

ORDINACE 2016-07

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF CLINTON COUNTY  
PROHIBITING THE MOVING, CHANGING OR ALTERING CORNER MONUMENTS

WHEREAS, Clinton County, Indiana (“Clinton County”), may pursuant to Indiana law [I.C. 36-1-3 (Home Rule)], enact ordinances for effective governance unless otherwise prohibited; and

WHEREAS, Indiana law requires that the county surveyor keep and maintain a corner record book and perpetuate the corner records and monuments as provided for under I.C. 36-2-12-11; and

WHEREAS, I.C. 36-2-12-13 (b) states that only a county surveyor, or his designee, may change the location of a corner monument; and

WHEREAS, O/C. 36-2-12-13 (d) provides that the county legislative body may adopt an ordinance prohibiting a person from moving, changing or otherwise altering a monument marking a corner without the approval of the Clinton County Surveyor and compliance with Indiana law, and such ordinance may prescribe a monetary penalty for a violation thereof; and

WHEREAS, the Board of Commissioners of Clinton County (“Commissioners”), the Legislative body for Clinton County, upon the recommendation of the Clinton County Surveyor and his designee (“Surveyor”), desire to adopt an ordinance pursuant to the aforementioned stature; and

WHEREAS, based upon the evidence presented by the Surveyor, the Commissioners hereby find that a penalty of Five Hundred Dollars (\$500) is reasonable and appropriate to adequately compensate the County for a violation of this Ordinance. Said penalty shall be in addition to any damages assessed for the actual cost to the County of repairing or replacing the monument [I.C. 36-2-12-13 (e),(f)]. Any penalty collected pursuant to this Ordinance shall be deposited in the Surveyor’s Corner Stone Perpetuation Fund

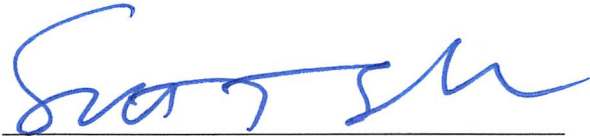
NOW, THEREFORE, IT IS ADOPTED AND ORDAINED by the Board of Commissioners of Clinton County, State of Indiana, that all persons are prohibited from moving, changing or otherwise altering a monument marking a corner without the approval of the Clinton County Surveyor and compliance with Indiana law. Any person who violates this Ordinance shall be responsible for compensating the County for the actual costs of repairing or replacing the monument and shall be fined in an amount not to exceed Five Hundred Dollars, (500). Any penalty collected shall be deposited in the Clinton County Corner Perpetuation Fund.

This Ordinance shall be effective in accordance with Indiana law. If any portion of this ordinance is subsequently deemed void by a court of competent jurisdiction, that portion shall be excised and remaining provisions of the Ordinance shall continue in full force and effect.

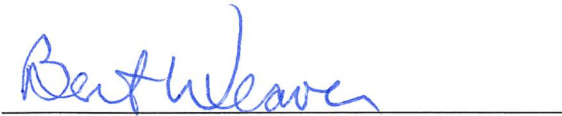
PASSED AND ADOPTED BY THE BOARD OF CLINTON COUNTY COMMISSIONERS

THIS 29 DAY OF August, 2016

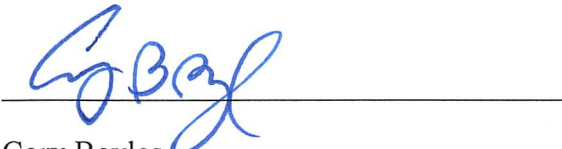
BOARD OF COMMISSIONERS OF  
CLINTON COUNTY



Scott T. Shoemaker, President



Bert Weaver



Cory Boyles

ATTEST: Cathy J. Hamilton

Cathy J. Hamilton

Clinton County Auditor

Prepared by Surveyor, Daniel Sheets

and Board Attorney, Thomas Little