

CODE OF THE WEST

Custer County Highway Department

The famous western writer, Zane Grey, first chronicled the Code of the West. The men and women who came to this region 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 Custer County who wish to follow in the footsteps of those rugged individuals by living outside city limits.

INTRODUCTION

It is important for you to know that life in the country is different from life in the city. County governments are unable to provide the same level of service that city governments provide. We welcome you to Custer County and hope that you will enjoy living here. The following information is not meant to discourage you from living here, but rather to assist you in making an educated informed decision when purchasing rural land.

1. ACCESS

The fact that you can drive to your property does not necessarily guarantee that you, your guest(s), and emergency service vehicles can achieve that same level of access at all times. Please consider:

1.1 Emergency response times (sheriff, fire suppression, medical care, etc.) cannot be guaranteed. Under some extreme conditions, you may find that emergency response is extremely slow.

1.2 There can be problems with the legal aspects of access, especially if you gain access across property belonging to others. It is wise to obtain legal advice and understand that obtaining legal, insurable easements may be necessary when these types of questions arise.

1.3 Many large construction vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check into construction access.

1.4 If you are building a personal driveway, you must apply for an approach permit through the Custer County Planning Department (673-8174).

1.5 You can experience problems with the maintenance and cost of maintenance of your road. Custer County maintains 400 miles of roads, but private and public roads, which are maintained by private road associations, serve many rural properties. There are some county roads that are not maintained by the county; no grading, no snow plowing. There are even some public roads that are not maintained by anyone! Make sure you know what type of maintenance to expect and who will provide that service.

1.6 Extreme weather conditions can destroy roads. It is wise to determine whether or not your road was properly engineered and constructed.

1.7 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 those instances, which could last for several days. At times it may be impossible for emergency vehicles (sheriff's cars, fire trucks and ambulances) to reach your property. The more inaccessible your property, the more likely this is to occur.

1.8 Natural disasters, especially floods, can destroy roads. Custer County repairs and maintains many county roads within its established maintenance program. However, subdivision roads are the responsibility of the landowners using those roads. A dry creek bed can become a raging torrent and wash 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.

1.9 Unpaved roads generate dust when traffic levels and moisture conditions reach a certain point. Custer County only treats a small portion of county-maintained roads to suppress the dust. Dust is a fact of life for most rural residents.

1.10 If your road is unpaved, it is highly unlikely Custer County will pave it in the foreseeable future. Check carefully with the Custer County Highway Department (673-5678) when a statement is made by the seller of any property indicating that unpaved roads will be paved!

1.11 Unpaved roads are not always smooth and are often slippery when they are wet. You will experience an increase in vehicle maintenance costs when you regularly travel on rural county roads.

1.12 School buses travel only on maintained county roads that have been designated as school bus routes by the school district. You may need to drive children to the nearest bus route so they can get to school.

1.13 Mail delivery is not available to all areas of the county. Ask the postmaster to describe the system for your area.

1.14 Newspaper delivery is similarly not always available to rural areas. Check with the newspaper of your choice before assuming you can get delivery.

1.15 Standard parcel and overnight package delivery can be a problem for those who live in the country. Confirm with the service provider as to your status.

1.16 It may be more expensive and time consuming to build a rural residence due to delivery fees and the time required for inspection of your site.

2. UTILITY SERVICES

Water, sewer, electric, telephone and other services may be unavailable or may not operate at urban standards. Repair can often take much longer than in towns and cities. Please review your options from the non-exhaustive list below.

2.1 If you do not have access to a supply of treated domestic water, you will have to locate an alternative supply. The most common method is use of a water well and the cost of drilling and pumping can be significant. The quality and quantity of well water can vary considerably from location to location and from season to season. It is strongly advised that you research this issue very carefully.

2.2 Not all wells can be used for the watering of landscaping and/or livestock. Permits from the State Engineer may restrict water for use to that which is used inside a home. If you have other needs, make certain you have proper approvals before you invest. It may also be difficult to find enough water to provide for your needs even if you can secure the proper permit. Questions regarding water rights should be addressed to the State board of Water Control (742-0023).

2.3 If you have access to a supply of treated domestic water, the tap fees can be expensive. You may find that your monthly cost of services can be costly when compared to municipal systems.

2.4 If sewer service is not available, you will need to use an approved septic system or other treatment process. The type of soil you have available for a leach field will be very important in determining the cost and function of your system. Have the system checked by a reliable engineering firm and ask for assistance from the Custer County Planning Department. Please remember that a wastewater permit is required for construction of a septic tank.

2.5 Telephone communication can be a problem, especially in the mountainous areas of Custer County. If you have a private line, it may be difficult to obtain another line for fax or computer modem uses. Often cellular phones will not work in the remote areas.

2.6 Electric services are not available to every area of Custer County. It is important to determine the proximity of electrical power. It can be very expensive to extend power lines to remote areas.

2.7 It may be necessary to cross property owned by others in order to extend electric service to your property in the most cost efficient manner. It is important to make sure proper easements are in place to allow lines to be built to your property.

2.8 Electric power may not be available in two phase and three phase service configurations. If you have special power requirements, it is important to know what level of service can be provided to your property.

2.9 If you are purchasing land with the plan to build at a future date, there is possibility that electric lines (and other utilities) may not be large enough to accommodate you if others connect during the time you want to build.

2.10 The cost of electric service is usually divided into a fee to hook onto the system and then a monthly charge for energy consumed. It is important to know both costs before making a decision to purchase a specific piece of property.

2.11 Power outages can occur in outlying areas more frequently than in developed areas. A loss of electric power can also interrupt your supply of water from a well. You may lose food in freezers and refrigerators, and power outages can cause problems with computers as well. It is important to be able to survive for up to a week in severe cold with no utilities if you live in the country.

2.12 Trash removal can be much more expensive in a rural area than in a city. In some cases, your trash dumpster may be several miles from your home. It is illegal to create your own trash dump, even on your own land. It is good to know the cost for trash removal as you make the decision to move into the country. In some cases, your only option may be haul your trash to the nearest landfill site yourself. Recycling is more difficult because pickup is not available in most rural areas.

2.13 The developer of your subdivision may have been required to provide water storage facilities for use by the fire department for fire suppression. It will most likely be your responsibility as property owner to build and maintain these facilities.

3. THE PROPERTY

There are many issues that can affect your property. It is important to research these items before purchasing land.

3.1 Not all lots are buildable. You should check with the Custer County Planning Office (673-8174) to ensure that a piece of land can be built on.

3.2 Easements may require you to allow construction of roads, power lines, water lines, sewer lines, etc., across your land. There may be easements that are not on record. Check these issues carefully.

3.3 No building codes apply to construction in the unincorporated area of the county. Special care in selecting construction, plumbing, and electrical contractors should be taken.

3.4 Property owners may not own the mineral rights under their property. Owners of the mineral rights have the ability to change the surface characteristics in order to extract minerals. It is very important to know what minerals may be located under the land and who owns them. Be aware that adjacent mining uses can expand and cause negative impacts.

3.5 You may be provided with a plat of your property but unless the land has been surveyed and pins placed by a licensed surveyor, you cannot assume that the plat is accurate.

3.6 Fences that separate properties are often misaligned with property lines. A survey of the land is the only way to confirm the location of your property lines.

3.7 Many subdivisions have covenants limiting the use of the property. It is important to obtain a copy of the covenants (or confirm that there are none) and make sure you can live with those rules. Also, a lack of covenants may cause problems between neighbors. The enforcement of the covenants is your responsibility, not the county's.

3.8 Homeowners' Associations (HOAs) and or Road Districts are required to take care of shared element, such as roads, open space, etc. A dysfunctional HOA or Road District or poor covenants can cause problems for you and even involve you in expensive litigation.

3.9 Dues are sometimes required in areas with an HOA or a Road District. The by-laws will tell you how the organization operates and how the dues are set.

3.10 The surrounding properties will probably not remain as they are indefinitely. You can check with the Custer County Planning Department to find out how the properties are zoned and to see what future development may be in the planning stages. The view from your property may change as future development occurs.

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

3.12 Flowing water can be a hazard, especially to young children. Before you decide to locate your home near an active creek or ditch, consider the possible danger to your family.

4. MOTHER NATURE

Residents of the country usually experience more problems when the elements and earth turn unfriendly. Here some thoughts for you to consider.

4.1 The physical characteristics of your property can be positive and negative. Trees are a wonderful environmental amenity, but can also involve your home in a forest fire. Building at the top of a forested draw should be considered as dangerous as building in a flash flood area. Defensible perimeters are very helpful in protecting buildings from forest fires and inversely can protect the forest from igniting if your house catches on fire. For further information, you may contact the Custer County Emergency Manager (673-8152).

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

4.3 Expansive soil can buckle concrete foundations and twist steel I-beams. You can identify the soil conditions on your property by having a soil test performed.

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

4.5 The topography of the land can tell you where the water will go in case of heavy precipitation. When property owners fill in ravines, they have found that the water that drained through that ravine now drains through their house. Do not build in a drainage area!

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

4.7 Spring run-off can cause a very small creek to become a major river. Some residents use sandbags to protect their homes and private property from flooding.

4.8 Nature can provide you with some wonderful neighbors. However, even “harmless” animals like deer can cross the road unexpectedly and cause traffic accidents. Rural development encroaches on the traditional habitat of coyotes, bobcat, mountain lions, rattlesnakes, prairie dogs, bears, mosquitoes and other animals that can be dangerous, and you need to know how to deal with them. In general, it is best to enjoy wildlife from a distance and handle your pets and trash properly; otherwise you could cause problems for yourself and wildlife. The South Dakota Game, Fish, and Parks Department is a good resource for information. They have information to help educate you about living with wildlife.

4.9 Snow removal in rural areas is not guaranteed. Generally Custer County provides snow removal after the accumulation of 4 to 6 inches of snow. Snow removal operations start early enough to allow snow removal on school bus routes. Typically, snow removal operations are limited to normal working hours on weekdays with minimal operations on weekends. Except for emergencies, there are no operations from the hours of 4:30 p.m. to 6:00 a.m. During major snowstorms, after 6:00 a.m., the County operations concentrate on keeping school bus routes and population centers open. In some cases, the County will not be able to keep all arterial roads open and the rural residents should realize that it may be days before the County will be able to get all County-maintained roads opened. Residents should keep adequate supplies of food, water and medical supplies available for these instances. It is the resident’s responsibility to clean mailbox turnouts and driveway approaches after the County equipment has passed. For additional information, you can contact Custer County Highway Dept. (673-5678).

4.10 The County does not provide snow removal operations on private roads.

5.AGRICULTURE

Owning rural land means knowing how to care for it and live with your neighbors. There are a few things you need to know.

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

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

5.3 Animals and their manure can cause objectionable odors to adjacent property, including your own. Be aware that odors are not the animal owners' problem, but yours. Just remember when you do smell these odors, you smell the country.

5.4 South Dakota has an open range law. This means if you do not want cattle, sheep, people 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.

5.5 When buying land you should know if it has noxious weeds that may be expensive to control and you may be required to control. Some plants are poisonous to horses and other livestock. Further information is available through the Custer County Weed and Pest Office (673-5680).

5.6 Animals can be dangerous. Bulls, stallions, rams, boars, etc., can attack human beings. Children need to know that it is not safe to enter pens where animals are kept and these animals should not be fed if they are not your own.

5.7 Logging is an important industry in the forested areas of Custer County. Be advised, you may encounter large equipment and or trucks on narrow winding roads in the county. Stay away from active logging operations as these activities can be dangerous and workers may not even know or expect you are near them.

6. PERMITS

Anyone constructing, placing or modifying a structure within the unincorporated areas of Custer County must obtain certain permits:

- *Approach Permit
- *Grading Permit
- *Waste Disposal Permit
- *Building Permit

These permits and other information is available through the Custer County Planning Department (673-8174). The waste disposal permit, in particular, will require a considerable amount of effort from the permittee or his designate. The primary purpose of obtaining an approach permit is for the issuance of a rural address so that in the event of an emergency, personnel can efficiently find your address.

7. IMPORTANT PHONE NUMBERS

County Airport.....	673-3874
County Auditor.....	673-8173
County Attorney.....	673-8175
County Clerk.....	673-4816
County Director of Equalization.....	673-8170
County Planner.....	673-8174
County Register of Deeds.....	673-8171
County Emergency Management.....	673-8152
County Sheriff.....	673-8146
County Treasurer.....	673-8172
County Weed & Pest.....	673-5680
County Library.....	673-4803
County Nurse.....	673-2847
County Highway.....	673-5678

IN CONCLUSION

This information is by no means exhaustive. There are other issues that you may encounter that we have overlooked and we encourage you to be vigilant in your duties to explore and examine those things that could cause your move to be different than you expect.

Remember that Custer County is a special place to live. The current residents like it the way it is. We have offered these comments in the sincere hope that it can help you enjoy your decision to reside in the country. It is not our intent to dissuade you, only inform you.