

WELLS COUNTY ORDINANCE NO. 2009- 2

An Ordinance to Preserve the Location of and Prevent Damage to
Section Corner Markers Within Wells 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 Wells 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 ORDAINED BY THE BOARD OF COMMISSIONERS OF WELLS COUNTY, 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 the 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. The person must notify the Wells 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 Wells County Surveyor, or, if the Wells County Surveyor is not registered under I.C. 25-21.5 or I.C. 25-31, a registered person who is appointed by the Wells County Board of Commissioners under I.C. 36-2-12-11, or have the Wells County Surveyor replace the monument. The person shall reimburse Wells County for the cost of such supervision or such replacement by the Wells County Surveyor. The Surveyor shall file a copy of the notice in the corner record book.
4. Only the Wells 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 Wells County Surveyor in writing and also furnish written approval of all landowners whose property is affected by the proposed change. The Wells 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 Wells 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 an infraction 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 Wells County for all costs of repairing each such monument or marker.
7. The Wells County Sheriff or any deputy of the Wells County Sheriff, or the Wells 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 Wells County Surveyor's Corner Perpetuation Fund.
9. 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 provisions of this Ordinance shall supersede such conflicting provisions.


Statutory Authority: I.C. 36-2-12-13.

PASSED AND APPROVED by the Board of Commissioners of Wells County, Indiana,
on the 17 day of February, 2009.

WELLS COUNTY COMMISSIONERS:



Paul Bonham

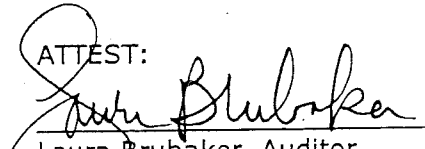


Kevin Woodward



C. Scott Mossburg

ATTEST:



Laura Brubaker, Auditor