

HomeOffices/Depts.Community DevelopmentThe Code of The West

# THE CODE OF THE WEST

**The Code of the West** was first chronicled by well-known resident, western writer Zane Grey. The men and women who moved west in the 1800's were bound by this unwritten code of conduct. Integrity and self-reliance guided their decisions and actions. In keeping with that spirit, this information is offered to help existing and future Gila County residents who wish to follow in the footsteps of those rugged individuals and live outside city limits.

Life in our rural areas is different than life in cities. County governments don't offer the same level of service that city governments provide. To that end, this information is meant to help you make an informed decision regarding whether or not to live in a rural environment.

Even though you pay property taxes to the County, the amount of tax collected does not cover the cost of services provided to rural residents. In general, city residents subsidize the lifestyle of rural residents by making up the shortfall between the cost of services and the revenues received from rural property owners.

Since the rural west will not change to accommodate your lifestyle or expectations, you should be prepared to adapt accordingly. You are encouraged to be vigilant in exploring and thoroughly examining any issues related to a rural existence that could affect your decision to relocate to this area. The information presented in the Code of the West is not intended to discourage you, only to give you a true and accurate picture of rural living in Gila County, Arizona.

Note: The text developed for Gila County's brochure was adapted from the Code of the West written originally by John Clarke, former County Commissioner of Larimer County, Colorado.

Access to Your Property:

The fact that you can drive to your property does not guarantee that you, your guests, or emergency vehicles will have the same level of access at all times. Consider the following:

## EMERGENCY RESPONSE

Response times by law enforcement, fire suppression and medical emergency services may vary due, in part, to the County's geography, road conditions in bad weather, and the inadequacies of rural addressing. Emergency response to outlying areas can also be very expensive. If the property

you purchase is not in an existing Fire District, which is often the case in rural areas, you could be billed a substantial amount for the cost of a response to a fire or medical emergency. It would be worthwhile to contact various emergency service providers in the area before you buy land.

## **LEGAL ACCESS**

The existence of an unobstructed road to your property does not guarantee the road will remain open in the future or that you will have unlimited access. The road may cross another private property. With the assistance of a title company or private attorney, verify existing easements and ensure that all necessary ingress/egress easements are in place.

## **ROAD MAINTENANCE**

Gila County maintains 644 miles of roads; 155 are paved and 489 are not paved (certified mileage 2005). Many rural properties are served by private roads, which are typically maintained by private road associations or individuals. Some private roads are not maintained on a regular basis. The County does not maintain private roads. It is very important to know if your road was properly constructed, what type of maintenance to expect, and who will maintain it.

## **PRIVATE ROAD STANDARDS**

Emergency service vehicles may encounter problems navigating small narrow roads. To address this issue, Gila County adopted an ordinance requiring access roads to be built to a certain standard before combustible materials can be taken to a vacant parcel of land. For more information, contact Gila County Community Development or Public Works.

## **EXTREME WEATHER DRIVING**

In extreme weather conditions, roads (including County maintained roads) can become impassable. You may need a four wheel-drive vehicle and/or chains for all four tires to travel safely during storms, which can last for several days.

## **NATURAL DISASTERS**

Natural disasters, especially floods, can destroy roads. A dry creek bed can become a raging torrent and wash out roads, bridges and culverts. Property owners served by private roads are responsible for the repair and reconstruction of damaged roads and structures, which can be very expensive. Do not enter water flowing across the road. You cannot tell how deep the water is or where the scour holes have formed. Remember that only one foot of water can float many cars. If you survive a rescue, you can be billed for the cost of your rescue, which can be very expensive.

## **PAVING**

If an existing road is unpaved, it is highly unlikely that Gila County will pave it in the foreseeable future. If the seller of any property indicates that the road will be paved – BUYER BEWARE! Contact Gila County Public Works to verify the status of the road and any future plans for the road.

## **ROAD IMPROVEMENT DISTRICTS**

Some rural communities have formed improvement districts to pave their roads, or to reduce dusty conditions. Property owners are assessed their portion of the initial cost as well as future maintenance costs, which can be very expensive. For more information, contact the Gila County Elections Department to inquire about special districts.

## **VEHICLE "WEAR AND TEAR"**

Because unpaved roads are typically rough, and slippery in wet weather, vehicle maintenance costs may increase when you regularly travel on these roads.

## **CONSTRUCTION COSTS/DELAYS**

It may be more expensive to build a residence in a rural area, due to higher material delivery fees. Some large construction vehicles encounter problems navigating narrow roads, and County building inspectors may only be able to travel to some remote areas once a week, which can cause construction delays.

## **MAIL, NEWSPAPER AND PARCEL DELIVERY**

Regular mail, newspaper and/or parcel delivery may not be available in all areas of the County. Check with the postmaster, local newspaper office and parcel delivery services in your area. Delivery fees may also be higher than within a city.

## **SCHOOL BUSES**

School buses travel only on roads that have been designated as school bus routes by the school district. It may be necessary to drive your children to the nearest publicly maintained road to catch the school bus. Check with the school district to determine the appropriate school bus route for your area.

## **AGRICULTURE:**

Owning rural land means knowing how to care for it and what to expect. Here are a few things you need to know about animals and agriculture.

## **AGRICULTURAL OR LIVESTOCK BUSINESSES**

If you anticipate operating an agricultural or livestock business, be sure to research water rights associated with your land. Obtain accurate information on the quantity of water needed for your desired use. Because the flow rates in an arid climate are unpredictable, there is no guarantee sufficient water will be available at any given time.

## **NOXIOUS WEEDS**

Before buying land, you should know if there are noxious weeds on the property that may be poisonous and expensive to control. In some cases, you may be required to eliminate them.

## **ANIMALS**

Animals can be dangerous and some livestock have been known to attack humans. Teach your children that it is not always safe to enter animal pens. Wild animals can also be dangerous. Other than the usual cautionary tails of wild animals attacking humans, animals can also threaten your life with diseases such as Rabies. Rabies is a viral infection which, if not quickly treated after exposure (scratch, bite, or lick), results in death 100% of the time. Rural areas of the southwest are endemic with rabid animals. Your best defense is to vaccinate your dogs and cats against rabies since they are more likely to come into contact with rabid animals. Do not touch wild animals. Animals which appear to be friendly can be infected with rabies. Teach your children to stay away from all wild animals and unfamiliar dogs. If you or a family member is bitten, licked, or scratched by a wild animal, or if you observe animals acting strangely, report the incident immediately to Rabies Control by calling (928) 402-8873 in Globe

## **THE RURAL "AROMA"**

Many people who live in rural areas keep livestock on their land. The Gila County Department of Health Services enforces regulations for the collection and disposal of manure, but objectionable odors may still be present. JUST REMEMBER: Living in rural areas means living with the smells inherent in rural life. Development of new residential areas is not grounds for shutting down existing properly permitted agricultural uses.

Utility Services:

Utility services-such as water, sewer, electric, natural gas, and telephone-may be unavailable in rural areas, or may operate at a lesser standard than in cities. Also, repairs and maintenance may take longer and could be more expensive.

## **ELECTRIC SERVICE**

Electric service is not available to all areas of the County. Because costs to extend power lines can be prohibitive in certain areas, some property owners use a generator or alternative power sources such as solar or wind-powered systems. The cost of electric service includes a fee to tie into the existing utility system, and a monthly usage charge from the local utility company. There may also be underground trenching costs, material costs, and electrician fees. In some cases, it is necessary to cross your neighbor's property to bring power to your property (either overhead or underground lines). It is important to verify the existence of existing easements, or to obtain the proper easements prior to construction of the power lines. Since electric power may not be available in three-phase configurations in some areas, it is important to determine your power needs and level of service availability. Also, due to ongoing development and limited utility line capacity, electric power that is available today may not be available when you decide to build.

## **POWER OUTAGES**

Power outages can occur in outlying areas more often than in more developed areas. Loss of electricity can interrupt your well water supply, interrupt your communications systems, cause food to spoil in refrigerators and freezers, and possibly damage computers and electronic equipment. It is important to be able to survive in rural areas without utilities for at least a week in severe weather.

## **WATER**

If treated domestic water service is available, the tap fees and monthly service fees may be more expensive than municipal water systems. If direct water service is not available, you will need to find an alternative water supply. One method is to haul water, or have it delivered by a commercial outfit. Hauling water can be an arduous task and requires a vehicle and/or a trailer large enough to carry a very large water tank. Depending on how much water your family uses, the tank may have to be filled frequently.

## **WELLS**

Another alternative water supply is to drill a well. Drilling and pumping costs can be considerable and, in some cases, prohibitive. The quality and quantity of well water may vary considerably from

location to location, and from season to season. Some rural areas don't have ground water available due to geological features. A number of well drilling endeavors result in dry holes. Well permits must be obtained from the Arizona Department of Water Resources (ADWR). ADWR requires that a drill site inspection be performed by Gila County Community Development Division prior to permitting.

The driller you select will assist you in completing the well NOI (application).

### **SEWER/SEPTIC SERVICE**

Sewer service is not available in most rural areas and, if it is, it is generally more expensive to tie into the municipal system than in cities. If sewer service is not available, you will need an approved septic system or other treatment process. The type of soil available for a leach field is very important in determining the cost and function of a new septic system. In some cases, a standard septic system will not work (based on soil conditions) and an alternative septic system is required. Alternative systems can be very expensive (they could exceed \$30,000). If there is an existing septic system on the property, it should be checked by a reliable sanitation service. Some existing septic systems may have been inadequately designed and improperly installed without obtaining the required permits and, therefore, could be unreliable. You are strongly urged to work with a private engineer and the Gila County Community Development Division to determine the adequacy of an existing system, the type of new system you might need, and associated costs.

### **TELEPHONE SERVICE**

Rural telephone services can range from full telephone service to cellular phone service only to no service at all. It may also be difficult to obtain additional telephone lines for fax or computer modem use.

### **TRASH REMOVAL**

Trash removal can be a challenge in a rural area. In some cases you may be able to contract with a private solid waste hauler, or there may be a dumpster located within an acceptable distance from your home. In more remote areas, the most viable option may be to haul your trash to a landfill or a solid waste transfer station. It is important to know that it is illegal to create your own trash dump, even on your own property. Recycling pick-up is not available in some rural areas. Trash is often disturbed by wild animals rummaging for food. You must take precautions to secure your trash containers.

Mother Nature:

Residents of rural areas may experience unique problems when the elements and the earth turn unfriendly. Here are some thoughts for your consideration.

## **CHARACTERISTICS OF YOUR PROPERTY**

The physical characteristics of your property can be both positive and negative. Forested areas are a wonderful environmental amenity, but they can also increase the risk of your home becoming involved in a catastrophic forest fire. Defensible perimeters are very helpful in protecting buildings from forest fires and can also protect the forest from igniting if your house catches on fire. Building in a forested area can be as dangerous as building in a flash flood area. If you start a forest fire, you are responsible for the costs incurred to fight and extinguish the fire. For more information, contact the Gila County Emergency Management Division.

## **DUST**

Because of the County's arid climate, dust is a common rural characteristic. Large amounts of windborne dust can be generated from unpaved dirt, or gravel roads. If you or anyone in your family suffer from respiratory ailments, it is important to consider how the dust may affect your health. While forming an improvement district to pave roads may help, dust will always be a reality in rural areas.

## **LANDSCAPING**

Because much of Gila County receives less than 18 inches of precipitation per year, water is a scarce resource that should be used wisely. Therefore, green lawns that require expensive irrigation are not feasible in this area. Drought-tolerant native vegetation and Xeriscape are the preferred and practical landscape designs. Gila County Cooperative Extension agents can help you identify the best plants and vegetation for your property.

## **SNOW ACCUMULATION**

North facing slopes or canyons rarely sees direct sunlight in the winter. There is a possibility that large amounts of snow will accumulate and not melt throughout the winter. In these conditions, keeping an access road open can be difficult and expensive. When trying to keeping an access road open there will be times when the snow plow may create a windrow in your driveway and because the maintenance department has over 215 miles of roads to clear you may have to shovel the snow out of your driveway or drive over it.

## **STEEP SLOPES**

Steep slopes can slide in unusually wet weather. Large rocks can also roll down steep slopes and can be dangerous to people and destructive to property.

## **TOPOGRAPHY**

The topography of the land can tell you where water will drain during rain storms and snow melt conditions. When property owners fill in washes, the natural drainage may be rerouted toward your house or your neighbor's.

## **FLASH FLOODS**

Flash floods can occur, especially during spring run-off or summer thunderstorms, and they can turn a dry wash into a river. It would be wise to obtain a floodplain map from Gila County Flood Control before deciding where to build your home, but keep in mind that not all flood prone areas are shown on these maps. If you build in a flood hazard area, you may be required to purchase flood insurance, which can be very expensive. Typically the County does not provide equipment or labor to protect private property from flooding.

## **WILDLIFE**

Nature provides us with some wonderful neighbors. Most, such as deer, elk and eagles are positive additions. However, even "harmless" animals can cross the road unexpectedly and cause serious traffic accidents. If you do not handle your pets and trash properly, they could cause problems for you and the wildlife that lives around you. Rural development encroaches on the traditional habitat of coyotes, bobcats, mountain lions, rattlesnakes, prairie dogs, bears, mosquitoes and other animals that can be dangerous to humans. Generally speaking, it is best to enjoy wildlife from a distance. Arizona Game and Fish offers many free publications on living with wildlife.

### **Wide Open Spaces:**

There are many issues that can affect your decision to purchase a piece of property. It is important to research these items prior to your purchase.

## **BUILDING PERMITS**

Building permits are required in all unincorporated areas of the County, but not all properties that are for sale are legal for building. Building permits will not be issued on properties that are too small for the zoning district in which they are located, and if the parcel was created without proper approvals. The County Assessor has many parcels that are recognized for the purpose of taxation, but for which a building permit cannot be issued. You are strongly advised to check with Gila County Community Development to determine if a parcel is suitable for building.



## **EASEMENTS**

Existing easements on your property may require you to allow construction of roads, power lines, water lines, sewer lines, etc., across your land. These existing easements may also prevent you from building your residence, accessory buildings, or fences where you want to locate them. All legally recorded easements must be disclosed in your title report. Check with your real estate agent, a title company, or the Gila County Recorder's Office to identify all existing recorded easements.

## **MINERAL RIGHTS**

Many property owners do not own the mineral rights on/under their property. This information should be included in your deed or in your title report. Owners of these rights can change the surface characteristics in order to extract mineral deposits. Much of the land in Gila County can be used for mining. A special review by the County is not always required, and existing mines in the vicinity can expand and result in negative impacts to your property.

## **PROPERTY PLAT/REGISTERED SURVEY**

The only way to verify the location of property lines is to have a Registered Land Surveyor survey and mark the property corners, or locate existing property corners. Before applying for a building permit, it is the property owner's responsibility to accurately identify property lines.

## **FENCES**

Fences that separate properties are often not aligned accurately with the property lines and should not be relied on to identify property boundaries. Again, a survey done by a Registered Land Surveyor or locating existing property corners is the only way to confirm the location of your property lines. Many fences in floodplains require a floodplain use permit. Depending on the type of fence, you might not be allowed to build it in a floodway.

## **DEED RESTRICTIONS/COVENANTS, CONDITIONS AND RESTRICTIONS CC&Rs)**

Many subdivisions and individual parcels have covenants and/or deed restrictions that limit the use of the property. These documents are private agreements and are not enforceable by the County. It is important to obtain a copy of the covenants/deed restrictions (or verify that there are none), and determine if you can live with the rules.

## **HOMEOWNERS ASSOCIATIONS**

Homeowners associations typically establish by-laws that outline how the organization operates, and they may set monthly or annual dues. In some cases, they also enforce CC&Rs. You may be legally required to join the association, which often takes care of common elements, roads, open space, etc. A poorly managed homeowner association or poorly written covenants can result in problems for the property owner-check with neighbors who have belonged to the association for a long time to determine its effectiveness.

## **THE FUTURE OF YOUR PROPERTY**

What surrounds your property now is not a good indicator of what the surroundings will look like in the future. Spectacular views can be replaced by structures if neighboring private parcels are already approved for development. There is also no guarantee that surrounding public lands will remain undeveloped. Check with Gila County Community Development Planning Department and the appropriate state and federal agencies for possible future developments that may already be in the planning stage.

## **FLOODPLAINS**

Before you decide to build your home near a ditch or channel, consider the potential danger to your family and property. All channels have an associated floodplain, but only larger ones have been studied and mapped. Consult Gila County Flood Control regarding potential flood and drainage issues. If there is an existing ditch across your property, you may be responsible for maintenance, such as keeping brush and trees from choking the channel. Even though you may own the property, you may need a permit from the US Army Corps of Engineers and/or a floodplain use permit from the County to dig in or place fill in the channel.

## **IRRIGATION CHANNELS/STREAMS**

Water flowing in an irrigation channel or stream belongs to someone. Do not assume that because water flows across your land, you can use it. Check with your neighbors and the Water Rights Division of the Arizona Department of Water Resources to determine specific water rights.

## **ARIZONA'S OPEN RANGE LAW**

Arizona has an open range law. This means that, 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. Also, if your dog harasses livestock, the rancher may legally shoot the dog without prior notice to you.

## **WELCOME TO GILA COUNTY**

"Gila County was formed from parts of Maricopa and Pinal counties on February 8, 1881, and was extended eastward to the San Carlos River by petition in 1889. It contains 3,040,000 acres of which only 4,748 acres are private lands. The county seat was established at what was originally called Globe City, now called Globe which is an important copper mining center. Silver first attracted people to Gila County and after it was depleted copper emerged as a source of great mineral wealth.

There are 6 incorporated cities/towns located within the boundaries of Gila County. Globe was the first to incorporate in 1907, followed by Miami in 1918, and then Hayden incorporated in 1956, with Winkleman re-incorporating in 1959. The newest incorporated towns are Payson in 1973 and Star Valley in 2005. Gila County's total population is 51,335 (2000 Census).

### **EMERGENCY CONTACT NUMBERS**

#### **Fire/Medical Emergency Dispatch for Payson/Northern Gila County**

911 or 474-5177

#### **Fire/Medical Emergency Dispatch for City of Globe**

911 or 425-5757

#### **Sheriff Department for Unincorporated Areas**

Payson Toll Free 1-866-866-4452

Globe Toll Free 1-800-635-8017

#### **Sheriff Department - Fire/Medical for Tri-City and Canyon Fire Districts Globe**

928-425-4449

#### **Gila County Receptionist (Switchboard)**

928-425-3231

1-800-304-4452

