

CHAPTER 30. Public Land Survey Corners

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Article 30-1. Title.

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This Chapter shall be known as the “Public Land Survey Corners” for Utah County, Utah. (Ord. 2011-15, 4-26-2011).

Article 30-2. Purpose.

30-2-1. Purpose.

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The Utah State Legislature has authorized counties to enact a fund to be known as the Public Land Corner Preservation Fund and to establish a fee schedule for filing maps in the County Surveyor's office of surveys filed under Section 17-23-17, Utah Code Annotated, 1953 as amended, regarding subdivisions, road dedication plats, and other property plats, pursuant to Section 17-33-19, Utah Code Annotated, 1953 as amended. (Ord. 2011-15, 4-26-2011).

Article 30-3. Public Land Corner Preservation Fund.

30-3-1. Public Land Corner Preservation Fund.

30-3-2. Fee.

30-3-3. Use of Public Land Corner Preservation Fund.

30-3-1. Public Land Corner Preservation Fund.

There is hereby established a fund to be known as the Public Land Corner Preservation Fund. (Ord. 2011-15, 4-26-2011).

30-3-2. Fee.

There is hereby established a fee schedule for filing maps in the County Surveyor's office of surveys filed

under Section 17-23-17, Utah Code Annotated, 1953 as amended, regarding subdivisions, road dedication plats, and other property plats in the amount set forth in the Utah Government Fee Schedule adopted in book form by Section 2-1-6 of the Utah County Code. All money collected under this Article shall be deposited with the County Treasurer to be credited to the Public Land Corner Preservation Fund. (Ord. 2011-15, 4-26-2011).

30-3-3. Use of Public Land Corner Preservation Fund.

Money generated for the fund shall be used only to pay expenses incurred and authorized by the County Surveyor in the establishment, reestablishment, and maintenance of corners of government surveys pursuant to the powers and duties provided under Title 17, Chapter 23, and Title 57, Chapter 10, Utah Code, as amended. (Ord. 2011-15, 4-26-2011).

Article 30-4. Excavation Permits for Monuments.

30-4-1. Prohibition Against Covering Monuments.

30-4-2. Public Survey Monument Defined.

30-4-3. Permit Application.

30-4-4. Permit Fee.

30-4-5. Licensed Land Surveyor Required.

30-4-6. Penalty for Work Without a Permit.

30-4-7. County Restoration, Replacement, Repair or Uncovering.

30-4-8. Stop Work Order

30-4-9. Itemized Statement of Expenses.

30-4-1. Prohibition Against Covering Monuments.

It shall be unlawful for any person to damage, remove or cover with any hard surfacing such as asphalt, concrete or metal any public survey monument or section corner, including the metal ring and cover, except as permitted by this Chapter. (Ord. 2012-28, 9-18-2012).

30-4-2. Public Survey Monument Defined.

“Public survey monument” means and includes any survey monument, benchmark or section corner, including metal ring and cover, and includes any of the following: 1) Any public land survey system (“PLSS”) monument [also referred to as “public land survey corner” monument in Utah Code Ann. § 17-23-17.5(1)(h)] representing the location of a corner of record in the registry of the original or subsequent surveys performed by the federal government (section

corners, quarter section corners, or aliquot parts of sections); 2) Any reference or witness corner monument used as an accessory to those PLSS monuments described above; 3) Any subdivision monument located in the unincorporated areas of Utah County and set specifically for survey control of said subdivision; 4) Any type of NON-PLSS survey monument set either by the United States by and through its departments, divisions or agencies or the County Surveyor and used for horizontal survey control work; and 5) Any type of NON-PLSS survey monument set by Utah County, the State of Utah, the United States or any department, division or agency of any such governmental entity and used for vertical survey control work. (Ord. 2012-28, 9-18-2012).

30-4-3. Permit Application.

Prior to disturbing, damaging, removing, moving or covering any public survey monument a person shall apply for a permit on a form provided by the Utah County Surveyor. (Ord. 2012-28, 9-18-2012).

30-4-4. Permit Fee.

The applicant for a public survey monument excavation permit shall pay a fee with the application in the amount set forth in the Utah County Government Fee Schedule adopted in book form by Section 2-1-6 of the Utah County Code. All money collected under this Article shall be deposited with the County Treasurer to be credited to the Public Land Corner Preservation Fund. (Ord. 2012-28, 9-18-2012).

30-4-5. Licensed Land Surveyor Required.

Work under a public survey monument permit shall be performed only under the supervision of a licensed Utah land surveyor in accordance with any specifications, requirements and conditions imposed by the Utah County Surveyor and any other entity whose approval is required. (Ord. 2012-28, 9-18-2012).

30-4-6. Penalty for Work Without a Permit.

A person who disturbs, damages, moves, removes or covers a public monument without a permit as required by this chapter shall, in addition to any other penalty, pay double the permit fee required by Utah County Code § 30-4-4. (Ord. 2012-28, 9-18-2012).

30-4-7. County Restoration, Replacement, Repair or Uncovering.

The County Surveyor may restore, repair, raise, replace or uncover any public survey monument owned by the County which is disturbed, damaged, moved, removed or covered in violation of this chapter. The cost of such restoration, repair, raising,

replacement or uncovering, including any necessary re-surveying, shall be paid by the person who disturbed, damaged, moved, removed or covered the public survey monument, or by the person for whom such actions were performed. (Ord. 2012-28, 9-18-2012).

30-4-8. Stop Work Order.

In addition to any other penalty, the Utah County Surveyor or his designee may issue a stop work order. The stop work order may be issued where the County Surveyor's Office has reasonable suspicion and/or knowledge that one or more public survey monuments are in danger of being damaged, removed or covered. The work may be stopped by giving notice in writing served on any persons engaged in doing or causing the damage, removal or covering of the monument. The notice shall be given three days prior to the actual work stoppage, allowing the person time to be heard by the Utah County Surveyor and come into compliance with the ordinance. Failure to come into compliance will result, in addition to any other penalty, in the issuance of the stop work order until compliance is achieved. (Ord. 2012-28, 9-18-2012).

30-4-9. Itemized Statement of Expenses.

The County Surveyor shall prepare an itemized statement of all expenses incurred in the restoration, repair, raising, replacement or uncovering, including any necessary re-surveying, of any public survey monument which the County Surveyor is required to restore, repair, raise, replace or uncover. The statement shall be mailed or delivered to the person who cause the County Surveyor to take such action or to the person whom the work was performed. The statement shall include the cost of all County personnel. Payment of the statement shall be due within 20 days of the mailing or delivery of the statement. The statement shall be deemed delivered when sent by certified mail postage prepaid, or hand delivered, addressed to the last known address of the person who caused the County to take action or the person for whom such work was performed. (Ord. 2012-28, 9-18-2012).