



SALT LAKE COUNTY SURVEYOR'S OFFICE

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August 6, 2020

Dear County Council Members,

Before you for consideration is a proposed amendment and addition to existing County Ordinance Chapter 14.17 titled "*Excavation Permits for Monuments.*" This amendment was approved by the County Steering Committee at their meeting of July 27, 2020.

BACKGROUND

The existing Ordinance has been in place for many years and has been reasonably effective until recent times. The Ordinance requires any person or entity to obtain a permit from the Surveyor's Office prior to disturbing a survey monument. As is known, local County Ordinance is only applicable and enforceable within the unincorporated County unless otherwise enabled through Utah Code. Over time, the Salt Lake Valley has become very close to "wall to wall" cities, leaving very small areas of populated unincorporated County.

The Surveyor's Office is charged statutorily to protect and maintain the Public Land Survey System (PLSS), which is the foundation of property rights and the ability for the County to assess property tax. This statutory charge crosses all jurisdictional boundaries in Utah Code. Development and road construction threaten the system daily. Since our existing County Ordinance requiring a permit is not enforceable in cities, protection and maintenance of the PLSS has become exceedingly more difficult due to activity within the cities. This activity is often not coordinated with the Surveyor's Office. We have worked for many years in an attempt to have the cities incorporate our Ordinance into the local city Ordinances with no success. We have, however, been able to establish cooperative verbal agreements with the various municipalities. Unfortunately, these cooperative agreements have become "hit and miss", depending on which city we are dealing with. We often become aware of violations as a result of drive-by or realization, well after the damage/destruction to the system has been perpetrated. This results in conflict with contractors, cities, and utilities along with increased cost and threat to property.

A case was made to the Legislature by the Utah County Surveyors Association to address the problem. The result was the passing of Senate Bill (SB) 104 in the 2019 legislative session. SB104 enabled the County Legislative Body to enact an Ordinance that applies and is enforceable across all jurisdictional boundaries. Furthermore, the County Ordinance may require a permit, establish fees, include civil penalties, and place other restrictions /requirements pertaining to construction and survey monument disturbance.

SUMMARY

The passing of this proposed Ordinance will remove the necessity for cities to adopt our ordinance and will provide the mechanism for the County, and specifically the Surveyor's Office, to protect the integrity of property and the tax system from harm and destruction. We are prepared to answer any questions during the County Council meeting.

Thank you for your consideration,

Reid J. Demman
Salt Lake County Surveyor

Chapter 14.17 - EXCAVATION PERMITS FOR MONUMENTS

Sections:

14.17.010 - Prohibition against covering monuments.

It is 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. 1406 § 1 (part), 1997)

14.17.020 - Public survey monument defined.

"Public survey monument" means and includes any survey monument, benchmark or section corner, including metal ring and cover, owned by Salt Lake County, a city within Salt Lake County, the state of Utah, the United States or any department, division or agency of any such governmental entity, whether located on privately owned or publicly owned land.

(Ord. 1406 § 1 (part), 1997)

14.17.030 - 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 Salt Lake County surveyor.

(Ord. 1406 § 1 (part), 1997)

14.17.040 - Permit fee.

The applicant for a public survey monument excavation permit shall pay a fee with the application in the amount of fifty dollars for the first monument per application and ten dollars for every additional monument on the same application.

(Ord. 1406 § 1 (part), 1997)

14.17.050 - Other governmental entity concurrence.

The county surveyor shall not issue a public survey monument permit for work on a public survey monument owned by another governmental entity until the applicant has provided the county surveyor with documentation for the other governmental entity's approval.

(Ord. 1406 § 1 (part), 1997)

14.17.060 - 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 Salt Lake County surveyor and any other entity whose approval is required.

(Ord. 1406 § 1 (part), 1997)

14.17.070 - 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 Section 14.17.040.

(Ord. 1406 § 1 (part), 1997)

14.17.080 - 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 resurveying, 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. 1406 § 1 (part), 1997)

14.17.090 - Stop work order.

In addition to any other penalty, the Salt Lake 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 Salt Lake County surveyor and come into compliance with the chapter. 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. 1406 § 1 (part), 1997)

14.17.100 - 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 resurveying, 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 caused the county surveyor to take such action or to the person for whom the work was performed. The statement shall include the cost of all county personnel. Payment of the statement shall be due within twenty 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. 1406 § 1 (part), 1997)

1 **REMOVAL OR DISRUPTION OF SURVEY MONUMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: David G. Buxton**

5 House Sponsor: Kay J. Christofferson

6

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ allows a county to require a permit to disturb certain established survey monuments;
- 15 ▶ requires a person to notify the county surveyor and obtain any required permit
16 before disturbing certain established monuments;
- 17 ▶ prohibits a person from performing certain construction work within a certain
18 distance of certain established survey monuments without a permit;
- 19 ▶ allows a county to charge a partially refundable permit fee and establishes
20 conditions and requirements related to the fee;
- 21 ▶ establishes county and permit holder responsibility in the event an established
22 survey monument is disturbed;
- 23 ▶ imposes requirements for drawings or plans for construction work occurring within
24 a certain distance of certain established survey monuments;
- 25 ▶ allows a county to establish certain civil penalties; and
- 26 ▶ makes technical and conforming changes.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **17-23-14**, as last amended by Laws of Utah 2017, Chapter 181

34 **17-23-15**, as last amended by Laws of Utah 2016, Chapter 303

35

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

37 Section 1. Section **17-23-14** is amended to read:

38 **17-23-14. Disturbed corners -- County surveyor to be notified -- Coordination**
39 **with certain state agencies.**

40 (1) As used in this section:

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

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

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

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

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

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

50 (i) a government entity maintains; or

51 (ii) the county surveyor sets in accordance with Section **17-23-13**.

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

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

54 (i) a corner that the county surveyor establishes or reestablishes under Subsection

55 **17-23-1(4)**;

56 (ii) a section corner, quarter section corner, or other corner that a government survey
57 establishes; or

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

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

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

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

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

74 (c) (i) A county may charge a fee for a permit described in Subsection (3)(a), in
75 accordance with this Subsection (3)(c).

76 (ii) The fee described in Subsection (3)(c)(i) may not exceed \$400 per government
77 survey monument or public land survey government corner location.

78 (iii) If, after completion of the construction work, the government survey monument or
79 public land survey government corner location is undisturbed, the county shall disperse a
80 partial fee refund of \$250 to the permit holder.

81 (iv) If the construction work disturbs the government survey monument or public land
82 survey government corner location related to the permit:

83 (A) the permit holder is responsible for the necessary construction work and
84 installation of the government survey monument or public land survey government corner
85 location; and

86 (B) the county shall provide to the permit holder the necessary brass monument, ring,
87 and lid for the permit holder's work described in Subsection (3)(c)(iv)(A).

88 (d) A county shall provide a system allowing a person to apply electronically for and
89 the county to approve or deny electronically a permit described in Subsection (3)(a).

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

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

98 (a) the government survey monument or public land survey government corner
99 location; and

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

101 ~~[(3)]~~ (6) A person who finds a monument that needs rehabilitation shall notify the
102 county surveyor within five business days after the day on which the person finds the
103 monument.

104 ~~[(4)]~~ (7) The county surveyor or the county surveyor's designee shall:

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

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

- 110 (ii) may be reasonably located at all times in the future; and
- 111 (b) file the record of each reconstruction or rehabilitation [~~under~~] in accordance with
- 112 Subsection [~~(4)~~] (7)(a).
- 113 (8) (a) The county may, by ordinance, establish a civil penalty for a violation of:
- 114 (i) any provision of Subsection (4) or (5); or
- 115 (ii) any ordinance that the county adopts under Subsection (3).
- 116 (b) It is a defense to the civil penalty described in Subsection (8)(a) that the violation
- 117 related to an emergency situation that posed a threat to public health or safety.

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

119 **17-23-15. Removal, destruction, or defacement of monuments or corners as**
120 **infraction -- Costs.**

- 121 (1) A person may not willfully or negligently remove, destroy, or deface any
- 122 government survey monument, corner, or witness corner.
- 123 (2) Any person who violates this section is guilty of an infraction and is additionally
- 124 responsible for:
 - 125 (a) the costs of any necessary legal action; [~~and~~]
 - 126 (b) the costs of reestablishing the survey monument, corner, or witness corner[~~;~~]; and
 - 127 (c) any civil penalty that the county establishes for a violation of:
 - 128 (i) any provision of this section; or
 - 129 (ii) any ordinance that the county adopts under Section [17-23-14](#).

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2020

AN ORDINANCE AMENDING CHAPTER 14.17, ENTITLED
“EXCAVATION PERMITS FOR MONUMENTS” OF THE SALT LAKE
COUNTY CODE OF ORDINANCES, 2001

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Chapter 14.17 of the Salt Lake County Code of Ordinances, 2001, is amended to read follows:

Chapter 14.17 – PERMITS FOR MONUMENTS

14.17.010 - Prohibitions.

A. It is unlawful for any person to set any new public survey monument, including the metal ring and cover, except as permitted by this chapter.

B. It is unlawful for any person to damage, remove or cover with any hard surfacing such as asphalt, concrete or metal any existing public survey monument, including the metal ring and cover, except as permitted by this chapter

C. It is unlawful for any person to perform any construction work within 30 feet of an existing public survey monument unless the person has obtained a permit from the county surveyor pursuant to Section 14.17.030.B, together with any additional permits that applicable law may require, prior to beginning said construction work.

14.17.020 – Definitions.

“Construction” has the same meaning as provided in Utah Code Ann. §17-23-14(1)(a), as amended.

“Government survey monument” has the same meaning as provided in Utah Code Ann. § 17-23-14(1)(c) (2019), as amended.

“Public land survey government corner” has the same meaning as provided in Utah Code Ann. § 17-23-14(1)(e) (2019), as amended.

"Public survey monument" means and includes the following:

- A. a government survey monument, or
- B. a public land survey government corner.

14.17.030 - Permit applications.

A. Prior to setting any new public survey monument or performing construction within 30 feet of an existing public survey monument location, a person shall obtain a permit from the Salt Lake County surveyor.

B. A permit application to perform construction work within 30 feet of a public survey monument must include a drawing or plan that shall:

1. identify the entire area where construction will occur;
 2. show the location of all public survey monuments within the construction area;
- and
3. contain a note stating that the person applying for the permit has complied with the requirements to (a) notify the county surveyor at least five business days before the day on which the person will disturb a public survey monument and (b) obtain a permit prior to beginning construction work within 30 feet of a public survey monument.

C. The county surveyor shall provide a system allowing a person to apply electronically for and the county to approve or deny electronically a permit.

D. The requirement to obtain a permit pursuant to Subsection B is not required in the event of an emergency situation that poses a threat to public health or safety.

14.17.040 - Permit fees.

A. Any person applying for a permit to set a new public survey monument shall pay a fee with the application as set forth in the consolidated fee schedule approved by the county council and on file with the surveyor.

B. Any person applying for a permit to perform construction work within 30 feet of a public survey monument shall pay a fee as set forth in the consolidated fee schedule approved by the county council and on file with the surveyor for every public survey monument within the affected construction area identified in the permit application.

1. After completion of the construction work, the applicant may request a partial fee refund of \$250 from the surveyor for each public survey monument for which this fee was paid pursuant to Section 14.17.040B that was not actually disturbed.

2. Upon receipt of the request, the surveyor shall confirm that the public survey monuments identified by the applicant were not actually disturbed. For each public survey monument confirmed not to be disturbed, the surveyor shall cause an appropriate refund to be provided to the applicant.

14.17.050 – Disturbed Public Survey Monuments – Notice and Replacement

A. Any person who finds it necessary to disturb any public survey monument, in addition to obtaining a permit pursuant to Section 14.17.040B, shall notify the county surveyor at least five business days before the day on which the person disturbs the public survey monument.

B. If construction work disturbs a public survey monument, the holder of any permit obtained pursuant to Section 14.17.040.B shall be responsible for the necessary construction work, transportation, and installation of a replacement public survey monument.

C. The county surveyor shall provide a fabricated public survey monument, including the brass monument, ring, and lid, if necessary, to any person responsible to replace a public survey monument pursuant to Subsection B.

14.17.060 - Bond Requirement

If any kind of financial assurance has not otherwise been required for the completion of public improvements that specifically includes installation of new or replacement of disturbed public survey monuments, the county surveyor may require the person performing the construction within 30 feet of public survey monuments to provide financial assurance in the form of a surety bond, letter of credit, cash or other acceptable equivalent security to guarantee the proper installation of any new or disturbed public survey monument.

14.17.070 - Penalty for work without a permit.

A person who violates any provision of this Chapter is guilty of an infraction and shall be responsible for the costs of any necessary legal action brought by the county surveyor to address such violations and is subject to a civil penalty of \$100.00 per violation. In addition, the following penalties apply to specific violations:

A. A person who sets a new a public survey monument without a permit as required by this chapter shall, in addition to any other penalty, pay a civil penalty equal to double the permit fee required by Section 14.17.040.A.

B. A person who disturbs, damages, moves, removes or covers an established public survey monument without a permit as required by this chapter but does restore or replace the

public survey monument shall, in addition to any other penalty, pay a civil penalty of \$500.00 per monument.

C. A person who disturbs, damages, moves, removes, or covers an established public survey monument with or without a permit as required by this chapter and fails to replace it shall pay a civil penalty equal to \$1,000.00 per monument and shall be responsible to pay any costs incurred by the county surveyor pursuant to Section 14.17.080.

14.17.080 - County restoration, replacement, repair or uncovering.

The county surveyor may restore, repair, raise, replace or uncover any public survey monument 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 resurveying, 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.

14.17.090 - Stop work order.

In addition to any other penalty, the county surveyor or his designee may issue a stop work order. The stop work order may be issued where the surveyor has reasonable suspicion and/or knowledge that one or more established 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 surveyor and come into compliance with the requirements of this chapter. Failure to come into compliance will, in addition to any other penalty, result in the issuance of the stop work order until compliance is achieved.

14.17.100 - 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 resurveying, 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 caused the county surveyor to take such action or to the person for whom the work was performed. The statement shall include the cost of all county personnel, material, and legal fees. Payment of the statement shall be due within twenty 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.

SECTION III. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2020.

SALT LAKE COUNTY COUNCIL

By: _____
Max Burdick, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

R. Christopher Preston
Deputy District Attorney

ORDINANCE HISTORY

Council Member Bradley voting _____
Council Member Bradshaw voting _____
Council Member Burdick voting _____
Council Member DeBry voting _____
Council Member Ghorbani voting _____
Council Member Granato voting _____
Council Member Jensen voting _____
Council Member Newton voting _____
Council Member Snelgrove voting _____

Vetoed and dated this _____ day of _____, 2020.

By: _____
Mayor Jennifer Wilson or Designee

(Complete as Applicable)

Veto override: Yes _____ No _____ Date _____
Ordinance published in newspaper: Date _____
Effective date of Ordinance: _____

SUMMARY OF
SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2020, the County Council of Salt Lake County enacted Ordinance No. _____, which amends Chapter 14.17 of the Salt Lake Code of Ordinances, 2001, _____.

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.

SALT LAKE COUNTY COUNCIL

By: _____
Max Burdick, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2020

AN ORDINANCE AMENDING CHAPTER 14.17, ENTITLED
“EXCAVATION PERMITS FOR MONUMENTS” OF THE SALT LAKE
COUNTY CODE OF ORDINANCES, 2001

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Chapter 14.17 of the Salt Lake County Code of Ordinances, 2001, is amended to read follows:

Chapter 14.17 – [~~EXCAVATION~~] PERMITS FOR MONUMENTS

14.17.010 - Prohibitions ~~[against covering monuments]~~.

A. It is unlawful for any person to ~~[damage, remove or cover with any hard surfacing such as asphalt, concrete or metal]~~ set any new public survey monument [or section corner], including the metal ring and cover, except as permitted by this chapter.

B. It is unlawful for any person to damage, remove or cover with any hard surfacing such as asphalt, concrete or metal any existing public survey monument, including the metal ring and cover, except as permitted by this chapter

C. It is unlawful for any person to perform any construction work within 30 feet of an existing public survey monument unless the person has obtained a permit from the county surveyor pursuant to Section 14.17.030.B, together with any additional permits that applicable law may require, prior to beginning said construction work.

14.17.020 – ~~[Public survey monument defined]~~ Definitions.

“Construction” has the same meaning as provided in Utah Code Ann. §17-23-14(1)(a), as amended.

“Government survey monument” has the same meaning as provided in Utah Code Ann. § 17-23-14(1)(c) (2019), as amended.

“Public land survey government corner” has the same meaning as provided in Utah Code Ann. § 17-23-14(1)(e) (2019), as amended.

"Public survey monument" means and includes ~~[any survey monument, benchmark or section corner, including metal ring and cover, owned by]~~ the following:

~~[Salt Lake County, a city within Salt Lake County, the state of Utah, the United States, or any department, division or agency of any such governmental entity, whether located on privately owned or publicly owned land].~~

- A. a government survey monument, or
- B. a public land survey government corner.

14.17.030 - Permit applications.

A. Prior to ~~setting~~ [disturbing, damaging, removing, moving or covering] any new public survey monument or performing construction within 30 feet of an existing public survey monument location, a person shall [apply for] obtain a permit [on a form provided by] from the Salt Lake County surveyor.

B. A permit application to perform construction work within 30 feet of a public survey monument must include a drawing or plan that shall:

1. identify the entire area where construction will occur;
2. show the location of all public survey monuments within the construction area;

and

3. contain a note stating that the person applying for the permit has complied with the requirements to (a) notify the county surveyor at least five business days before the day on which the person will disturb a public survey monument and (b) obtain a permit prior to beginning construction work within 30 feet of a public survey monument.

C. The county surveyor shall provide a system allowing a person to apply electronically for and the county to approve or deny electronically a permit.

D. The requirement to obtain a permit pursuant to Subsection B is not required in the event of an emergency situation that poses a threat to public health or safety.

14.17.040 - Permit fees.

A. ~~[The applicant for a]~~Any person applying for a permit to set a new public survey monument ~~[excavation permit]~~ shall pay a fee with the application as set forth in the consolidated fee schedule approved by the county council and on file with the surveyor~~[in the amount of fifty dollars for the first monument per application and ten dollars for every additional monument on the same application].~~

B. Any person applying for a permit to perform construction work within 30 feet of a public survey monument shall pay a fee as set forth in the consolidated fee schedule approved by the county council and on file with the surveyor for every public survey monument within the affected construction area identified in the permit application.

1. After completion of the construction work, the applicant may request a partial fee refund of \$250 from the surveyor for each public survey monument for which this fee was paid pursuant to Section 14.17.040B that was not actually disturbed.

2. Upon receipt of the request, the surveyor shall confirm that the public survey monuments identified by the applicant were not actually disturbed. For each public

survey monument confirmed not to be disturbed, the surveyor shall cause an appropriate refund to be provided to the applicant.

14.17.050 – Disturbed Public Survey Monuments – Notice and Replacement

A. Any person who finds it necessary to disturb any public survey monument, in addition to obtaining a permit pursuant to Section 14.17.040B, shall notify the county surveyor at least five business days before the day on which the person disturbs the public survey monument.

B. If construction work disturbs a public survey monument, the holder of any permit obtained pursuant to Section 14.17.040.B shall be responsible for the necessary construction work, transportation, and installation of a replacement public survey monument.

C. The county surveyor shall provide a fabricated public survey monument, including the brass monument, ring, and lid, if necessary, to any person responsible to replace a public survey monument pursuant to Subsection B.

~~[Other governmental entity concurrence.~~

~~The county surveyor shall not issue a public survey monument permit for work on a public survey monument owned by another governmental entity until the applicant has provided the county surveyor with documentation for the other governmental entity's approval.]~~

14.17.060 - Bond Requirement~~[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 Salt Lake County surveyor and any other entity whose approval is required.]~~If any kind of financial assurance has not otherwise been required for the completion of public improvements that specifically includes installation of new or replacement of disturbed public survey monuments, the county surveyor may require the person performing the

construction within 30 feet of public survey monuments to provide financial assurance in the form of a surety bond, letter of credit, cash or other acceptable equivalent security to guarantee the proper installation of any new or disturbed public survey monument.

14.17.070 - Penalty for work without a permit.

A person who violates any provision of this Chapter is guilty of an infraction and shall be responsible for the costs of any necessary legal action brought by the county surveyor to address such violations and is subject to a civil penalty of \$100.00 per violation. In addition, the following penalties apply to specific violations:

A. A person who [~~disturbs, damages, moves, removes or covers~~] sets a new a public survey monument without a permit as required by this chapter shall, in addition to any other penalty, pay a civil penalty equal to double the permit fee required by Section 14.17.040.A.

B. A person who disturbs, damages, moves, removes or covers an established public survey monument without a permit as required by this chapter but does restore or replace the public survey monument shall, in addition to any other penalty, pay a civil penalty of \$500.00 per monument.

C. A person who disturbs, damages, moves, removes, or covers an established public survey monument with or without a permit as required by this chapter and fails to replace it shall pay a civil penalty equal to \$1,000.00 per monument and shall be responsible to pay any costs incurred by the county surveyor pursuant to Section 14.17.080.

14.17.080 - 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 resurveying, 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.

14.17.090 - Stop work order.

In addition to any other penalty, the [~~Salt Lake C~~] 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 established 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 [~~Salt Lake County~~] surveyor and come into compliance with the requirements of this chapter. Failure to come into compliance will [result], in addition to any other penalty, result in the issuance of the stop work order until compliance is achieved.

14.17.100 - 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 resurveying, 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 caused the county surveyor to take such action or to the person for whom the work was performed. The statement shall include the cost of all county personnel, material, and legal fees. Payment of the statement shall be due within twenty 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.

SECTION III. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2020.

SALT LAKE COUNTY COUNCIL

By: _____
Max Burdick, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

R. Christopher Preston
Deputy District Attorney

ORDINANCE HISTORY

Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Burdick voting	_____
Council Member DeBry voting	_____
Council Member Ghorbani voting	_____
Council Member Granato voting	_____
Council Member Jensen voting	_____
Council Member Newton voting	_____
Council Member Snelgrove voting	_____

Vetoed and dated this _____ day of _____, 2020.

By: _____
Mayor Jennifer Wilson or Designee

(Complete as Applicable)

Veto override: Yes ____ No ____ Date _____

Ordinance published in newspaper: Date _____

Effective date of Ordinance: _____

DRAFT

SUMMARY OF
SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2020, the County Council of Salt Lake County enacted Ordinance No. _____, which amends Chapter 14.17 of the Salt Lake Code of Ordinances, 2001, _____.

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.

SALT LAKE COUNTY COUNCIL

By: _____
Max Burdick, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk