

# CODE OF THE WEST

*The famous western writer, Zane Gray, 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—an attitude of collective responsibility to society and finding nonpartisan solutions to environmental problems and other important issues. Keeping with that spirit, we offer this information to help the citizens of Sanders County who wish to follow in the footsteps of those rugged individualists by living in the rural area of Sanders County.*

# **CODE OF THE NEW WEST SANDERS COUNTY, MONTANA**

*As good citizens of Montana, we promise to:*

Appreciate the splendor of Montana's natural beauty; the opportunity to live here; the quality of life we enjoy.

Be a good steward of the land; take personal responsibility for keeping our land weed free and trash free; recycle.

Show respect for our state laws, for wildlife, for the land and for the people.

Be goodwill ambassadors, showing friendliness to visitors and our neighbors alike.

Take pride in how we maintain our property, our businesses, our communities, and ourselves.

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.

Take political action: read, vote, become informed, participate when necessary, to preserve and improve the good things we have.

Get involved with our communities, to give back some measure of what we receive from being a part of the larger family.

Work together for the good of the whole-neighborhood, community, county, state, nation, and world.

# **CODE OF THE NEW WEST SANDERS COUNTY, MONTANA**



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 not able 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 so essential to our modern way of life.

If you are choosing to purchase or build a new home in Sanders County, or if you are a current resident, you should also consider the impact that your decisions may have on the other residents of the County and its environment.

These Guidelines offer input as to how you might build in ways that can help to preserve the natural beauty and rural character of the County. This information is provided to help you make an educated and informed decision before you purchase property or build a home in Sanders County.

## **Roads and Access**

The ability to drive to your property can vary greatly depending on the season and location.



Access There can be problems with the legal access especially when there is a need to cross property belonging to others. It is wise to verify easements and access when looking to purchase a parcel of land.

Emergencies Emergency response times in Sanders County cannot be guaranteed. Fire, Ambulance and Search and Rescue are all volunteer services and under extreme circumstances response time is very slow. Be sure to display your address at your driveway access.

Road Conditions Sanders County has approximately 1,699 miles of roads, ranging from paved to unimproved dirt roads. Extreme weather conditions take its toll on roads. There are public roads that are not maintained, no grading or snow plowing as well as private roads that are the responsibility of homeowners. Annual road maintenance can require renting or owning equipment.



In extreme weather even maintained roads become impassable. Four wheel drive and chains could be required. Living in rural areas requires developing good driving skills and personal judgment. Roads become very

slick and narrow from winter weather. Spring break up results in ruts and pot holes. Summer brings washboard and dust. If your road is unpaved, it is highly unlikely that Sanders County will pave it in the foreseeable future.

Don't expect neighbors to join a petition asking for improved service from the county. Costs are kept down by the willingness of people to go without many things common to those living in urban areas.

Driveway Encroachment Permits A site must be approved and a permit obtained from the County before a driveway may be constructed off a county road. MDOT issues permits for driveways accessing off the state highways.

Construction Access Many large construction vehicles cannot navigate narrow, steep roads. It may be more costly time and money wise to build a rural home due to delivery fees and delivery schedules.

Designated School Bus Routes School buses travel on maintained county roads designated by the school district. You may need to drive your children to the nearest route so they can get to school.



Postal/Parcel Delivery Mail and express package delivery can take longer in rural areas than advertised by carriers. Be sure to confirm with delivery providers as to your rural status.

## Utility Services

Water, sewer, electric, telephone and other services may be unavailable or may not operate at urban standards. Repairs can often take much longer than in towns and cities.

Communications Phone service is limited and nonexistent in some drainages. There may be added expenses associated with getting service. Cellular phone reception is not available in all areas.



Septic Systems Sewer service is generally available only within city limits of Thompson Falls, Plains and Hot Springs. You will need to contact the county Sanitarian before installing a new septic system, altering or hooking up to an existing system. The type system needed is determined by the type soil, ground water level, etc. Cost varies greatly depending on what type of system is needed. It is a good idea to check with the Sanitarian before purchasing a piece of land to see if this has been determined.

Water If you choose to live outside of towns and cities you will not have treated domestic water available to you. You will most likely have a well drilled to access water. This can be costly as the quality and quantity of water varies from location to location. It is recommended to research well logs for depth and amount of water in an area before purchasing land.

Surface water from lakes, streams and rivers is owned by someone and to use this water requires a legal application for water rights. This needs to be fully researched with the Montana DNRC Regional Office in Kalispell.

Electricity Electric service is not available in all areas of Sanders County and can be expensive to extend power to remote areas. It may also be necessary to cross property owned by others and this will require easements be established and recorded.

Power outages can occur in rural Sanders County and last for several days. It is important that you can survive a week in severe cold or heat as power loss will affect your furnace, refrigerator/freezer, and water supply if you rely on a well with a pump. Power outages and surges can cause problems with computers as well.

Garbage Limited garbage pickup is available. For most you will need to haul your garbage to one of the County Transfer Sites located in Heron, Noxon, Trout Creek, Thompson Falls, Plains or Hot Springs. Limited recycling is available at these locations. Contact Solid Waste for more information.



## Mother Nature

When looking to purchase rural land it is good to be aware of characteristics of geographic areas.

Forested Draw Trees are a wonderful environmental amenity but can make for a dangerous fire situation when you build at the top of a timbered draw. Fire will burn hot and travel quickly up the steep terrain.

Steep Slopes These areas can slide in unusually wet weather. Large rocks can also roll down steep slopes and present a danger to people and property.

North Slopes North facing slopes rarely receive direct sunlight in winter. Greater amounts of snow are accumulated and retained for a longer length of time on these slopes.



Flood Plain If looking at property located near waterways check with the Flood Plain Administrator as to whether it is in the delineated flood plain zone and what restrictions apply.

Spring snow runoff can cause small creeks to become raging rivers and overflow their banks. The county is not able to provide protection for private property so be prepared to protect your property.

Wildlife Much rural land development encroaches on the traditional habitat of deer, elk, bear, wolf, coyotes, bobcats, mountain lions, rattlesnakes etc. This can be dangerous and bothersome. It is unwise to feed these animals. It is important to minimize attractants around your home such as pet food, bird feeders, fruit trees and garbage. Household garbage should be stored in bear proof containers or inside and hauled to the county transfer site on a regular basis. Wildlife is also prevalent along our roads. Please adjust your driving speed when passing through well marked areas that big game animal, such as the bighorn sheep, frequent.

Weather Weather is one of the most popular conversation topics in Montana. In Sanders County weather can vary drastically from one end of the county to the other. Generally precipitation, rain & snow, is much greater in the western portion of the county, Trout Creek to Heron while Hot Springs and Plains suffer windy and drought like conditions.

## Farming and Ranching

While not as extensive as times past, farming and ranching is still a part of life in Sanders County.

Farmers occasionally burn their ditches and fields to keep them clean of debris and weeds. This can make for smoky conditions. Working the fields can create dust during dry windy conditions.

Open Range Montana has an open range law. This means you have to fence your property to keep out cattle and horses. It is not the responsibility of the rancher.



Be considerate and slow down if you encounter livestock herds being moved on roadways. It is usually just for a short distance.

Pets & Livestock Moving to the country is not a license to let pets roam. They can become nuisances, predators or prey. State law protects livestock from pets and pets found attacking or harassing livestock can be shot. Owner of a pet harassing livestock is guilty of a misdemeanor, can be fined up to \$500 and is liable for the value of the animal killed or the value of the damages sustained by reason of the injuries.

## Public Lands

The following is adapted from US Forest Service publications and therefore applies to national forestlands, but much of the content also applies to State and US Bureau of Land Management lands:



National Forests belong to “all the people” and are managed for the “greatest good for the greatest number, in the long run”. This means that the Forest Service has been charged to care for National Forests in a way which benefits all the people of the United States, not just those who live nearby.

How to get to your home in the hills is a question that needs to be addressed early on. Congress has directed the Forest Service to grant access across forest lands only when all of the following conditions are met: applicant currently does not have access to the private property, applicant cannot gain access across non-federal land and applicant cannot exercise existing rights of access across non-federal land. Generally, if these conditions are met, a special use permit granting access may be considered. If you plan to use existing National Forest roads to access your private land, keep in mind that forest roads are maintained for recreational, not residential purposes. Access may be graded only once every year or two. Also, very few forest roads are plowed in the winter and some may be subject to seasonal closures.

Permits Permits are needed anytime you remove any resources such as landscape rock, firewood, post & poles, and Christmas trees. These permits can be obtained at the local Forest Service office. Removal of historic and cultural resources is prohibited by law. Developing or installing roads, water and phone lines, etc. across or on forest lands also requires a permit. Burning permits are needed during the fire season if you wish to burn brush and natural debris on your private property.

Fencing The forest boundary is usually not fenced, but may be marked with yellow or red boundary signs. These markers are placed directly over the surveyed boundary and read “National Forest Beyond This Sign”. Landowners are responsible for keeping their grazing livestock off the National Forest, unless they have appropriate permits and keeping unwanted livestock off their property. The cost of constructing and maintaining private property fences is incurred by the private landowner.



Natural Water Bodies All natural water bodies, including streams and lakes, are owned by all the people. To protect our waterways several permits are required before altering them in any way. Please contact the Conservation District for requirements.

Forests Forests are always changing and being managed to maintain a healthy ecosystem. The Forest Service uses a variety of tools such as prescribed burning, thinning and planting to ensure future generations the opportunity to enjoy and use forest lands. As a result the scene outside your picture window may change over time due to natural and management practices.

Outdoor Recreation Hunting, fishing, water sport and snow sport activities are popular pastime in Sanders County. Be sure to obtain landowner permission before venturing onto private property.

## Tribal Land

458,879 acres of the Flathead Indian Reservation are located in Sanders County. This land is governed by an elected Tribal Council and Tribal Chairman.

Recreational Activity Boating, swimming and related recreational activities are permitted within the boundary of the Reservation. Be sure to check site specific regulations.

Hunting and Fishing Permits must be secured for non-member resident and non-residents who wish to fish and/or hunt migratory waterfowl on the Reservation. Disabled hunter permits may be purchased at the Division of Fish, Wildlife, Recreation and Conservation office in Polson.



## Recreation

Even with vast acres of public land and miles of rivers and streams, areas can become congested. Be courteous and considerate of those around you.

Fishing Don't encroach on another angler's space. Attempt to keep out of sight of other anglers, if at all possible. Keep moving and try not to monopolize a good fishing spot. Stream beds are fragile aquatic habitat. Whenever possible use the shoreline to travel from one point to another avoiding using the streambed as a pathway. Respect private property and know the Montana Stream Access Law. And please don't litter. If you pack it in, pack it out. Be especially careful with styrofoam bait containers.



Boating Be organized before using the launch site, so that you can swiftly clear the area. Be aware of others in the area, especially children swimming. The boater, whether motorized or non-motorized, should avoid the angler if at all possible. When not possible, travel at a no wake speed when floaters or anglers are in the area as jet skis and motorized boats can cause wakes that are hazardous and intimidating. If you are “playing in the river” in a kayak or canoe yield to “through boaters” that are traveling up or down the river.

Hiking Tread lightly and be aware of others using the trail. Make sure your mode of transportation is permitted on the trail, be it foot, bike, horse or ATV. Hikers should yield to horseback riders. Bicycle riders should yield to hikers and horseback riders and ATV and dirt bike riders should yield to all. Stay on designated trails, avoid cutting switchbacks or making new trails, trampling vegetation and increasing erosion damage. Cross streams only on bridges or at fords where trails intersect the stream. If hiking with dogs keep them under control as they could be a threat to other hikers or wildlife. And remember to clean up pet waste. It is a health hazard for people and not natural to any environment.



ATV When riding on designated trails keep to the middle of the trail to avoid widening it. Avoid sensitive areas such as meadows, lakeshores, wetlands and streams. Avoid riding over small trees and shrubs and on steep slopes. This damages habitat and contributes to soil erosion. Wear protective clothing and when riding on roads obey all traffic laws.

Snowmobiling This is a fun and family-oriented activity. As a rider it is your responsibility to do your part to keep it a respected and welcomed sport. Be respectful of other winter sport enthusiasts. Don't interfere with skiers, snowshoers and ice fishermen. Snowmobile only when there is sufficient snow so you will not damage the land. Do not damage living trees, shrubs or other natural features and avoid harassing wildlife. Be prepared for and dress for weather conditions. Be prepared for emergency situations. Never travel alone and let others know where you are going.



Backcountry Skiing Be aware of conditions and avalanche danger. Don't travel alone, let others know where you are going and be prepared. Always pack emergency gear, shovel and transmitter, in case of an avalanche.

## The Property

Owning rural land means knowing how to care for it. Continual stewardship and land management are essential elements of rural life.

Plat 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.



Easements Easements may require you allow construction of roads, power lines, sewer lines, etc. across your land. There may be easements that are not of record. Check this out carefully in the County Clerk & Recorders/Plat Room.

Mineral Rights Many landowners do not own the mineral rights under their property. The owner of mineral rights has the ability to change the surface characteristics in order to extract their minerals. Be aware that adjacent mining operations can expand and cause negative impacts.

Covenants Many subdivisions have covenants that limit the use of the property and regulate what can be built on the parcel. It is the responsibility of the Homeowners Association to enforce the subdivision covenants.

Homeowners Association The HOA administers and enforces the covenants and maintenance agreement in subdivision. All lot owners in a subdivision are members of the HOA.



Noxious Weeds There are various nonnative weeds that are a threat to the natural ecosystem of Montana. Landowners are responsible for controlling noxious weeds on their property. If your land is in a subdivision there is a weed plan on file with the Weed Board which has to be followed. If you are not in a subdivision contact the County Extension Agent to identify and

develop a plan of attack. Montana State Law requires property owners to control the noxious weeds on their property. Spotted knapweed, Canada thistle, dalmatian toadflax, hawkweed, and oxeye daisy are commonly found in Sanders County.

Ditches If you have an irrigation ditch running across your property, the owners of the ditch have the right to come onto your property with heavy equipment to maintain the ditch and access the water source.

Do not assume that because the water flow across your property, you can use it.

Irrigation ditches tend to raise the ground water level. Be sure to check if there is a seasonal ground water fluctuation that may affect your basement or well.

Before you decide to locate your home near an active ditch consider the possible danger to your family, especially small children. Ditch owners are not responsible for accidents.



Soils Knowing the type soils you have and understanding its properties can be very helpful in determining building sites, road location, type septic system and type landscaping.

Private Ponds Before beginning construction on your own fishery, contact the Montana Fish, Wildlife and Parks, Army Corp., Conservation District for permitting requirements. Care must be taken so as not to be detrimental to wild fisheries. If you plan to be licensed for private stocking, ponds must be built off-stream, be screened from wild fish, have proper water rights and be designed to avoid impacting nearby waterways.

Water Rights 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 over-sizing or other improvements of the ditch. For water rights questions, check with the Montana Department of Natural Resources & Conservation.

## Design and Site Suggestions for Rural Landscaping

Each parcel of land in Sanders County has a distinct set of characteristics which require thoughtful consideration as to the structure design and materials that best serve the parcel. The design of a structure and its associated site development and landscaping should strive for grace and simplicity of form that will enhance the community and endure through the years.

Roofs The roof design should be consistent with the building's size, shape, form and compatible with the environment and surrounding buildings. Roof materials should be chosen carefully utilizing fire resistant material if building in forested areas.



Materials Exterior materials should be durable, selected to suit the type of building and design in which they are used and provide for harmony with surroundings.

Color The colors chosen should be sensitive to the surrounding environment and existing community character. Muted and subdued colors should be chosen that harmonize with the natural environment.

After purchasing land and planning a home site consider the potential impacts that site location has on the scenic landscape.

Ridgelines Allow signature ridge and hilltop profiles to be preserved and maintained. As a general rule of thumb, keep homes below a height of 28 feet, at least 100 feet from a prominent ridgeline. Also keep any non residential structure such as gazebos and observation towers away from ridgelines.

Meadows and open space Locate homes on the edge of these areas to utilize natural wind breaks and create a feeling of shelter.

Steep slope Avoid building on steep slopes and rock slides to reduce the risk of erosion and unsightly scars on the landscape. It is best to build with the natural landscape and minimize disturbance.

Reduce your ecological footprint Group structures together in clusters to minimize disturbance. Salvage and landscape with native vegetation. Be aware of wildlife habitat and movement corridors on your property and avoid creating a disturbance in these areas.



Naturally occurring water Realize there is a general setback for building along streams and rivers. It is important that vegetation and banks are not

disturbed. And also, the stream and river channels are ever changing. Slides and sloughing can occur, washing out soils.

## Fire Protection in the Wildland/Residential Interface

A home in the woods is a home surrounded by potential fuel for a forest fire. Similar danger exists for those in grasslands and sagebrush plains. You can help minimize the fire threat to your home by providing for basic emergency access, using fire resistant building materials and creating an environment that is more easily defended from wildland fires. Increasing your home's ability to survive a wildfire situation does not require total disregard for aesthetics.

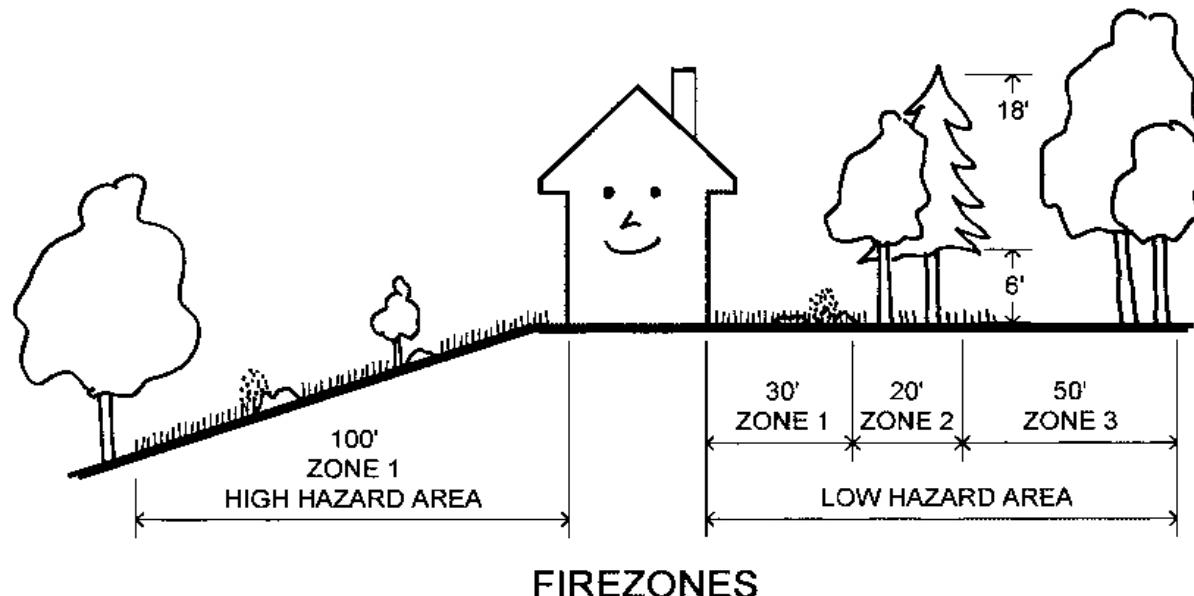


Homeowners must take an active role in defending their home from wildland fires. Firefighting personnel are limited and response time is marginal as all fire departments in Sanders County are manned by volunteers. Firefighters must make split second decisions as where to commit their equipment and energy and if the homeowner has done their part to increase the defensibility of their home it is more likely emergency managers will risk limited resources in an attempt to save the structure.

When developing a site and constructing a structure remember:

- Choose a level area, set back from steep slopes. Homes overhanging steep slopes are more vulnerable because fire travels uphill faster than on level ground.
- Screen vent with a  $\frac{1}{4}$ " wire mesh.
- Enclose the underside of decks, structures, and overhangs.
- Avoid large windows facing steep slopes with heavy vegetation.

- Install spark arresters on all chimneys.
- Provide driveway access sufficient in width for fire vehicles and provide turn around space near the structure. A turning radius of 50 feet is not unusual for fire vehicles.
- Avoid driveway road grades of 10% or more and sharp changes of grade or sharp turns.
- Use underground power lines.
- Avoid wooden decks overhanging steep slopes and flammable vegetation.
- Develop a 30-100 foot Fire-Safe Zone around the house.
- The most critical area is 5 feet from the house. Keep these areas clean and clear, by not planting flammable evergreen shrubs and trees.
- Flammable vegetation and leaves should be removed and thinned at least 30 feet from the house and up to 100 feet on the downhill side. In many cases, fire resistant plants may be efficiently incorporated into landscaping plans.
- Remove limbs overhanging or within 10 feet of roofs and chimneys.
- Establish lawns for up to at least 30 feet from the house whenever possible.



**Zone 1:** Establish a well-irrigated area around your home. In a low hazard area, it should extend a minimum of 30 feet from your home on all sides. In a high hazard area, this zone should extend at least 100 feet.

**Zone 2:** Place low-growing plants, shrubs and carefully spaced trees in this area. Maintain a reduced amount of vegetation. Your irrigation system should also extend into this area.

**Zone 3:** This furthest zone from your home is a slightly modified natural area. Thin selected trees and remove highly flammable vegetation such as dead or dying trees and shrubs.

## Dark Sky Protection

Outdoor lighting can be very useful in improving visibility and safety, while at the same time minimizing energy use and operating costs, when well-designed and properly installed. Those of us who live in Big Sky Country enjoy the night sky, decorated with the stars and planets, as well as the vast sunny blue sky. Light pollution, from poorly designed or incorrectly aimed lights, creates a murky skyglow that washes out our view of the stars.

Please consider the following:

Glare Poorly designed or installed lighting can cause glare which can severely hamper the vision of pedestrians, cyclist, and drivers creating a hazard rather than increasing safety. Glare occurs when you can see light directly from the bulb.

Light Trespass In areas of high density, unshielded or over lamped outdoor lighting shines onto neighborhood properties and into bedroom windows. This can result in reducing privacy, hindering sleep and creating an unattractive look to the area.

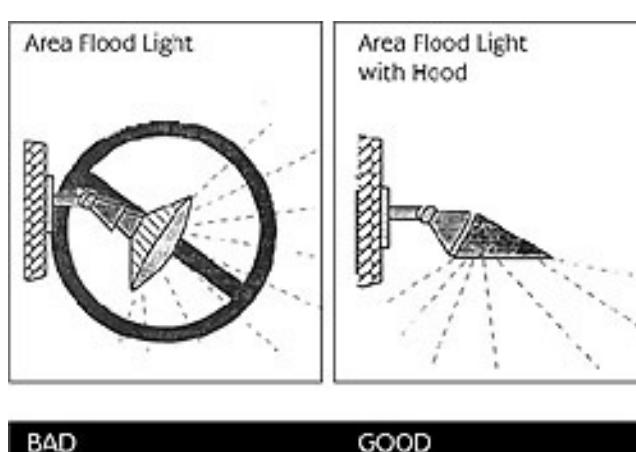
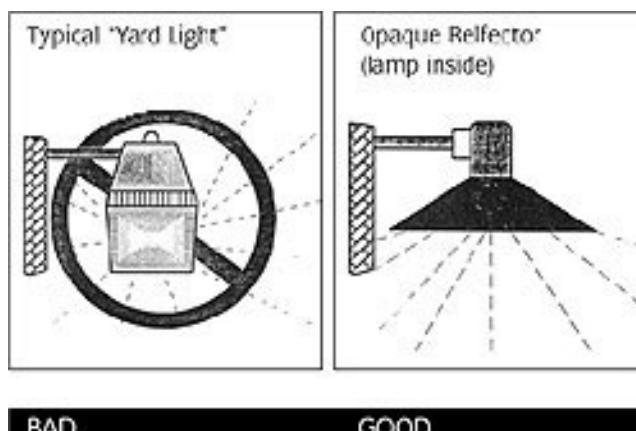
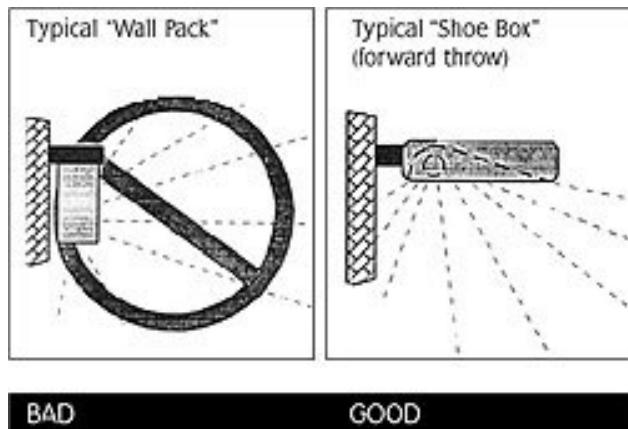
Energy Waste Much of our outdoor lighting wastes energy because it is not well designed. Light is spilled into areas where it is not needed. This results in high operating costs. The United States wastes money annually, unnecessarily lighting up the night sky.

Sky Glow A large fraction of poor lighting shines directly upwards, creating the adverse sky glow above our populated areas which washes our view of the dark night sky. Enjoyment from living in “Big Sky Country” comes from being able to view the vast star filled sky at night.

Please consider:

- Lighting is to benefit people. Controlled, effective, efficient lighting will enhance the surroundings and give a sense of safety and security.
- Check your site at night before installing lighting and note the existing light level.
- Try to keep the lighting uniform and reduce the glare as much as possible.
- Be aware that light fixtures can have different lighting patterns. Pick the right pattern for your job.

- Consider using lights that turn on by motion detection rather than ones that are on continuously. You will have effective security due to its “instant-on” characteristic and energy efficiency.



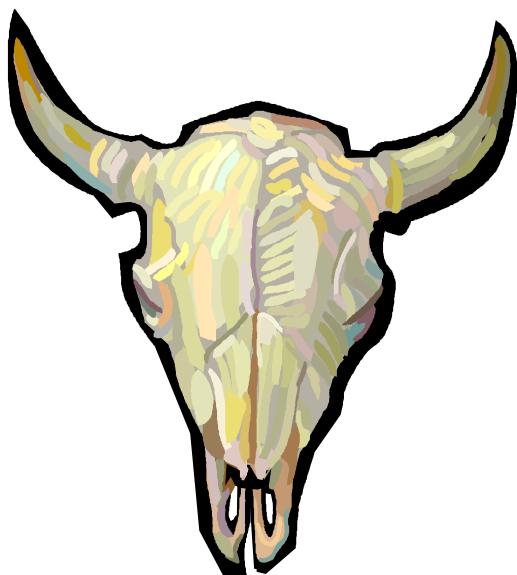
## Conclusion

Images of the Old West draw people to an area like Sanders County, once filled with miners, farmers, ranchers and loggers. Newcomers come with romantic ideas about the West and unrealistic expectations. They believe that they can fax and e-mail from mountain tops and stream bottoms, sending and receiving overnight shipments, only to realize that the information superhighway is most likely a dirt road in Sanders County.

The information presented in this booklet is intended as a guideline and introduction into rural living. We encourage you to research all aspects of country living so you will enjoy the country and not have any unpleasant surprises.

People live here and have moved here for the open space, the quiet and outdoor recreation. They value the sense of small community, lack of crowds, local grocery, neighborhood restaurants, and "saloons" that are owned and operated by people who know and care about their customers as friends.

Sanders County is a wonderful place to live, work, raise a family and retire. We believe the benefits far outweigh the inconveniences of living in a rural area. We hope that if you choose to be our neighbors, you will embrace the whole experience of living in rural western Montana.



## CONTACT NUMBERS

Sanders County Commissioners	(406) 827-6942
Sanders County Land Services Department	(406) 827-6965
Sanders County Sanitarian	(406) 827-6909
Sanders County Junk Vehicle	(406) 827-6961
Sanders County Solid Waste	(406) 827-3482
Sanders County Weed Board	(406) 826-4387
Sanders County Sheriff's Office	(406) 827-3584
Sanders County Emergency Management	(406) 827-6955
Department of Revenue	(406) 382-3069
Sanders County Extension	(406) 827-6934
Green Mountain Conservation District	(406) 827-4833
Eastern Conservation District	(406) 826-3701
Montana Dept. of Fish, Wildlife & Parks	
Montana Dept. of Natural Resource & Conservation	
Plains Office	(406) 826-3851
Water Resource Regional Office	(406) 752-2288
USDA, Forest Service	
Kootenai National Forest/Cabinet District	(406) 827-3533
Lolo National Forest/Plains District	(406) 826-3751

## RESOURCES

- Code of the New West Madison County, MT
- Good Neighbor Outdoor Lighting, New England Pollution Advisory Board
- International Dark-Sky Association
- Who Fixes the Fence? A Landowners Guide to Your Neighboring National Forest
- Kootenai & Lolo National Forests Recreational Activities Guide