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"The Code of the West"

or, "How to Avoid Surprises, and Be a Good Neighbor When You're Buying, Building, and Developing in the Town of Cave Creek, Arizona "

A publication of the Town of Cave Creek Planning Department

The "Code of the West" was first chronicled by the western novelist, Zane Grey. Men and women who settled the western frontier were bound by an unwritten code of conduct. In keeping with that spirit, we offer this information to help people who have chosen to build and/or live in the rural desert community of Cave Creek, Arizona.

Welcome to Cave Creek, Arizona:

Life in this rural desert community is rich and rewarding, treasured by both Cave Creek residents who have been here for generations, and those who have recently moved here. It's important that new property owners and homeowners know that life in Cave Creek is different from life in the big city. The Town government cannot provide the same level of service that big city governments provide. The information included in this Town of Cave Creek's version of "The Code of the West" is designed to help you make an educated and informed decision as you consider purchasing or developing land in the Town of Cave Creek.

What kind of ACCESS is available to properties located inside the town?

The fact that you can drive to your property does not necessarily guarantee that you, your guests or an emergency service vehicle (the Sheriff, an ambulance, a fire truck) can get there easily, or during all seasons. Please consider:

- **Response times for emergency services cannot be guaranteed.**
- **There can be problems with the legal aspects of access,** especially if you have access across someone else's property. Make sure you have legal easements if you need them (i.e. deeded, not just verbal). You may want to get legal advice if you have questions regarding your own access to a Town Road or County road.
- The Town of Cave Creek maintains approximately seventy-five (75) of miles of both paved and unpaved roads, but **many private properties are served by private roads, which are not Town maintained.** Some roads that have been used for many years by the public aren't maintained by the Town (no grading, or repair of damages resulting from natural disasters.) Make sure you know what kind of maintenance is available and who pays for it.
- **Many large construction vehicles cannot navigate small, narrow and primitive roads.** If you plan to build, check out construction access. Private driveways should be wide and sturdy enough to support either emergency or construction vehicles.
- **If your driveway or private road accesses a Town road, you may need a Right-of-way Use Permit.** Call the Town of Cave Creek's Engineering Department to find out. If your access is directly onto a County Road, you will need to check with the Maricopa County Department of Transportation about getting a Right-of-way Use Permit.
- **In some outlying areas, school bus transportation is not provided.** Call the Administration Office of the School District in which your children will be attending school to find out the school bus boarding area closest to your property.
- **In extreme weather, some roads may become impassable.** You may need a four-wheel drive vehicle and perhaps even another mode of transportation to travel during those circumstances.
- **Gravel roads generate dust.** If you mind that, you may not want to be in an area which is accessible only by gravel roads, and for which no paving is planned. If you have a question about whether roads are scheduled for improvement, check with the Town of Cave Creek's Engineering Department.
- **Unpaved roads are not always smooth and are often slippery when they are wet.** You may experience an increase in vehicle maintenance costs when you regularly travel on rural roads.
- **Newspaper, parcel and overnight package delivery, and U.S. mail delivery may not always be available to rural areas.** Check with the agencies that provide these services before assuming you can get delivery.
- **It may be more expensive and time consuming to build a rural residence due to delivery fees and the time required for inspectors to reach your site.**

How About Sewer, Water, Electricity, Telephone, Cable T.V. and Natural Gas?

The utilities that you may be used to having when you lived in a big city may not be available in our desert rural community. Please think about these situations:

- **The availability of telephone communication can be delayed**, particularly in the more remote areas of the Town. It may be difficult or impossible to obtain a separate line for FAX or computer modem uses, and in some areas, cellular telephones don't operate. Check with the local telephone service provider to find out what lines and services are available to you.
- **If sewer service is available to your property**, contact the Town of Cave Creek's Engineering Department to find out what the costs are to hook into it, and to maintain it.
- **If sewer service is not available, you will be using, or have to have installed, an individual sewage disposal system.** If there is an existing individual sewage disposal system, have the septic tank pumped and inspected by a reliable service, or call the Maricopa County Department of Environmental Services to get information about obtaining a permit or an inspection for an individual sewage disposal system.
- **If a central treated water supply is available to your property, find out who supplies it**, what the costs are to hook into it, and the monthly cost of service.
- **Be sure you know what water rights are available with your property:** Is there a well permit? If water is provided by a well located off your property, do you have an easement allowing you to access and repair it? You will not be able to drill a well without getting a permit from the Arizona Department of Water Resources; you'll need to know what kind of time and expense that may entail.
- **Having a well permit doesn't guarantee that there will be water where you first dig for it.** Consider those potential drilling and installation costs in your development planning.
- **The Arizona Department of Water Resources, not the Town of Cave Creek, issues well permits.** You can apply directly to the Department, through their office in Phoenix, or by contacting a local well driller who can complete and submit the application for you.
- **Electric and natural gas service may not be readily available** in the more remote areas of the Town. Check with each of these service providers to make sure you have the services you want before you commit to a construction project.
- **Some of your utility service lines may have to cross properties owned by other people** in order for service to be extended to your property. Make sure the proper legal easements are in place to allow lines to be installed to your property.

- **Electric power may not be available** in single phase and three phase service configurations. If you have special power requirements, check with the service provider to ensure that those can be provided.
- **The cost of electrical service** usually includes both a fee to hook into the system (which may require extensive line installation if none exists), and a monthly charge for energy consumed. Check with the service provider about both costs in your area.
- **Power outages** can occur in outlying areas more often than in more developed areas. Not only can these disrupt your computer modem's Internet connection; you won't be able to get water from your well.
- **Trash collection in rural areas is generally limited to two choices:** A commercial pickup service, which charges a regular fee, or hauling your trash to a Maricopa County Landfill.
- **Many remote areas of the Town are not wired for cable TV.**

What Can I Do On My Property?

Many issues can affect your property in addition to those concerning utilities and access. It's important to research them before purchasing land.

- **Other property owners may have easements, which require you to allow construction of roads, power lines, water lines, sewer lines and other utilities across your land,** which may restrict your own development and building options. There may be easements that haven't been recorded, but are "historic." Title abstract and title insurance companies, or an attorney can help you track this information.
- **Many property owners do not own the mineral rights under the surface of their land.** By federal law, owners of mineral rights have the right to extract the minerals, even if that activity changes "surface characteristics." It's important that you know what minerals may be located under your land and who owns them. Check your deed, and if you don't understand it, you may want to contact your attorney or another professional to help you.
- Even if you are provided with a plat for your property by your Realtor, or other seller. **You may wish to obtain the services of a licensed Arizona surveyor to ensure the accuracy of your survey.**
- **Fences that separate properties may or may not be on legal boundary lines.** A survey of the land is the only way to confirm the location of your property lines.

- Whether you want to construct a single family home, a guest house, to subdivide, or open a store, **your plans may require a Variance, Zone Change, Site Plan Review or a Special Use permit**, as well as a Right-of-way Use permit, an individual sewage disposal system permit, a building permit, a sign permit, a zoning clearance or must meet other requirements. Check with the Town of Cave Creek Planning Department to find out what you need, and when you'll need it.
- **Many subdivisions and planned developments have covenants and design guidelines that limit the use of the property.** Find out if there are covenants (either ask your Realtor or check with the Maricopa County Recorder's Office). Make sure that you can live with the rules of that subdivision.
- **Homeowners and property owners associations often are responsible for the maintenance of roads, utilities and other common elements in subdivisions.** Check the subdivision's covenants to learn if an association has that responsibility; check with your Realtor (or some of your future neighbors) to learn if the association is functioning. A dysfunctional or non-existent association can cause problems for you, and even involve you in expensive litigation.
- **Dues are almost always a requirement for those subdivisions that have a homeowners association.** The by-laws of the association should outline how the organization operates and how dues are set, collected and spent.
- **The property that's an open desert today may not be forever.** Check the recorded plats for your subdivision to see what uses are platted within it. In addition, check in the Maricopa County Assessor's Office to determine if those uses may have been changed since the plat was recorded. You can also talk with the Town of Cave Creek Planning Department about the process that properties currently undergo for a land use change, and how you would be notified if changes were proposed next to you.

You Can't Mess With Mother Nature (and expect to get off easily)

Rural desert residents usually can expect to experience more challenges with the "elements" when they become unfriendly than residents who have access to municipal services.

- **Desert vegetation is a wonderful environmental amenity, but can also endanger your home in case of a wild fire.** The local Rural Metro Fire Department office can offer practical recommendations to help you protect your home from fire as well as protect the surrounding desert vegetation from igniting if your house catches on fire. If you start a wild fire, you could be found legally responsible for paying the costs of putting it out. Helping to prevent the catastrophe before it happens benefits you as well as your neighbors and the desert.

- **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.
- **You may be required to have a geotechnical study conducted before you can obtain an individual sewage disposal system permit, a building permit, or a driveway permit.** Collapsing and expansive soils can buckle concrete foundations and twist steel I-beams.
- **A property owner who builds his home in or near a dry wash may find that when it rains the water that drained through the wash now drains through his house.** The topography of the land can tell you where the water will go when rain occurs.

Wildlife:

Nature can provide you with some wonderful neighbors. However, some may be of concern to you and require extra care when you build and live in a rural or remote area.

- **Coyotes, foxes, skunks, bobcats, deer, and javelina can be simply annoying, destructive or dangerous, and you need to know how to deal with them.**
- **Threatened and endangered species of wildlife may be present in certain areas.** Check with the Arizona Game and Fish Department about concerns related to the area in which your property is located.
- **Living in a rural desert area may also bring you in to contact with other desert dwellers such as rattlesnakes, scorpions and black widow spiders.** Be aware of what actions you should take if you should have a less than satisfactory encounter with any of these desert dwellers.

Ranching:

- **Ranching and the keeping of horses, cattle, sheep or other livestock on an individual's property is allowed on parcels of two acres or greater in the Desert Rural Zoning Districts located within the Town of Cave Creek.** If you choose to live among and next to ranching operations, you may be affected by them; **learn how you can be a good neighbor to this important part of our community's history and character.**
- **Ranchers often work in the evening hours especially during our hot summer months.** Occasionally, adjoining ranching activities may disturb your otherwise quiet surroundings. Those times will pass.
- **If you're traveling on dirt and graveled roads adjacent to ranch lands, drive slowly and with care.** Occasionally horses and cattle may get out on the road; avoiding hitting an animal is healthy for both you and the animal.

- **Ranch livestock may cause odors and noise, which are objectionable to some people.** If you find them annoying, you may want to find a parcel in another area of the county.
- **Horseback riders occasionally ride on public roads.** When you encounter a rider slow down and act cautiously. The delay will cost you only a few minutes. Enjoy the scene; this is the "real west," and is a critical part of the character of our desert rural community.

...and a Few Final Thoughts:

- Though the Town of Cave Creek receives sales tax revenue from its local businesses, the amounts of taxes collected generally do not cover the costs of services provided to the Towns residents. In general, other revenue sources subsidize the lifestyles of those who live in our desert rural community by making up the shortfall.
- Please take the time and effort to study the history of the Town of Cave Creek. This will give you an understanding and appreciation for the pioneers who settled this land. It is our hope that through this understanding, you will approach your construction and development in a thoughtful and sensitive manner, to protect our unique community, our natural resources and our historic way of life.
- The information in this Town of Cave Creek version of "**The Code of the West**" is not exhaustive. There likely will be issues that occur to you, or that you encounter, that are not included here.
- This "Code" is provided by the Town of Cave Creek Planning Department. We offer this information and these suggestions in the sincere hope that they will help you as you decide to build, develop and live in Cave Creek.

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Please feel free to copy our version of "The Code of the West," and distribute it.