again, the CSU Cooperative Extension Office can provide information and help in these areas. Failure to control insects or weeds on your property may have disastrous impacts on your neighbors. Please be aware that Colorado has an enforceable noxious weed law.

5.11 - Mesa County's Agricultural Advisory Panel can help mediate problems associated with complaints about agricultural operations.

IN CONCLUSION - The Information presented here is intended as a guideline, and an introduction into some of the realities of rural living. You may discover other issues that have not been covered. We encourage you to research and examine all aspects of country living so you will enjoy the country and not have any unpleasant surprises. Mesa County elected officials, administration, and staff pride themselves on their accessibility. By publishing **The Code of the New West**, Mesa County is in no way divesting itself of its responsibility to its constituents. We offer these comments in the sincere hope that they will help you better understand how things work in the country. Mesa County is a wonderful place to live, work and raise a family. We only hope this information will help to enhance the quality of your life here. Respect your neighbors' livelihood and property and be aware that your actions may have adverse impacts on your neighbors, human and otherwise.

CONTACTS AND RESOURCES TO DATE INCLUDE:

Colorado State Forest Service
Colorado State Patrol
Colorado Department Of Transportation
Mesa County Road Department
Right to Farm: Delta County
Code of the West: Larimer and Montrose Counties
Colorado Department of Local Affairs
Mesa County Department of Planning and Development
Mesa County Emergency Services Department
Mesa County Cattlemen's Association
CSU-Tri-River Extension Office

ENDORISING ENTITIES:

Plateau Valley Cattlewomen
Bureau of Land Management
Mesa County Valley School Districts #50 & #51
Plateau Valley Association

Grand Valley Rural Power
Collbran Conservancy District
Mesa County Cattlemen
Mesa County Commissioners

05/97

05/02 - Updated