

**AN ORDINANCE OF THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS  
ESTABLISHING PROVISIONS FOR SURVEYING AND SURVEY MONUMENTS**

**WHEREAS**, Title 17, Chapter 23, Section 19 of the Utah Code authorizes counties to establish a Public Land Corner Preservation Fund for the purpose of establishing, reestablishing, and maintaining the survey monument system and to establish a fee schedule to generate money for the fund; and

**WHEREAS**, the Board of County Commissioners finds that the existing system of survey control and survey monuments is critical to the infrastructure of the county and for determining property lines throughout the county; and

**WHEREAS**, Title 17, Chapter 53, Section 223 of the Utah Code authorizes counties to pass ordinances that are necessary and proper for the safety, health, prosperity, morals, peace, good order, comfort, and convenience of the county and its inhabitants; and

**WHEREAS**, the Board of County Commissioners finds that it is necessary and property for the safety, health, prosperity, peace, good order, comfort, and convenience of the county and its residents to establish, reestablish, and maintain the system of survey monuments by enacting the following provisions;

**NOW THEREFORE**, the Board of County Commissioners of Weber County enacts the following ordinances:

Title 45 shall be enacted as follows:

**Title 45 – SURVEYING AND SURVEY MONUMENTS**

**CHAPTER 1. – GENERAL PROVISIONS**

**Sec. 45-1-1. – Title.**

This Title shall be known as “Surveying and Survey Monuments”.

**Sec. 45-1-2. – Purpose.**

It is the purpose of this Title to preserve and safeguard survey control and evidence of land boundaries. This Title accomplishes the stated purpose by establishing standards, and procedures for the filing of records of survey, the review and approval of subdivision plats, and the establishment, reestablishment, and preservation of the monuments of the public land survey system and other monuments which provide spatial control upon which land boundaries, public infrastructure, and real property improvements rely.

**Sec. 45-1-2. – Definitions.**

When used in this Title, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

*Illicit Destruction of a Monument* means any damage, disruption, removal, or covering with a hard surface (including but not limited to asphalt, concrete, metal, etc.) of any monument, including the associated concrete collar and metal cover, under the jurisdiction of the Weber County Surveyor’s Office.

*Heavy Duty Construction* means any fill, construction, demolition, excavation, boring, tunneling, or other similar activity which will be performed with heavy machinery, light machinery, power tools, or other similar equipment.

*Light Duty Construction* means any fill, construction, demolition, excavation, boring, tunneling, or other similar activity which will be performed by hand tools or in any other similar manner.

*Monument* means any government maintained physical object, regardless of type, material, or marking, intended to represent the actual location, reference, or witness to a survey corner or elevation benchmark.

*Permittee* means any person who has been issued a permit from the Weber County Surveyor’s Office and has agreed to fulfill the requirements of the terms of the permit and this Title.

**Sec. 45-1-3. – Appeals.**

Persons who are aggrieved by actions taken by the Surveyor’s Office under this Title may be appealed to the Administrative Appeals Board pursuant to the provisions outlined in Title 2, Chapter 10 of the Weber County Code.

**CHAPTER 2. – PUBLIC LAND CORNER PRESERVATION FUND**

**Sec. 45-2-1. – Public Land Corner Preservation Fund.**

Utah Code Ann. § 17-23-19 authorizes counties to enact a fund to be known as the Public Land Corner Preservation Fund and to establish a fee schedule to generate money for the fund. There is hereby established a fund to be known as the Public Land Corner Preservation Fund and a fee schedule under Weber County Code, § 45-2-2 which will generate money for the fund.

**Sec. 45-2-2. – Escrows, Fees, and Fines.**

All money collected pursuant to this Title shall be deposited with the County Treasurer to be credited to the Public Land Corner Preservation Fund. There is hereby established a fee schedule for the following:

- (a) The County Surveyor shall collect a *Monument Encroachment Permit Escrow* for each monument within the jurisdiction of the Weber County

Surveyor's Office that is in jeopardy of being buried, damaged, disturbed, or destroyed. The monument encroachment escrow is refundable upon completion of the terms of the permit. In the event that the terms of the permit are not met, the County Surveyor may deem the escrow to be in default and the escrow funds shall become the property of the County Surveyor.

(b) The County Surveyor shall collect a *Monument Improvement Agreement Escrow* for each monument that the County Surveyor requires to be installed as a part of any public right of way, dedication, or land development project. The monument improvement agreement escrow is refundable upon completion of the terms of the agreement. In the event that the terms of the agreement are not met, the County Surveyor may deem the escrow to be in default and the escrow funds shall become the property of the County Surveyor.

(c) The County Surveyor shall collect a *Record of Survey Filing Fee* for each sheet of a record of survey map or plat, or any other plat, filed in the County Surveyor's Office.

(d) The County Surveyor shall collect an *Inter-local Subdivision Plat Review Fee* for any subdivision plat submitted to the County Surveyor's Office for review by any agency which has entered into an inter-local agreement with the County Surveyor's Office for reviewing subdivision plats.

(e) The County Surveyor shall collect a *Final Local Entity Plat Review Fee* for any final local entity plat submitted to the County Surveyor's Office for review.

(f) The County Surveyor may collect an *Excessive Review Fee* for any subdivision or final local entity plat submitted to the County Surveyor's Office for review that the County Surveyor deems to be an excessive review.

(g) The County Surveyor may collect a *Monument Inspection Fee* for the inspection of each monument constructed, reconstructed, or affected by construction within the jurisdiction of the County Surveyor's Office. The County Surveyor may also collect an additional *Monument Inspection Fee* for any subsequent inspections of any monument which did not pass a previous inspection per terms of the Monument Encroachment Permit or Monument Improvement Agreement.

(h) The County Surveyor shall collect a *Monument Supplies Convenience Fee* per item for providing contractors with individual parts necessary to construct survey monuments.

(i) The County Surveyor shall collect a *Work Without Permit Fine* whenever any person, company, or agency who does light duty or heavy duty construction work within 10 feet or 30 feet, respectively, of a monument within the jurisdiction of the Weber County Surveyor's Office without having obtained a monument encroachment permit from the County Surveyor's Office, as provided by Weber County Code, § 45-5-5.

(j) The County Surveyor shall collect a *Failure to Produce Notification Fine* from any person, company, or agency who produces drawings or construction

plans for light duty or heavy duty construction work which is or was performed within 10 feet or 30 feet, respectively, of a monument within the jurisdiction of the Weber County Surveyor's Office and who failed to expressly show the monument in said drawings or plans as provided by Weber County Code, § 45-5-6.

(k) The County Surveyor shall collect an *Illicit Destruction of a Monument Fine* from any person, company, or agency responsible for the illicit destruction of any monument within the jurisdiction of the Weber County Surveyor's Office as provided by Weber County Code, § 45-5-7.

#### **Sec. 45-2-3. – Use of Public Land Corner Preservation Fund.**

Money generated for the Public Land Corner Preservation Fund shall be used only to pay expenses incurred and authorized by the County Surveyor in the establishment, reestablishment, and maintenance of monuments pursuant to the powers and duties provided under Utah Code Ann., § 17-23, and Utah Code Ann., § 57-10.

### **CHAPTER 3. – FILING OF RECORD OF SURVEY MAPS**

#### **Sec. 45-3-1. – Filing Requirements.**

Each Land Surveyor making a survey of boundary points or lines within Weber County, shall be a Licensed Land Surveyor in the State of Utah in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyor's Licensing Act and shall comply with the filing requirements of Utah Code Ann., § 17-23-17 by filing a record of survey map or plat with the County Surveyor's Office.

#### **Sec. 45-3-2. – Plats to be Screened.**

(a) Each record of survey submitted to the County Surveyor's Office shall be screened by the County Surveyor for compliance with Utah Code Ann., § 17-23-17 and the requirements set forth in Weber County Code before being placed on file in the County Surveyor's Office.

(b) Every record of survey submitted to the County Surveyor's Office shall be placed on file within 10 (ten) business days of being submitted to the County Surveyor's Office.

#### **Sec. 45-3-3. – Map or Plat Requirements.**

Each record of survey map or plat filed in the Weber County Surveyor's Office shall comply with all of the map requirements of Utah Code Ann., § 17-23-17 and with the following:

(a) All surveyed legal descriptions shall have a mathematical error in closure equal to or less than 2cm (0.0656 feet) plus 50 parts per million.

(b) The map or plat shall have a detailed description of all monuments found and each one shall be referenced on the map or plat including the type, size,

condition, and location in reference to the surface of the ground as well as a description or graphic depiction of the markings, date, agency, entity, or surveyor as inscribed on the monument.

(c) The location of all property corners or endpoints of property lines marked by the surveyor on the ground shall be shown on the map or plat and labeled as having been set or marked by the surveyor.

(d) A legend shall be included which clearly identifies the lines, symbols, and other markings used to create the survey map or plat.

**Sec. 45-3-4. – Narrative Requirements.**

In addition to the narrative requirements of Utah Code Ann., § 17-23-17 the record of survey map or plat to be filed shall contain a written narrative that explains and identifies:

(a) The documentary, parol, and tangible evidence used in establishing the location of the lines of the survey.

(b) The legal principles of boundary establishment utilized in establishing the location of the lines of the survey.

(c) If the survey abuts or references a public or private right of way, subdivision, utility corridor, railroad, canal, river, etc. the survey narrative shall indicate what documentary, parol, and tangible evidence was used and which legal principles of boundary establishment were used to re-establish the location of said features.

**Sec. 45-3-5. – Record of Survey Property Corners.**

(a) All surveyed property corners or endpoints of property lines not already marked on the ground shall be marked pursuant to the Weber County Survey Property Corner Detail Sheet prior to the time of filing.

(b) Where conditions do not permit the marking of the actual corner, an offset or substitute marker may be set. The offset or substitute marker shall be marked pursuant to the Weber County Survey Property Corner Detail Sheet and shall be shown and appropriately dimensioned on the record of survey map prior to the time of filing.

(c) Mechanical anchors set in concrete at actual corners, offset markers, or substitute markers shall be set with a washer which shall contain the surveyor's name and license number, the registered business name of the business where the surveyor works, or the official Title of the office of the surveyor who is a public officer.

(d) Mechanical anchors may be set in the top back of the curb and gutter at the extensions of the side property lines as an offset or substitute marker, but shall not take the place of properly marking the actual location of the property

corners on the right of way line of a property fronting a street or roadway when the actual property corner can be properly marked.

**CHAPTER 4. – SUBDIVISION AND FINAL LOCAL ENTITY PLAT REVIEWS**

**Sec. 45-4-1. – Reviewing Requirement.**

(a) The County Surveyor shall review all plats of proposed subdivisions, road dedications, and road vacations within the jurisdiction of the County Surveyor’s Office for compliance with the survey related requirements of state and county code.

(b) The County Surveyor shall review all final local entity plats within Weber County for compliance with the survey related requirements of state and county code.

**Sec. 45-4-2. – Compliance.**

(a) Any plat submitted to the County Surveyor’s Office for review which does not substantially meet plat requirements outlined by state and county code may be returned to the surveyor preparing the plat without any review being performed.

(b) The County Surveyor will red line each part of the plat that is not in compliance with the survey related requirements of state and county code. The plat shall be brought into compliance with state and county code before the plat will be approved and signed by the County Surveyor.

(c) Each plat submitted to the County Surveyor for review shall include a signature block for the County Surveyor Certificate of Approval which shall read as follows:

Weber County Surveyor:

I hereby certify that the Weber County Surveyor’s Office has reviewed this plat and all conditions for approval by this office have been satisfied. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith.

Signed this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Weber County Surveyor

(d) Prior to the approval of a plat which has been reviewed by the County Surveyor’s Office a completed record of survey shall be filed in the County Surveyor’s Office showing the boundaries and acreage of all parts of the parcels, or whole parcels, included within the boundaries of the proposed plat.

**Sec. 45-4-3. – Excessive Review.**

- (a) Any plat submitted to the County Surveyor’s Office for any additional review which has not been brought into compliance with the survey related requirements of state and county code after two red lined reviews by the County Surveyor’s Office shall be deemed an excessive review.
- (b) When a plat submitted for review is deemed an excessive review, the County Surveyor’s Office:
  - (1) shall give written notification to the surveyor preparing the plat that the review has been deemed an excessive review.
  - (2) may charge the surveyor preparing the plat an *Excessive Review Fee*, to be paid before the County Surveyor will complete the review of the plat.
- (c) The County Surveyor may waive the *Excessive Review Fee* if the normal course of submittals and reviews exceed the first and second review by no fault of the surveyor preparing the plat.

**CHAPTER 5. – MONUMENT ENCROACHMENT PERMIT**

**Sec. 45-5-1. – Prohibition Against the Illicit Destruction of a Monument.**

- (a) It shall be unlawful for any person to damage, disrupt, move, remove, bury, or cover with a hard surface (including but not limited to asphalt, concrete, metal, ect.) a monument, including any associated concrete collar and metal cover, except as permitted by this Chapter.
- (b) When a monument has been destroyed, it shall be presumed that any person, company, or agency that has worked within thirty (30) feet of the monument caused the destruction of the monument. This presumption may be rebutted if the person, company, or agency provides documentation that proves by clear and convincing evidence that the monument was not destroyed by that person, company, or agency.
- (c) It shall be unlawful for any person, company, or agency to produce engineering drawings or construction plans for work to be performed within 30 feet of a monument without expressly showing the following:
  - (1) The record or actual location of the monument as is published on the Weber County Surveyor’s website.
  - (2) A note identifying the monument including the type, size, condition, and location in reference to the surface of the ground as well as a description or graphic depiction of the markings, date, agency, entity, or surveyor as inscribed on the monument.
  - (3) A call out note on the face of the plans stating:

Weber County Surveyor Monument Encroachment Permit required. Monument to be preserved in place or replaced to specifications outlined in the Weber County Public Works Standards Plans SRV1 – SRV7.

**Sec. 45-5-2. – Permit Required.**

Any person, company, or agency shall apply for a monument encroachment permit with the Weber County Surveyor's Office and pay the associated escrow and inspection fees a minimum of five (5) business days prior to commencing the following activities:

- (a) Performing light duty construction within ten (10) feet of a monument.
- (b) Performing heavy duty construction within thirty (30) feet of a monument.
- (c) Perform any actions or activities that they know, suspect, or should know will cause the illicit destruction of a monument.

**Sec. 45-5-3. – Permit Application.**

- (a) Applications for permits shall be made in person at the County Surveyor's Office or on the County Surveyor's website on the form provided. When applicable, applications shall be accompanied by a set of engineering drawings or construction plans which will clearly indicate the extent of work to be done. Completed applications shall constitute a signed contract that the applicant will comply with the terms of the monument encroachment permit, this Title, and state law.
- (b) The completion time for each permit will vary as specified in the terms of the permit, unless an extension is granted by the County Surveyor, the monument shall be rebuilt to the specifications of the County Surveyor within 90 days of the permit date.
- (c) A request for an extension of time may be granted by the County Surveyor. Requests for an extension of time shall be submitted in writing, and shall contain an explanation of the reason for the requested extension and an anticipated time frame for the completion of the permit, to the County Surveyor for approval before the expiration of the permit.
- (d) Permits are not transferable or assignable. A Permittee may subcontract the work to be performed under a permit; however, the Permittee shall remain responsible for the terms of the permit.

**Sec. 45-5-4. – Monument Demolition and Reconstruction.**

- (a) Demolition of a monument may proceed only after a monument encroachment permit is obtained and a written authorization to proceed is given by the Weber County Surveyor's Office as enumerated in the terms of the monument encroachment permit.
- (b) When a Public Land Survey System monument is to be completely removed or demolished the person, company, or agency who will demolish the

monument shall notify the County Surveyor's Office and provide a window of no less than one (1) hour prior to the removal of the monument for the County Surveyor's Office to inspect the monument site for historical evidence typically buried alongside the monument. Where possible the person, company, or agency who will demolish the monument shall assist the County Surveyor's Office in their search for the historical evidence of the monument.

(c) Any person, company, or agency who demolishes a monument in accordance with the monument encroachment permit is responsible for the installation of a new monument. The new monument shall be installed in the location provided by the County Surveyor's Office per the terms of the monument encroachment permit. Monument installation shall be done in accordance with the current Weber County Public Works Standards Plans SRV1 – SRV7 and any special requirements of the County Surveyor.

(d) The County Surveyor, or his duly authorized representative, may inspect a monument installation at any time to insure that all work is performed to specifications and in a workmanlike manner.

**Sec. 45-5-5. – Work Without Permit Penalty.**

Any person, company, or agency that is doing light duty or heavy duty construction work within 10 feet or 30 feet, respectively, of a monument without a monument encroachment permit as required by this code shall be issued a written notice of violation and shall be subject to a fine of \$400.00 per monument. If a notice of violation has been issued before the completion of the construction activities, the person, company, or agency shall have three business days to comply with the terms of this code by obtaining a permit. If compliance is not met within three business days of the issuance of the notice of violation, the County Surveyor may issue a stop work order until compliance is achieved. The work without permit fine shall be paid in addition to the normal monument encroachment permit escrow and inspection fees.

**Sec. 45-5-6. – Failure to Produce Notification Penalty.**

Any person, company, or agency who produces engineering drawings or construction plans for light duty or heavy duty construction work which is or was performed within 10 feet or 30 feet, respectively, of a monument and who failed to expressly show the monument on said drawings or plans as required by this code, shall be issued a written notice of violation and shall be subject to a fine of \$500.00 per monument.

**Sec. 45-5-7. – Illicit Destruction of a Monument Penalty.**

Any person, company, or agency responsible for the illicit destruction of a monument without fulfilling the terms of a monument encroachment permit as required by this code, shall be issued a written notice of violation and shall be subject to a fine of \$1,000.00 per monument. The person, company, or agency responsible for the illicit destruction of the monument shall also be held liable to cover any cost of any necessary legal action and the County Surveyor's costs for the resurveying, reestablishing, and rebuilding of the survey monument in accordance with Utah Code Ann., § 76-23-15. The person, company, or agency responsible for the illicit

destruction of a monument shall also be subject to any criminal penalties allowed by law in accordance with Utah Code Ann., § 76-8-415.

## **CHAPTER 6. – MONUMENT IMPROVEMENT AGREEMENT**

### **Sec. 45-6-1. – Agreement Required.**

In order to adequately expand the survey control systems necessary to provide spatial control upon which land boundaries, public infrastructure, and real property improvements rely, monument improvement agreements shall be required to ensure the installation of new monuments as required by the County Surveyor including the following:

- (a) New centerline or right of way monuments shall be constructed, at locations designated by the County Surveyor, as a part of all public or private right of way dedications. A monument improvement agreement shall be executed prior to the recordation of any public or private right of way dedication in the County Recorder's Office unless waved by the County Surveyor.
- (b) New monuments may be required to be constructed, at locations designated by the County Surveyor, as a part of any public or private utility development project including but not limited to trails, oil and/or natural gas transmission pipelines, power transmission lines, canals, water storage structures, water transmission pipelines, diversion structures, dams, etc. When required, a monument improvement agreement shall be executed prior to approval of the project by the reviewing agency's engineer unless waved by the County Surveyor.
- (c) New monuments may be required to be constructed, at locations designated by the County Surveyor, as a part of any other land development project in the jurisdiction of the Weber County Surveyor's Office. When required, a monument improvement agreement shall be executed prior to approval of the project by the reviewing agency's engineer unless waved by the County Surveyor.

### **Sec. 45-6-2. – Agreement Application, Execution, and Recordation.**

- (a) Application for a monument improvement agreement shall be made in person at the County Surveyor's Office or on the County Surveyor's website on the form provided. Each application shall be accompanied by a set of engineering drawings or construction plans which will clearly indicate the extent of work to be done. The escrow and estimated inspection fees for the new monuments shall be paid to the County Surveyor's Office prior to the County Surveyor executing the agreement.
- (b) Agreements shall become effective upon execution of the agreement by both parties and shall constitute a signed contract that the applicant will comply with the terms of the monument improvement agreement, this Title, and state law.

(c) The completion date for each agreement will vary as specified in the terms of the agreement, but in all events the new monument(s) shall be built to the specifications of the County Surveyor within three years of the agreement execution date.

(d) Agreements are not transferable or assignable. Nothing shall prevent the parties to the agreement from subcontracting the work to be performed under the agreement; however, the parties to the agreement shall remain responsible for the terms of the agreement.

**Sec. 45-6-3. – Monument Construction.**

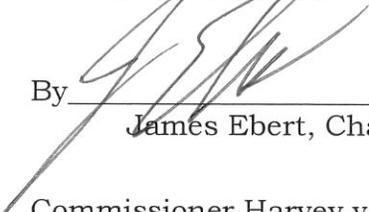
(a) Any person, company, or agency that is required to install a monument in accordance with the monument improvement agreement shall install the new monument in the location provided or approved by the County Surveyor's Office per the terms of the monument improvement agreement. Monument installation shall be done in accordance with the current Weber County Public Works Standards Plans SRV1 – SRV7 and any special requirements of the County Surveyor.

(b) The County Surveyor, or his duly authorized representative, may inspect a monument installation at any time to insure that all work is performed to specifications and in a workmanlike manner.

This Ordinance shall be effective 15 days after publication of a synopsis in the Standard Examiner.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 7<sup>th</sup> day of March, 2017.

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By  \_\_\_\_\_  
James Ebert, Chair

Commissioner Harvey voted aye  
Commissioner Ebert voted aye  
Commissioner Gibson voted aye

ATTEST:

  
\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County Clerk/Auditor