

Senator David G. Buxton proposes the following substitute bill:

REMOVAL OR DISRUPTION OF SURVEY MONUMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David G. Buxton

House Sponsor: Kay J. Christofferson

LONG TITLE

General Description:

This bill imposes certain requirements on any work that would disturb certain established survey monuments.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ allows a county to require a permit to disturb certain established survey monuments;
- ▶ requires a person to notify the county surveyor and obtain any required permit before disturbing certain established monuments;
- ▶ imposes requirements for drawings or plans for construction work occurring within a certain distance of certain established survey monuments;
- ▶ allows a county to establish certain civil penalties; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 [17-23-14](#), as last amended by Laws of Utah 2017, Chapter 181

28 [17-23-15](#), as last amended by Laws of Utah 2016, Chapter 303

29

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section [17-23-14](#) is amended to read:

32 **[17-23-14. Disturbed corners -- County surveyor to be notified -- Coordination](#)**
33 **[with certain state agencies.](#)**

34 (1) As used in this section:

35 (a) (i) "Construction" means:

36 (A) the preparation of an area for a building or structure, including demolition, site
37 clearance, exploration, drilling, boring, and excavation; and

38 (B) the carrying out of any building, civil engineering, or engineering work for the
39 assembly or maintenance of any building or structure.

40 (ii) "Construction" does not mean normal maintenance of a roadway and related
41 infrastructure that does not require construction drawings.

42 [~~(a)~~] (b) "Corner" means the same as that term is defined in Section [17-23-17.5](#).

43 (c) "Government survey monument" means a monument that:

44 (i) a government entity maintains; or

45 (ii) the county surveyor sets in accordance with Section [17-23-13](#).

46 [~~(b)~~] (d) "Monument" means the same as that term is defined in Section [17-23-17.5](#).

47 (e) "Public land survey government corner" means:

48 (i) a corner that the county surveyor establishes or reestablishes under Subsection
49 [17-23-1\(4\)](#);

50 (ii) a section corner, quarter section corner, or other corner that a government survey
51 establishes; or

52 (iii) a public land survey corner as that term is defined in Section [17-23-17.5](#).

53 (f) "Structure" means any organization of parts, production, or pieces artificially built
54 up or joined together to preserve or alter any natural feature, including roads, railways, tunnels,
55 bridges, underground or overground pipelines or cables, river works, drainage works,
56 earthworks, retaining walls, walls, dams, tanks, towers, and fences.

57 (2) A person who finds it necessary to disturb any established government survey
58 monument or public land survey government corner location for any reason, including the
59 improvement of a road, shall notify the county surveyor at least five business days before the
60 day on which the person disturbs the government survey monument or public land survey
61 government corner location.

62 (3) (a) A county legislative body may enact an ordinance requiring a person to obtain a
63 permit before performing construction work within 30 feet of an established government
64 survey monument or public land survey government corner location.

65 (b) A county legislative body shall ensure that an ordinance described in Subsection
66 (3)(a) provides for an exemption from the permitting requirement in the event of an emergency
67 situation that poses a threat to public health or safety.

68 (4) A person may not perform any construction work within 30 feet of a government
69 survey monument or public land survey government corner location unless the person obtains
70 any permit the county requires before beginning construction work within 30 feet of the
71 government survey monument or public land survey government corner location, together with
72 any additional permits that applicable law may require.

73 (5) A person who produces drawings or plans for construction work to be performed
74 within 30 feet of a government survey monument or public land survey government corner
75 location shall show, on the face of the drawings or plans:

76 (a) the government survey monument or public land survey government corner
77 location; and

78 (b) an accompanying note exhibiting compliance with Subsections (2) and (4).

79 ~~[(3)]~~ (6) A person who finds a monument that needs rehabilitation shall notify the
80 county surveyor within five business days after the day on which the person finds the
81 monument.

82 ~~[(4)]~~ (7) The county surveyor or the county surveyor's designee shall:

83 (a) consistent with federal law or rule, reconstruct or rehabilitate the monument for the
84 corner by lowering and witnessing the corner or placing another monument and witness over
85 the existing monument so that the monument:

86 (i) is left in a physical condition to remain as permanent a monument as is reasonably
87 possible; and

88 (ii) may be reasonably located at all times in the future; and
89 (b) file the record of each reconstruction or rehabilitation ~~[under]~~ in accordance with
90 Subsection ~~[(4)]~~ (7)(a).

91 (8) (a) The county may, by ordinance, establish a civil penalty for a violation of:

92 (i) any provision of Subsection (4) or (5); or

93 (ii) any ordinance that the county adopts under Subsection (3).

94 (b) It is a defense to the civil penalty described in Subsection (8)(a) that the violation
95 related to an emergency situation that posed a threat to public health or safety.

96 Section 2. Section **17-23-15** is amended to read:

97 **17-23-15. Removal, destruction, or defacement of monuments or corners as**
98 **infraction -- Costs.**

99 (1) A person may not willfully or negligently remove, destroy, or deface any
100 government survey monument, corner, or witness corner.

101 (2) Any person who violates this section is guilty of an infraction and is additionally
102 responsible for:

103 (a) the costs of any necessary legal action; ~~[and]~~

104 (b) the costs of reestablishing the survey monument, corner, or witness corner~~[-];~~ and

105 (c) any civil penalty that the county establishes for a violation of:

106 (i) any provision of this section; or

107 (ii) any ordinance that the county adopts under Section [17-23-14](#).