

FALL RIVER COUNTY CODE OF THE WEST

The Code of the West was first chronicled by the famous western writer, Zane Grey. 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, we offer this information to help the citizens of Fall River County who wish to follow in the footsteps of those rugged individualists 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 not 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 educated and informed decision to purchase rural land.

Access

The fact that you can drive to your property does not necessarily guarantee that you, your guests 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 and expensive.
- 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 the easements that may be necessary when these types of questions arise.
- 1.3 - You can experience problems with the maintenance and cost of maintenance of your road. Fall River County maintains 700 miles of roads, but many rural properties are served by roads which are maintained by private road associations. There are even some county roads that are not maintained by the county - no grading or 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 maintenance. Even if you have road frontage, you may require a permit to approach from the county or state to build a driveway off that road.
- 1.4 - Extreme weather conditions can destroy roads. It is wise to determine whether or not your road was properly engineered and constructed.
- 1.5 - Many large construction vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction access.
- 1.6 - 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 your children to the nearest county road so they can get to school.
- 1.7 - In extreme weather, even county-maintained roads can become impassable. You may need a four-wheel drive vehicle with chains for all four wheels to travel during those episodes, which could last for several days.

1.8 - Natural disasters, especially floods, can destroy roads. Fall River County will repair and maintain county roads; however, subdivision roads are the responsibility of the landowners who use those roads.

1.9 - Unpaved roads generate dust. As a general rule Fall River County does not treat county system roads to suppress the dust and dust is a fact of life for most rural residents.

1.10 - If your road is unpaved, it is highly unlikely that Fall River County will pave it in the foreseeable future. Check carefully with the Fall River County Road Department when any statement is made by the seller of any property that indicates any 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 - Mail/newspaper delivery is not available to all areas of the county. Ask the postmaster/newspaper to describe the system for your area.

1.13 - Standard parcel and overnight package delivery can be a problem for those who live in the country. Confirm with the service providers as to your 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. Please review your options from the non-exhaustive list below.

2.1 - Telephone communications can be a problem, especially in the mountain areas of Fall River County. If you have a private line, it may be difficult to obtain another line for fax or computer modem uses. Even cellular phones will not work in all areas. High Speed Internet service is often not available.

2.2 - If sewer service is available to your property, it may be expensive to hook into the system. It also may be expensive to maintain the system you use.

2.3 - If sewer service is not available, you will need to use an approved on-site 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. For installation you will require a state/county certified septic installer or call (605) 773-4647 for the rules for installation. ([Related State Administrative Rules](#))

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

2.5 - If you do not have access to a supply of treated domestic water, you will have to locate an alternative supply. The most common methods are hauling water or drilling a well. The cost for drilling and pumping can be considerable and generally requires hiring a SD licensed well driller. 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.

2.6 - Not all wells can be used for watering of landscaping and/or livestock. If you have other needs, make certain that you have the 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.

2.7 - Electric service is not available to every area of Fall River County. It is important to determine the proximity of electrical power. It can be very expensive to extend power lines to remote areas.

2.8 - 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 that the proper easements are in place to allow lines to be built to your property.

2.9 - 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.

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

2.11 - The cost of electric service is usually divided into a fee to hook into 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.

2.12 - Power outages can occur in outlying areas with more frequency than in more developed areas. A loss of electric power can also interrupt your supply of water from a well. You may also lose food in freezers or 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.

2.13 - 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 to haul your trash to the landfill yourself. Recycling is more difficult because pick-up is not available in most rural areas.

2.14 - The State of South Dakota has laws which prohibit/restrict open burning of trash and yard debris. You will need to contact the local volunteer fire department to check the laws and permits that apply to your location of Fall River County.

The Property

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

3.1 - Most, but not all, lots are buildable. Smaller lots may not meet state requirements for septic system installations. Generally, a state electrical inspection of new construction is required before your power will be turned 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 of record. Check these issues carefully.

3.3 - Many 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 their minerals. It is very important to know what minerals may be located under the land and who owns them. Much of the rural land in Fall River County can be used for mining. Be aware that adjacent mining uses can expand and cause negative impacts.

- 3.4 - 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. The Fall River County Register of Deeds may have copies of filed plats.
- 3.5 - Fences that separate properties are often misaligned with the property lines. A survey of the land is the only way to confirm the location of your property lines. South Dakota law may require that you pay one-half the cost of a fence installed by your neighbor on a common border.
- 3.6 - Many subdivisions and planned unit developments have covenants that limit the use of the property. It is important to obtain a copy of the covenants (or confirm that there are none) and make sure that you can live with those rules. Also, a lack of covenants can cause problems between neighbors.
- 3.7 - Road taxing districts and homeowners associations are sometimes used to take care of common elements, roads, open space, etc. A dysfunctional homeowners association or poor covenants can cause problems for you and even involve you in expensive litigation.
- 3.8 - Dues are almost always a requirement for those areas with a HOA. The by-laws of the HOA will tell you how the organization operates and how the dues are set.
- 3.9 - The surrounding properties will probably not remain as they are indefinitely. The view from your property may change.
- 3.10 - If you have a water ditch or powerline running across your property there is a good possibility that the owners of the ditch/line have the right to come onto your property with heavy equipment to maintain the ditch/or cut trees away from their powerline.
- 3.11 - Water rights that are sold with the property may not give you the right to use the water from any ditches crossing your land without coordinating with a neighbor who also uses the water. Other users may have senior rights to the water that can limit your use or require you to pay for the oversizing or other improving of the ditch.
- 3.12 - It is important to make sure that any water rights you purchase with the land will provide enough water to maintain fruit trees, pastures, gardens or livestock.
- 3.13 - The water flowing in irrigation ditches belongs to someone. You cannot assume that because the water flows across your property, you can use it.
- 3.14 - Flowing water can be a hazard, especially to young children. Before you decide to locate your home near an active ditch, consider the possible danger to your family.
- 3.15 - The development of lots may be affected by geological hazards, flooding, wetlands, streams, rivers, and lakes. Additionally, priority fish and/or wildlife habitats and species may limit the type and location of development you may perform on your property. Development constraints, extra costs, special studies and permits may be required for the development of lots.
- 3.16 - South Dakota does not have a personal income tax and as a result property taxes are often much higher than other states. It is worthwhile to visit with the Fall River Tax Assessor before buying property to determine whether a large increase in assessments and hence taxes on the property is expected. In particular, agricultural land that is subdivided and no longer meets the requirements for being agricultural can result in taxes that are many multiple times more than previous taxes.

Mother Nature

Residents of the country usually experience more problems when the elements and earth turn unfriendly. Here are 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 fire and inversely can protect the forest from igniting if your house catches on fire. If you start a forest fire, you are responsible for paying for the cost of extinguishing that fire. For further information, you can contact Fall River Emergency Management or the local volunteer fire district.

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

4.3 - Expansive soils, can buckle concrete foundations and twist steel I-beams. You can determine the soil conditions on your property by reviewing the Fall River County Soil Survey.

4.4 - North facing slopes or canyons rarely see 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 the 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.

4.6 - A flash flood 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. FEMA flood maps are available through Emergency Management for most of the county and help determine whether you will be able to purchase flood insurance.

4.7 - Nature can provide you with some wonderful neighbors. Most, such as deer and eagles are positive additions to the environment. However, even "harmless" animals like deer can cross the road unexpectedly and cause traffic accidents. Rural development encroaches on the traditional habitat of coyotes, bobcats, mountain lions, rattlesnakes, prairie dogs, 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 know that if you do not handle your pets and trash properly, it could cause problems for you and the wildlife.

4.8 - Many areas of Fall River County are open for hunting. Hunting, while providing recreational opportunities, is a tool for managing wildlife populations. It also involves individuals who may trespass, litter, or fire guns. Don't automatically assume your property is in a no hunting area.

Agriculture

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, and hay is often swathed or baled at night. It is possible that adjoining agriculture uses can disturb your peace and quiet.

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

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

5.4 - Chemicals (mainly fertilizers and herbicides) are often used in growing crops. You may be sensitive to these substances and many people actually have severe allergic reactions. Many of these chemicals are applied by airplanes that fly early in the morning.

5.5 - Animals and their manure can cause objectionable odors. What else can we say?

5.6 - Agriculture is an important business in Fall River County. 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.

5.7 - Portions of Fall River County are open range. This means if you do not want cattle, sheep or other livestock on your property, it is your responsibility to fence them out. In those areas, it is not the responsibility of the rancher to keep his/her livestock off your property.

5.8 - Before 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.

5.9 - 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.

5.10 - Much of Fall River County receives less than 17 inches of precipitation per year. As a result, we have a problem with overgrazing, and fugitive dust. Without irrigation, grass does not grow very well. There is a limit to the amount of grazing the land can handle. The Fall River County Cooperative Extension office can help you with these issues.

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 less than you expect.

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.

Adopted this 20th day of July, 2023

Fall River County Commission

 /S/ Joe Falkenburg
Joe Falkenburg, Chairman

