

Code of the West



Make an educated and informed decision before purchasing a parcel of land out in the country.



University of Idaho

College of Agriculture Cooperative Extension System

Bonner County
Idaho

Code of the West

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Introduction: Life in the rural areas of the county is different from life in the city. County Governments may not be able to provide the same level of service that city governments provide. To that end we are providing you with the following information to help you make an informed decision before you purchase a parcel of land in rural Bonner County.

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. The values of integrity and self-reliance guided their decisions, actions and interactions. In keeping with that spirit, this information is offered to help the citizens of Bonner County follow in the footsteps of those rugged individualists by living in the rural areas of Bonner County.

Property Access

1.0 Property Access: The fact that you can drive to your property does not necessarily guarantee that you have legal ingress/egress or that your guests and emergency service vehicles can achieve that same level of access at all times. You cannot assume that you have an automatic easement across someone else's property to enter your property. Please consider:

1.1 Emergency response times (sheriff, fire suppressions, medical care, etc.) may be much longer than in a city. Under some extreme conditions, you may find that emergency response is extremely slow due to circumstances beyond their control. Some fire, ambulance and search and rescue services in Bonner County are volunteer and may provide limited services if you are contemplating residing in their jurisdictions.

1.2 There can be problems with the legal aspects of property access, especially if you gain access across property (i.e., an easement) belonging to others. It is wise to obtain legal advice and understand the easement(s) that may be necessary. Also be sure to check with the county and the appropriate highway district for property access requirements.

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For a printed version of the Code of the West, please contact University of Idaho Bonner County Extension Office at 208 263-8511.

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In conclusion: Bonner County is a wonderful place to live, work, and raise a family. We hope this information will help enhance the quality of your life here. Respect your neighbors livelihood and property and be aware that your actions may have adverse impacts on your neighbors, human and otherwise. However, the information presented here is intended as a guideline and an introduction into some of the realities of rural living. You may discover other issues that may not have been covered by this document. We encourage you to research and examine all aspects of country living prior to surprises.

Bonner County elected officials, administration and staff pride themselves on their accessibility. By participating in the publication of the Code of the West, Bonner County is in no way divesting itself of its responsibility to its constituents. We offer this publication in the sincere hope that it will help you better understand how things work in Bonner County.

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 email from the mountaintop. In the New West, the information superhighway is often a dirt road.

Resources:

Bonner County Farm Bureau.....	208 263-3161
Bonner County University of Idaho Extension.....	208 263-8511
Bonner County Planning.....	208 265-1458
Bonner County Weed Department.....	208 255-5681
Bonner County Weed Control Shop.....	208 263-3175
Bonner Soil & Water Conservation District.....	208 263-5310
Panhandle Health.....	208 263-5159
Idaho Department of Water Resources.....	208 327-7900
Idaho Fish and Game Department.....	208 465-8465
Idaho State Department of Agriculture.....	208 332-8500
Idaho Department of Environmental Quality.....	208 373-0550
U.S. Environmental Protection Agency.....	208 378-5746
USDI—Bureau of Land Management.....	208 373-4000
USDI—US Geological Survey.....	208 387-1300
USDI—Bureau of Reclamation.....	208 378-5155

Sources:

Code of the West: Larimer County, Mesa County, Canyon County, Gallatin County,
Code of the New West: Beaverhead County

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Property Access

1.3 Bonner County has three highway districts that maintain hundreds of miles of roads, ranging from paved to unimproved dirt roads. There are also a number of roads not maintained by the highway districts which may include no grading or snow plowing. Additionally, some homeowners' associations may be responsible for the maintenance of roads, bridges and other road structures within their designated subdivisions.

1.4 Bonner County can experience adverse weather conditions that may cause damage to roads. It is wise to determine who is responsible for the maintenance of the roads providing access to your property.

1.5 Many large construction vehicles and some fire and rescue vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction and emergency vehicle access. Remember, it may be more expensive to build a rural residence due to delivery fees and the time required for building materials to reach your site.

1.6 School buses travel only on maintained public roads that have been designated as school bus routes by the local school district (some subdivision roads are private). In order for your child or children to get to school, you may be responsible to drive your children to the nearest county road or designated school bus route. Please check with the appropriate school district for school locations and routes.

1.7 In extreme weather, even highway district maintained roads can become impassable. You may need a four wheel drive vehicle with chains for all four wheels to travel during those times.

1.8 Unpaved roads generate dust. Dust is an unpleasant fact of life for most rural residents. If your road is unpaved, it is unlikely that any one of the county highway districts will pave it in the foreseeable future. Check carefully with the highway district to determine future improvements scheduled on your road. Remember that unpaved roads are not always smooth and you may experience increased vehicle maintenance costs when regularly traveling on rural county roads.

1.9 Mail delivery may not always be available to some rural areas, or may be available as "next day service". This may also apply to package delivery services as well.

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

1.11 Commute time is very different than when living with a city. Please make sure the time and cost of a longer commute is something you are prepared to accept.

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

1.13 It is not usual 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.

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Services

2.0 Services: Water, sewer, electric, fire, telephone and other services may be unavailable or may not operate without interruptions. Repairs may take longer due to their rural nature.

2.1 Cellular communications may be a problem in some areas of Bonner County.

2.2 Sewer service is not available to sites locating outside city limits. You will need to use an approved subsurface sewage (septic) system or other treatment process. The type of soil, depth to groundwater or bedrock, slope, etc. will be very important in determining the cost and function of your subsurface sewage system. Ask for assistance from the Panhandle Health District (208-263-5159) for information on your parcel and have the proposed subsurface sewage system checked by a reliable licensed installer contractor.

2.3 Certain setbacks from surface and groundwater are required for locating a site for a septic system. If sewer services are not available in your area, check with the Panhandle Health District (208-263-5159) for site suitability or land/soil suitability (for septic systems, building site suitability, road suitability, etc.) consult the Bonner County Soil Survey, available at the Bonner Soil & Water Conservation District Office, the University of Idaho Extension Office or library.

2.4 If you do not have access to a public water system for domestic water use, you will need to locate an alternate supply. The most common method is use of a water well. The cost for drilling and pumping may be considerable. The quality and quantity of water (also known as the yield) can vary considerably from location to location and seasonally. There are portions of the county where there is insufficient yield available for domestic purposes. It is strongly advised that you research this issue very carefully.

2.5 It may be difficult to have sufficient yield to provide for your needs such as livestock, lawns or gardens. Idaho State law (Idaho Code 42-111) allows for a domestic well to water one half acre of ground and serve domestic needs., If you believe you may need more water than allowed from a single domestic well, you will need to obtain a water right from the Idaho Department of Water Resources. Information can be obtained at 208-327-7900,

2.6 Electric service is available in every area of Bonner County. However, it is important to determine the proximity of electric power because it can be expensive to extend power lines to very remote areas. In addition, if you have special power requirements, it is important to know what level of service can be provided to your property.

2.7 It may be necessary to cross property owned by others in order to extend electric and other services to your property. It is important to make sure the proper easements are in place to allow utilities to be extended to your property.

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Agriculture

5.5 Animals and manure may cause objectionable odors and dust. Large confined feeding operations and dairies are regulated through the Idaho State Dept. of Agriculture and questions may be directed to them at 1-866-435-0490.

5.6 Agriculture is an important part of the Bonner County economy. If you choose to live among the farms and ranches of our rural countryside, do not expect county government to intervene in the normal day-to-day operations of your agri-business neighbors. In fact, the Idaho Legislature passed the "Right to Farm" legislation that protects farmers from nuisance liability lawsuits.

5.7 Bonner County is serious about control of noxious weeds. The county has adopted the State of Idaho's noxious weed and pest laws. Every landowner is responsible for the abatement of the states noxious weeds as well as pests (primarily gophers). Bonner County has a nuisance ordinance requiring the maintenance of property in a manner that prevents fire, safety, or health hazards.

5.8 Farm animals such as bulls, stallions, etc. can be dangerous and can even attack humans. Children need to know that it may not be safe to enter pens, fields or pastures where farm animals are kept.

5.9 Idaho has an open range law. This means if you do not want cattle, sheep and other live stock 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.

5.10 Livestock animals being herded from one location to another have the right of way on county roads and highways.

5.11 Insects may be fore of a problem in the country than they are within city limits. Insects feeding on actively growing crops or emerging from cropland can migrate to landscaping gardens adjacent to cropland. It will be your responsibility to control them if they are a nuisance.

5.12 Moving to the country is not a license to let pets roam. Even gentle Fido can become a deer chasing nuisance, predator of small game, or lunch for coyotes. State law protects livestock from your dogs. Dogs found attacking or harassing livestock can be shot.

5.13 For free resource information about agriculture and conservation, contact the Bonner Soil and Water Conservation District at 263-5310.

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Mother Nature

4.7 Riparian buffers are strips of land bordering lakes, rivers, streams and wetlands. They are one of Nature's ways of providing habitat diversity for fish and wildlife. Consider leaving native vegetation of trees and shrubs in these areas for: stabilizing stream banks, improved water quality, reduced flooding and sedimentation, cooler healthier water for amphibians and fish, improved scenery and of course better fish and wildlife habitat.

4.8 Removing trees and shrubs along streams and lakes to "improve the view" often leads to erosion and loss of land. Leaving trees and shrubs along shorelines and stream banks provides stability and shades the water to provide cooler conditions for fish. Bioengineering or integration of living woody and herbaceous materials will increase soil structure and are less expensive and labor-intensive than retaining walls or rip-rap to reinforce areas where erosion has occurred. Fertilized areas such as lawns and other landscaping plants that extend into riparian areas (vegetated areas adjacent to streams and lakes) can leach nutrients into the water and result in nuisance algae growth, appearing as a green slime on rocks and other submerged objects. Excess algae can decrease available dissolved oxygen in the water, reducing the quality of habitat for fish and other aquatic species. Landscaping with native vegetation or leaving existing natural landscapes requires less watering and little maintenance. Establishment of native plants lessens chances of weeds becoming established and provides food and shelter for wildlife. Streams don't stay in their defined channels. They are connected to the adjacent land that they use as a floodplain to dissipate energy during high flows. Building in floodplains can result in flooding and may alter the energy distribution in a stream system. Alterations to stream channels requires a permit from the US Army Corps of Engineers and the Idaho Department of Water Resources

Agriculture

5.0 **Agriculture:** The people who tamed this wild land brought water to Idaho through an ingenious system of water diversion. This water has allowed agriculture to become an important part of our environment and economy. Owning rural land means knowing how to care for it. There are a few things you need to know.

5.1 Farmers often work around the clock, especially during planting and harvest time. For example, hay is often swathed and baled at night. It is possible that adjoining agricultural uses may disturb your peace and quiet late into the evening and morning hours.

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

5.3 Farmers occasionally burn ditches and fields to keep them free of debris and weeds, which may create objectionable smoke.

5.4 Chemicals (mainly fertilizers, pesticides and herbicides) are often used in agricultural activities and may be applied via irrigation systems, ground vehicles or various aircraft. You may be sensitive to these substances and some people may actually have allergic reactions.

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Services

2.8 Power outages can occur in outlying areas with a greater frequency than in cities. A loss of electrical power can also interrupt a private water supply from a well. Extended power outages may also cause a loss of food in freezers or refrigerators and may cause problems with computers. It may be important to be able to survive temporarily in severe weather with no utilities if you live in the country.

2.9 There are several separate fire districts within Bonner County. However, not all land has fire protection service. Be sure to verify coverage and permit requirements with the appropriate fire district. Or, there may not be coverage at all.

2.10 Trash removal may be more expensive in rural areas. It is illegal to create your own trash dump, even on your own land. It is good to know the cost for trash removal prior to making the decision to move into the country. In some cases, the only option may be to haul your trash to a transfer station (state and county law prohibits burning of domestic trash in a burn barrel). Recycling services may not be available in rural areas. Animal proof refuse containers are a good idea in many areas.

The Property

3.0 **The Property:** There are many issues that can affect your property. It is important to research them before purchasing land in rural areas of the county. A title search of the property will ensure no surprises later on!

3.1 Easements may require you to allow the construction of roads, power lines, water and or sewer lines, etc. across your land. There may be easements that have not been recorded by the county or as part of the original property. Check these issues carefully.

3.2 Some property owners do not own the mineral rights under their property. Owners of mineral rights have the ability to change the surface characteristics in order to extract these minerals. It is important to know what minerals may be located under the land and who owns them. Be aware that adjacent mining uses and gravel pits can expand.

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

3.4 Fences that separate properties are sometimes misaligned with the actual property lines. A survey of the land by a licensed surveyor is the only way to confirm the location of property lines.

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The Property

3.5 Many subdivisions and planned unit developments have covenants that limit the use of the property, which may include animal topos, species, and numbers. It is important to obtain a copy of the covenants (or to confirm that there are none) and make sure that you can live within those rules. Some homeowners associations are required to take care of common elements, roads, open space, etc. Dues are almost always a requirement for those areas with a homeowners association. The bylaws will explain how the organization operates and how the dues are set. Remember, enforcement of covenants is a civil matter. They cannot be enforced by the county.

3.6 The surrounding properties may not remain as they are indefinitely. You should check with the Bonner County Planning Department to determine if future developments may be in the planning stages. Not all property is eligible for a building permit or land division. Please check with Bonner County Planning Department at 208-265-1458.

3.7 If there is a ditch, canal, to other water conveyance crossing your property, the users of the conveyance may have the right to come onto your property to maintain and access the conveyance. Some ditch companies make it the property owner's responsibility to keep the ditches or canals cleaned and clear of weeds. The water flowing in irrigation ditches or canals and other conveyances belongs to someone. You cannot assume because the water flows across or through your property, you may use it. Please remember that canal or ditch roads may only be used by the canal or ditch company and are not for your use.

3.8 Water rights sold with the property may not give you the right to use the water from any ditch, canal or other conveyance that crosses your land. You may need to coordinate with neighbors who also use 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 improvements of the conveyance mechanism.

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

3.10 Navigable streams are defined as any stream which, in its natural high-water condition, will float logs or any other commercial or floatable commodity, or is capable of being navigated by oar or motor propelled small craft for pleasure or commercial purposes. Navigable streams are recognized as public transportation corridors, thus members of the public have the right to use the corridor, provided they enter and exit the corridor at a public right of way, and remain within the corridor. Any navigable streams flow through private property, thus it is important that anglers know their rights and responsibilities when fishing in navigable waters that flow through private property.

3.11 If you are purchasing a parcel close to a city or within a city area of impact, annexation in the future is a possibility.

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Mother Nature

4.0 **Mother Nature:** Residents of the county may experience more problems when the elements and earth turn unfriendly. Here are some thoughts to consider.

4.1 **Steep slopes may fail, causing a landslide in unusually wet weather. Large rocks may also roll down steep slopes and present a great danger to people and property.**

4.2 **Black ice or icy conditions on rural roadways is always a probability.**

4.3 **The topography of the land can give you an indication of where the water will flow during large precipitation events.**

4.4 **Floodplains have been designated by the United States Geologic Survey (USGS) within the county. Portions of the county have delineated floodplains that prohibit home construction in some flood prone areas. Other areas have special building considerations if located in the floodplains. It is advisable to consult the Bonner County Planning Department before buying or building. The people of Idaho own natural water bodies including creeks, rivers and lakes. To protect our waterways, permits are required prior to any alterations such as culverts, bridges, ditches and stabilizing stream banks. Flowing water can be a hazard, especially to young children. Before you decide to live near an active stream consider the possible danger to your family.**

4.5 **Bonner County is blessed with world-renowned fisheries, which provide an important component of our economy. Many new residents want to establish their won 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 fish, and have proper water rights and be designed to avoid impacting nearby waterways. Make sure to contact the Idaho Fish and Game Department for permitting requirements.**

4.6 **Nature can provide you with some wonderful neighbors such as deer, elk and other wildlife. These are generally seen as positive additions to the environment. However, even "harmless" wildlife can cross the road unexpectedly and cause traffic accidents. Rural development encroaches on the traditional habitat of coyotes, bear, deer, turkeys, and other animals that may be dangerous. In general, it is best to enjoy wildlife from a distance. It is important that you handle your pets and trash properly so they will not create problems for you and/or the wildlife. The Idaho Fish and Game Department (208) 769-1414, Coeur d'Alene Regional Office) can provide information on co-habitation of humans and wildlife.**