

## **Gallatin County, MT Code of the West: <http://www.gallatin.mt.gov/code.htm>**

The famous western writer, Zane Grey, first chronicled the Code of the West. 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.

Old West values like integrity, self-reliance and accountability guided their decisions, actions and interactions. Their survival depended upon their ability to cooperate with their neighbors – attitude of collective responsibility to society and finding non-partisan solutions to environmental problems and other important issues. In keeping with that spirit, we offer this information to help Gallatin County citizens who wish to follow in the footsteps of those rugged individualists by living in the County's rural areas.



### **CODE OF THE NEW WEST** **As it Applies to Gallatin County, MONTANA**

**Introduction:** It is important to become aware of the realities of living in rural Montana. It is also important for you to know that life in the country is different from life in the city. You need to be prepared.

As you look for a place to make your home, look at the community and its people. County and small town governments are often unable to provide the same level of service that large city governments provide. You should think about transportation, communication, education, health care, employment and public services that are essential to our modern way of life. To that end, we are providing you with the following information to help you make an educated and informed decision before you purchase property or build a home

**1.0 ROADS AND ACCESS:** The fact that *you* can drive to your property does not necessarily guarantee that your guests or emergency vehicles can. Please consider:

1.1 Emergency response times (sheriff, fire, ambulance, etc..) cannot be guaranteed. Under some conditions, you may find that emergency response is extremely slow due to circumstances beyond the control of emergency service providers.

1.2 There can be problems with the legal aspects of access, especially if your "access" crosses someone else's property. It is wise to obtain legal advice and understand that easements may be necessary.

1.3 Gallatin County maintains approximately 200 bridges, 200 miles of pavement, and 1,100 miles of dirt and gravel roads. There are public roads in this County that are not maintained (meaning no grading or snow removal). Check with the County Road and Bridge Office to determine the status of a specific road.

1.4 Gallatin County experiences extreme weather conditions which can damage or destroy roads and bridges. It is wise to determine whether or not your private access road was properly

engineered and constructed. Even with proper engineering, annual road maintenance can be expected. This can require renting or owning special equipment (tractors, snow blades, etc.).

1.5 Many large construction vehicles cannot navigate narrow roads and bridges. If you plan to build, it is prudent to check out construction access. Rural residences can be more costly to build due to delivery fees and cost required to get materials to your site.

1.6 School buses travel only on maintained public roads previously designated as school bus routes by the school district. Children may need to be driven to designated school bus pick-up locations.

1.7 In extreme weather even County-maintained roads can become impassable. You may need a four-wheel drive vehicle with chains to travel on some snow-packed roads. Snow removal on some County roads may take up to 72 hours. Under certain conditions, roads become narrower. Yielding the right of way is not merely a legal concept, it is a critical safety issue. Living in a rural area means developing special driving skills and good judgment. Driving off road to avoid bad road sections can make a situation worse, tearing up road banks and accelerating erosion. (Don't do it.)

1.8 Don't expect neighbors to join a petition asking for improved service from the County. This includes, but is not limited to: road paving and maintenance, snow removal, and animal and child advisory signage. Rural counties survive on volunteerism. Costs are kept down by the willingness of the populace to go without many things suburban and urban people regard as necessities. Rural people cherish their independence and willingness to take care of their own.

1.9 Natural disasters, especially floods, can destroy roads. Although Gallatin County will repair and maintain County roads, subdivision and private roads are the landowners' responsibility. Rain and run-off can turn a dry creek bed into a raging torrent, washing out roads, bridges and culverts. Residents served by private roads and/or bridges have been hit with large bills for repairs and/or reconstruction after floods.

1.10 Unpaved roads generate dust and often lots of it. In dry years dust is a pervasive problem. At the least, dust is an unpleasant and on-going fact of life for most rural residents. In some cases, health problems can result.

1.11 If your road is unpaved, it is highly unlikely that Gallatin County will pave it in the foreseeable future. Check with the County if a seller of property indicates that unpaved roads will be paved!

1.12 Unpaved roads often "washboard" when dry and dusty, and become muddy and slippery when wet. Vehicle maintenance costs can go up with regular travel on rural County roads.

1.13 Sometimes it may seem we're still in the days of the Pony Express. Don't expect the same urban efficiency with regards to mail, newspaper and other delivery services.

1.14 Clearly display your address at your driveway entrance for use by emergency services and delivery vehicles.

1.15 It is not unusual for a County snowplow to block your driveway with snow during plowing. Remember, it is illegal to remove snow from your driveway into a County right-of-way. Find another location to store snow.

**2.0 UTILITY SERVICES:** Water, sewer, natural gas, cable television, electric, telephone and other services may be unavailable or not up to par with urban standards. Also, be prepared for delays.

2.1 Telephone communication can be a problem, especially in Gallatin County's mountainous areas. Cellular phones may not work in all areas.

2.2 Sewer service is generally available only within municipalities. You will need to use an approved septic system or other treatment process. Soil type, depth to ground water or bedrock, stream and river setbacks, and slope are important elements in determining the cost and function of your system. Contact the Gallatin City-County Environmental Health Department for requirements.

2.3 Most rural residents rely on wells for their water supply. You should know the differences between well and municipal water supplies. Costs to establish a well can be considerable, and water quality and quantity are often unreliable. Water quantity is becoming increasingly problematic in Gallatin County and the west. If you're expecting daily showers, water for the garden, water for agricultural purposes, there may not be enough to do it all.

2.4 Electric service is not available to every region of Gallatin County. It can be very expensive to extend power lines to remote areas.

2.5 Proper utility easements are essential. Be sure you know where your utilities come from and if needed easements are in place.

2.6 Electric power in single phase is standard, but a three-phase service configuration comes at a premium and is not available everywhere. If you have special power requirements, it is important to know what level of service can be provided to your property.

2.7 Electric service fees usually consist of a one-time hook-up fee and thereafter your monthly bill. It is important to know both costs before making a decision to purchase a specific piece of property.

2.8 Power outages are a fact of rural living. Be prepared. An outage can turn off your well pump, your freezer, your heat source, computer, etc. Make sure you have provisions to survive minus power for up to week in severe cold.

2.9 Trash removal is sometimes unavailable or inconvenient in rural areas. It is illegal to create your own trash dump, even on your own land. It is important to research your options regarding removal and recycling. Animal-proof refuse containers are a good idea in many areas and also be aware that many zoning districts *require* animal-proof containers. Contact the Gallatin City-County Environmental Health Department and the Gallatin County Planning Department.

**3.0 THE PROPERTY:** Owning rural land means knowing how to care for it. Continual stewardship and land management are essential elements of rural life. There are many issues that can affect your property. It is important to research these items before purchasing land.

3.1 Encroachment permits are required for access onto County-maintained roads. A proposed driveway may conflict with safety and traffic flow. If possible, please check with the Road Department regarding such access prior to purchasing your property. Existing easements may require you to allow construction of roads, power lines, sewer lines, etc. across your land. Some easements may not be recorded. Check these issues carefully.

3.2 Many property owners do not own the mineral rights below their property. Subsurface owners often have the ability to alter surface characteristics in order to extract minerals. It is very important to know the type of minerals under your land and who owns them. Be aware that adjacent mining uses can expand and cause negative impacts.

3.3 You may be provided with a plat of your property. Do not assume the plat is accurate unless the land has been surveyed and pins placed by a licensed surveyor.

3.4 Fences and outbuildings often straddle property lines. A survey of the land is the only way to confirm the location of your property lines.

3.5 Many subdivisions and planned unit developments have covenants or deed restrictions 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 that you can live with those rules. Also, a lack of covenants can cause problems between neighbors.

3.6 Property owner associations are required to take care of common elements such as road maintenance, snow removal, weeds, open space, etc. A dysfunctional property owners' association or poor covenants can cause problems for you and possibly involve you in expensive litigation.

3.7 Property owners' associations typically collect dues. The property owners' association bylaws will tell you how the organization operates and how dues are set.

3.8 Open fields and pasture land will probably not remain so indefinitely. The Gallatin County Planning Department can help determine whether property is zoned and if there are plans for future development. The view from your property may change.

3.9 Portions of Gallatin County are zoned. Before you buy or build, check with the Gallatin County Planning Department to see if zoning restrictions apply to the property. You may need a land use permit prior to construction and certain uses may be restricted.

3.10 Your new homesite is a particularly important decision because it is so permanent. Recent arrivals often build their homes on the highest ridge or hilltop. There can be numerous disadvantages to such siting. Weather and exposure can wreck havoc with hilltop homes. Access and obtaining water can also present problems. Plus such siting can spoil everyone else's view.

3.11 Understanding the soil and its limitations can be very useful. Soil properties affect a site's susceptibility to erosion and help identify areas classified as wetlands. Soil types can help determine appropriate building and road locations, septic systems, crop or hay production and landscaping. The Natural Resources and Conservation office has information on soils.

3.12 Gallatin County landowners are responsible for controlling noxious weeds on their property and can be held legally accountable if they fail to do so. The Gallatin County Weed District coordinator can help you identify noxious weeds and devise the best plan of attack.

3.13 If you have a ditch on your property, the ditch owners have the right to access your property to obtain water and maintain the waterway.

3.14 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 or require you to pay for the oversizing or other ditch improvements.

3.15 It is important to make sure that any water rights you purchase with the land will provide enough water to maintain fruit trees, pastures, gardens or livestock.

3.16 The water flowing in irrigation ditches belongs to someone. You cannot assume you have a right to this water.

3.17 All natural water bodies, including streams and lakes are owned by the people of Montana. To protect our waterways, permits are typically required prior to any alterations. For instance, to install a culvert or a bridge, or to stabilize eroding streambanks, a "310" permit is required under the Natural Streambed and Land Preservation Act. Please contact the appropriate Conservation District for requirements.

3.18 Flowing water can be a hazard, especially to young children. Before you decide to live near an active ditch, consider the possible danger to your family. Ditch owners are not legally responsible for accidents. Also, flow levels may change abruptly without warning.

3.19 Irrigation ditches can raise ground water levels. Be sure to check if there is a seasonal ground water fluctuation that may affect your basement or well.

3.20 Gallatin County is blessed with world-renowned fisheries, which provide an important component of our economy. Many new residents want to establish their own fishery in the form of a private pond. While private ponds provide recreational and aesthetic benefits, they can also be detrimental to our wild fisheries if they are not carefully built off-stream. To be licensed for private stocking, ponds must be built off-stream, be screened from wild fishes, have proper water rights and be designed to avoid impacting nearby waterways. Make sure to contact Montana Fish, Wildlife & Parks for permitting requirements.

**4.0 MOTHER NATURE:** Rural residents usually experience more problems when the elements and earth turn unfriendly. Here are some thoughts to consider:

4.1 The physical characteristics of your property can be positive and negative. Trees are a wonderful environmental amenity, but also provide the fuel behind forest fires. Building at the top of a forested draw should be considered as dangerous as building in a flash flood area. Grassland fires are not uncommon. Defensible perimeters are very helpful in protecting buildings from forest or grassland fires and inversely can protect the forest or grassland from igniting if your house catches on fire. If you start a forest or grassland wildfire, you may get the bill to put it out. Contact your local fire district for more information.

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

4.3 North-facing slopes or canyons rarely see direct sunlight in the winter. There is a possibility that snow will accumulate and not melt until spring. Also, it snows in the Rockies *year-round*. Don't be surprised if the Fourth of July parade gets *snowed* out.

4.4 Land topography can tell you where the water will go during heavy precipitation. Sometimes landowners fill a ravine only to find water running through their home during the next storm.

4.5 A flash flood can occur, especially during the summer months and spring run-off, turning a dry gully into a raging river. It is wise to consider this when building. Portions of the County have delineated floodplains or flood-prone areas where home construction is either prohibited or regulated. You may need a floodplain permit. Contact the Gallatin County Planning Department.

4.6 Many residents protect their homes with sandbags. The County may not be able to provide sand bags, equipment or people to protect private property from flooding.

4.7 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 can cause problems like crossing roads unexpectedly or eating gardens and trees. Rural development encroaches on the traditional habitat of coyotes, bobcat, mountain lions, rattlesnakes, ground squirrels, bears, mosquitoes and other possibly dangerous or nuisance creatures. It's best to know how to avoid them. In general, it is wise to enjoy wildlife from a distance and make appropriate accommodations for your trash and pets.

The Montana Department of Fish, Wildlife & Parks and the Gallatin County Extension Office are two good resources for information. They have many free publications to help educate you about living in the wild.

4.8 The weather is one of the most talked about things in the Rocky Mountains. If you plan to make Gallatin County your permanent home, expect seasonal fluctuations (temperatures, snow, winds, rainfall). Although the weather can be unpredictable year-round, recorded averages can give you an idea of what to expect. Sometimes it's not the severity of winter, but the length that can get you down. Many people have moved to Gallatin County following a pleasant stay during the summer or fall, experienced one or two long, tough winters, then moved away.

*July Daily Average: 82°F*  
*July Record High: 104°F*  
*July Record Low: 32°F*

*January Daily Average: 33°F*  
*January Record High: 65°F*  
*January Record Low: -36°F*

4.9 Gallatin County is seismically active. We have earthquakes and areas of unstable soil associated with this seismic activity. Check with US Geologic Survey (USGS) and the Montana Department of Commerce, Building Codes Division for more information.

**5.0 AGRICULTURE:** The people who first settled here brought water to the barren, arid east slope of the Rockies through an ingenious system of water diversion. This water has allowed agriculture to become an important part of our environment. There are a few things you need to know:

5.1 Farmers often work around the clock, especially during planting and harvest time. Hay is often swathed or baled at night. Adjoining agricultural activity may disturb your peace and quiet.

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

5.3 Farms occasionally burn their ditches and fields to keep them clean of debris, weeds and other obstructions. This burning creates smoke that you may find objectionable.

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 crop dusters (airplanes) early in the morning.

5.5 Animal manure can, and often does, cause "objectionable" odors. What else can we say? No whining!

5.6 Agriculture is an important business in Gallatin County. If you choose to live among farms and ranches, do not expect county government to intervene in the normal day-to-day operations of your agri-business neighbors. In fact, Montana has "Right to Farm" legislation protecting farmers and ranchers from nuisance and liability laws.

5.7 Montana 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.

5.8 Animals are dangerous. Bulls, stallions, rams, boars, and buffalo can attack human beings. Children need to know that it is not safe to enter pens or pastures where animals are kept. Also, dangerous wildlife may also frequent urban areas.

5.9 Much of Gallatin County receives minimal precipitation. As a result, we have a problem with dust. Even with irrigation, grasslands have limited grazing. Your parcel of land can reasonably support only so many animals. In addition, the year-round presence of animals can damage and destroy grasslands, leaving the land barren: a difficult and expensive problem to restore. The Gallatin County Extension Office can help you with these issues.

5.10 Moving to the country is not a license to let pets roam. Even gentle, beloved family pets can become nuisances, predators, or prey to coyotes, neighbors, etc. State law protects livestock from pets. Pets found attacking or harassing livestock can be shot.

5.11 The trailing of livestock herds on roadways is an economic necessity and tradition. Slow down immediately whenever you encounter a cattle drive.

**6.0 PUBLIC LANDS:** Since such a large portion of land in Gallatin County is public there are several issues that arise from land adjacent to public lands. The guide "Who Fixes the Fence?" (A Landowners Guide to Your Neighboring National Forest) is available to help you.

**IN CONCLUSION:** Images of the Old West draw people to an area once filled with miners, farmers, ranchers, loggers and other agricultural workers. Often newcomers are much more romantic about the West than the old-timers and have false hopes about bringing their urban lifestyles into the great outdoors. They come with false expectations. They believe they can fax and e-mail from the mountaintop. In the New West, the information superhighway is often a dirt road.

The information presented here is intended as a guideline and an introduction to 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 Gallatin County and not have any unpleasant surprises.

Our County elected officials, administration and staff pride themselves on their accessibility. By publishing the Code of the New West, Gallatin County is in no way divesting itself of its responsibility to its constituents. We offer these comments in the sincere hope you better understand how things work in the country.

Gallatin County is a wonderful place to live, work and raise a family. We hope this information will help enhance the quality of your life. Respect your neighbors' livelihood and property, and be aware that your actions may have an adverse impact on your neighbors, human and otherwise.

But then isn't that why you came here?

People live here and move to Gallatin County for the open space, the quiet, the availability of outdoor activities. They also value the sense of community, interest in the arts, dirt roads, lack of crowds, and cozy neighborhood restaurants, shops, stores, saloons and grocery stores, which are owned and operated by people who know and care about their customers as friends.

Although many of the previous statements may sound discouraging, we believe the benefits far outweigh the inconveniences. Not only is it the way it is, but it is also the way we like it. That's why we live here and hope that if you choose to be our neighbors, you will embrace the whole experience of living in Montana.

For more information on any of these issues, please contact the appropriate agency.

## **CODE OF THE NEW WEST**

As good citizens of Montana, we promise to:

1. Appreciate the splendor of Montana's natural beauty; the opportunity to live here; the quality of life we enjoy.
2. Be a good steward of the land; to take personal responsibility for keeping our land weed and trash free; to promote recycling.
3. Show respect for our state laws, for wildlife, for the land and for the people ... especially those engaged in farming and ranching.
4. Be goodwill ambassadors, showing friendliness to visitors and neighbors alike.
5. Take pride in how we maintain our property, our businesses, our communities, and ourselves.
6. Become informed about how things are done in our communities and in the state, so that we fully understand the realities of living in rural Montana.
7. Take political action: read, vote, become informed, participate when necessary, to preserve and improve the good things we have.
8. Get involved with our communities, to give back some measure of what we receive from being a part of the larger family.
9. Work together for the good of the whole, neighborhood, community, county, state, nation and world.

Resources:

Madison County *Code of the West*  
*Welcome to the West*, Corporation for Northern Rockies