

## **ORDINANCE NO. 2004-41**

### ***HENDRICKS COUNTY PUBLIC SURVEY MARKER ORDINANCE***

**WHEREAS**, a Public Survey Marker Ordinance is desirable to preserve the location of and prevent damage to Section Corners, High Accuracy Reference Network (HARN) point markers and Global Positioning System (GPS) markers within the County; and

**WHEREAS**, I.C. 36-2-12-13 permits a County to adopt an ordinance prohibiting movement of or damage to Section Corner markers, HARN point markers and GPS markers prescribing monetary penalties for violations thereof.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Hendricks County that there is hereby established a Public Survey Marker Ordinance:

- A) Except as provided by this Ordinance, it is made unlawful for any person or government entity to move, change, damage or otherwise alter a monument marking a Section Corner, HARN point or GPS point without complying with provisions of IC 36-2-12-13.
- B) Any person or government entity who moves, changes, damages or otherwise alters a monument marking a Section Corner, HARN point, or GPS point shall reimburse the County for the cost of repairing or replacing the monument.
- C) A person may, for excavation, mineral extraction, or other purposes related to the person's business, including the activities described in paragraph (E) of this Ordinance, temporarily remove a monument marking a Section Corner or GPS point. The person must notify in writing the Hendricks County Surveyor at least thirty (30) days before removing the monument. The person must, within a reasonable time, either replace the monument at the person's expense utilizing a registered land surveyor under the supervision of the County Surveyor or, if the County Surveyor is not registered under IC 25-21.5 or IC 25-31, the registered person who is appointed by the Board of Commissioners under Indiana Code 36-2-12-11, or have the County Surveyor replace the monument. The person shall reimburse the County for the cost of such supervision or replacement by the County Surveyor. The Surveyor shall file a copy of the notice in the corner record book.
- D) Only the County Surveyor or his or her designee may change the location of any monument. A person who wishes to have the location of a monument changed must make a request to the Surveyor in writing and furnish written approval of all landowners whose property is affected by the proposed change. The Surveyor may approve, reject, or modify the request and shall file a copy of the notice and the landowners' consents in the corner record book.

- E) When, in the construction or maintenance of a State, County or Municipal road or street, it is necessary to remove or bury a monument marking a Section Corner or GPS point, the owner of the public right-of-way shall notify the County Surveyor in writing at least fifteen (15) days before commencing the work.
- F) Any person or government entity who violates this Ordinance shall be deemed guilty of an infraction and may be fined up to \$2,000.00 for each monument moved, changed, damaged or otherwise altered, and all costs, including court costs and attorney fees for each violation, and shall reimburse the County for all costs of repairing or replacing each said monument.
- G) The Hendricks County Sheriff or his designee, any deputy of the County Sheriff's Department or the Hendricks County Surveyor may issue a citation under the terms and conditions of this section.
- H) All fines imposed for violations of this Ordinance shall be deposited in the Hendricks County Surveyor's Corner Stone Perpetuation Fund.
- I) This Ordinance does not repeal any prior ordinance and is in addition to the existing ordinances and is to be interpreted in harmony therewith. If there are any conflicts with prior ordinances, the provision of this Ordinance shall supersede such conflicting provisions.
- J) Statutory Authority: I.C. 36-2-12-13.

**BE IT FURTHER ORDAINED** that this Ordinance shall be in full force and effect from and after its passage and approval.

Presented to the Board of Commissioners of Hendricks County, Indiana, and approved on this 28<sup>th</sup> day of December, 2004:

**Board of Commissioners of Hendricks County:**

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Linda A. Palmer, Ryser, President

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Sonya R. Cleveland, Vice-President

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Steven L. Ostermeier, Member

ATTEST:

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David L. Gaston, P.L.S., Hendricks County Surveyor