

ORDINANCE NO. 2022-R- 7

DEKALB COUNTY CODE SECTION 4-8-1

DEKALB COUNTY COMMISSIONERS

AN ORDINANCE TO PRESERVE THE LOCATION OF AND PREVENT DAMAGE TO SECTION CORNER MARKERS WITHIN DEKALB COUNTY

WHEREAS, a Section Corner Ordinance is desirable to preserve the location of and prevent damage to section corner monument markers and high accuracy reference network (HARN) point markers within DeKalb County; and

WHEREAS, I.C. 36-2-12-13 permits a County to adopt an ordinance prohibiting movement of or damage to section corner monument markers and HARN points and prescribing monetary penalties for violations thereof.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE DEKALB COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA THAT:

1. Except as provided by this Ordinance, it shall be unlawful to any person to move, change, damage, or otherwise alter a monument marking a section corner without complying with the provisions of I.C. 36-2-12-13.

2. It shall be unlawful for any person to damage or remove a monument marking a section corner or HARN point. Any person who damages or removes a monument marking a corner or HARN point shall reimburse DeKalb County for the cost of repairing or replacing the monument or marker.

3. A person may, for excavation, mineral extraction, or other purposes related to the person's business, including the activities described in paragraph 5 of this Ordinance, temporarily remove a monument marking a corner. A person must notify the DeKalb County Surveyor in writing at least thirty (30) days prior to removing the monument. The person must, within a reasonable time, either replace the monument at his own expense utilizing a registered land Surveyor under the supervision of the DeKalb County Surveyor, or, if the DeKalb County Surveyor is a Registered Land Surveyor, have the DeKalb County Surveyor replace the monument. If the DeKalb County Surveyor is not registered under I.C. 25-21.5 or I.C. 25-31, a registered person who is appointed by the DeKalb County Board of Commissioners under I.C. 36-2-12-11, shall replace the monument. DeKalb County shall be reimbursed for all costs of such supervision or such replacement by the DeKalb County Surveyor. The DeKalb County Surveyor shall file a copy of the notice in the corner record book.

4. Only the DeKalb 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 DeKalb County Surveyor in writing and also furnish written approval of all landowners whose property is affected by the proposed change. The DeKalb

County 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.

5. 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 corner, the owner of the public right-of-way shall notify the DeKalb County Surveyor in writing at least fifteen (15) days before commencing the work.

6. Any person who violates this Ordinance shall be deemed guilty of a Class A Misdemeanor and may be fined up to \$2,000.00 for each monument or marker damaged or removed and shall be responsible for all costs, including court costs for each violation, and shall reimburse DeKalb County for all costs of repairing or replacing each such monument or marker.

7. The DeKalb County Sheriff or any deputy of the DeKalb County Sheriff, or the DeKalb County Surveyor may issue a citation under the terms and conditions of this section.

8. All fines imposed for violations of this Ordinance shall be deposited in the DeKalb County Surveyor's Corner Perpetual Fund.

9. This Ordinance does not repeal any prior Ordinance and is in the addition to the existing ordinances and is to be interpreted in harmony therewith. If there are any conflicts with prior ordinances, the provisions of this Ordinance shall supersede such conflicting provisions.

10. This DeKalb County Ordinance Number 2022-____ is passed and adopted on all three readings and shall be codified in the DeKalb County Code as Section ____-____-____, and appropriately indexed in the Code.

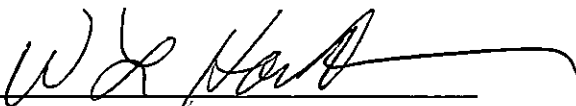
Statutory Authority: 36-2-12-13.

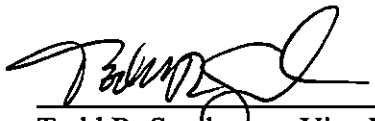
READ AND PASSED ON FIRST READING: Monday, _____, 2022.

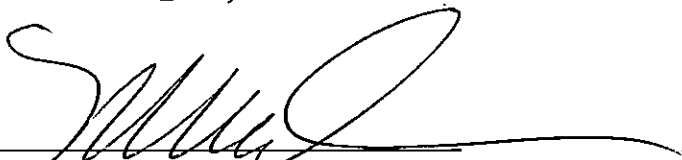
READ AND PASSED ON SECOND READING: Monday, _____, 2022.

READ AND PASSED ON THIRD READING: Monday, _____, 2022.

DEKALB COUNTY COMMISSIONERS:

BY: 
William L. Hartman, President

BY: 
Todd R. Sanderson, Vice President

BY: 
Michael V. Watson, Vice President

Attested By:


Susan Sleeper, Auditor of DeKalb County