

By Legislators Taylor and Brew

Intro. No. 133

LOCAL LAW NO. 6 OF 2019
(As Amended by Motion No. 23 of 2019)

AMENDING LOCAL LAW NO. 6 of 1971, ENTITLED "LOCAL LAW REGULATING THE USE AND PROTECTION OF MONROE COUNTY GEODETIC SURVEY MONUMENTATION NETWORK"

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Short Title

This local law shall be known as the "Monroe County ~~Geodetic Survey~~ Monumentation Law".

Section 2. Text

1. Purpose and Intent
2. Definitions
3. Scope of Regulation
4. Preservation of Geodetic Monuments
5. Use of Geodetic Network
6. Rules and Regulations
7. Enforcement
8. Violations and Penalties
9. Appeals
10. Separability

1. Purpose and Intent

The provisions herein contained are for the purpose of establishing standards for the use of the Monroe County Geodetic ~~Survey~~ Monumentation Network and for the purpose of maintaining monuments in such Network in order to insure their continued use as accurate survey markers.

2. Definitions

When used herein unless otherwise expressly stated, the following terms shall mean:

"Director" – The ~~Monroe County Director of Public Works~~ County of Monroe County Surveyor or his or her Duly authorized representative.

"Azimuth" – The horizontal direction of a line.

"Azimuth Mark" – A point, usually a monument used primarily to establish the reference Azimuth from a Triangulation Station.

"Control or Geodetic Monument" – Any geodetic monument, the location of which has been established to a high degree of accuracy, and used as a control point to which surveys of lesser accuracy may be tied.

"Coordinates" – Values designating the location of a point relative to the location of all other points in a given frame of reference. In this law only the New York State Plane Coordinate System of 1927 or 1983, West Zone is intended as the frame of reference.

"Destruction of a Monument" – Since any movement of a monument destroys its usefulness, disturbance of a monument shall be equated with destruction.

"Developer" – Any person, company, corporation, or governmental agency or authority who themselves undertake or who let contracts for, a building project, or provide public services in the areas of gas, electric, telephone, water, transportation, or sewers, whether by distribution or transmission.

"Geodetic Control Network or Network" – The system of monumented, coordinated points

established by the office of National Geodetic Survey (NGS), United States National Ocean Survey, formerly known as the United States National Ocean Survey and United States Coast and Geodetic Survey, and by other governmental agencies and extended or maintained by the Monroe County Geodetic Survey Surveyors Office.

“Horizontal Control” – The basic framework of points whose horizontal position and interrelationship have been accurately determined so that the location of subsidiary work may be precisely related to the network.

“Intersection Station” – A visible distant object such as water tanks, church spires, smoke stacks whose Azimuth from a given monument has been previously established.

“Reference Markers” – Those monuments in the vicinity of a Triangulation Station which are placed and carefully tied to the Triangulation Station for the purpose of protection and easy recovery of the Triangulation Station.

“Traverse Station or Monument” – A monumented point easily accessible to engineers and surveyors, and which is a part of the geodetic control network. The location of Traverse Stations can be expected to be determined to an accuracy of not less than 1 part in 50,000.

“Triangulation Station or Monument” – A point of permanent reference, usually a buried Portland cement concrete mass atop which is fixed an indexed brass marker, usually located in a relatively isolated, well-protected area, the location relative to the geodetic control network having been established by first order methods to an accuracy of not less than 1 part in 100,000, by the National Geodetic Survey (NGS), formerly known as the United States National Ocean Survey, formerly known as the and United States Coast and Geodetic Survey.

“Vertical Control” – Same as Horizontal Control except that its purpose is to establish elevation above a common datum (mean sea level or orthometric height) so that such information on all projects will be related.

3. Scope of Regulation

The Director is empowered to and shall review, evaluate and approve all plans of proposed development, utility installations and construction within public rights of way within the County of Monroe where a geodetic monument may be involved, or in any area within the eCounty where a Triangulation Monument may be involved, and all subdivision and resubdivision maps to be filed in the Monroe County Clerk's Office for conformance with the stated purpose and intent of this law.

4. Preservation of Geodetic Monuments

It shall be the responsibility of the Developer to utilize the Monroe County GIS based internet monument web viewer for monument inventory and record information, or request of the Director exact information as to the location of monuments in the vicinity of his the project. All Traverse Monuments which are in or near the right of way encompassed by the project or Triangulation Monuments and their Reference Markers and Azimuth Marks anywhere within the projects shall be shown on all plans of the project which shall be submitted to the Director for his approval.

It shall be the responsibility of the Developer to protect said monuments in a manner which shall ensure their protection against damage or destruction in a manner acceptable to the Director.

Where the design of a project is such that a Control Monument must be destroyed, a note to that effect shall appear on the plans submitted for approval to the Director, who shall cause such monuments to be reset by the Monroe County Geodetic Survey Office Developer in such a place or manner as to ensure their preservation and future usefulness. The monument must be reset by and under the supervision of a New York State Licensed Land Surveyor at a location acceptable to the Director and in accordance with the requirements of the Monroe County Surveyors Office.

5. Use of Geodetic Network

It shall be the responsibility of the Developer to utilize the Monroe County GIS based internet monument web viewer for monument inventory and record information, or request of the Director exact information as to the location of monuments in the vicinity of his the project to determine if at least one of two or more intervisible monuments, or one monument with azimuths of record to

intersection stations, or one single monument is within ~~2,500~~ 5,000 feet of ~~his~~ the project except that where the entire project involves not more than five residential lots the maximum distance ~~shall be~~ is ~~4,200-2,500~~ feet. The distance from the nearest monument is the shortest practical route along rights-of-way or through other public properties. If such survey control exists, ~~he~~ the Developer shall tie ~~his~~ the boundaries into the horizontal control as established by said monuments.

The acceptable error in the accuracy of the field ~~work~~ survey necessary to establish the property boundaries and the ties to geodetic monuments when employing conventional Theodolite or Total Station Terrestrial Positioning Survey (TPS) techniques shall ~~be~~ not be greater than one part in ~~ten~~ twenty thousand (1:~~10,000~~ 20,000) proportional accuracy or a Local Positional Accuracy (at two sigma, 95% confidence level) not exceeding 0.025 feet.

The acceptable error in the accuracy of the field survey necessary to establish the property boundaries and the ties to geodetic monuments when employing Global Positioning Survey (GPS) survey techniques localized to passive geodetic monuments, must not be greater than one part in twenty thousand (1: 20,000) proportional accuracy or a Local Positional Accuracy (at two sigma, 95% confidence level) not exceeding 0.025 feet.

The acceptable error in the accuracy of the field survey necessary to establish the property boundaries and the ties to geodetic monuments when employing Global Positioning Survey (GPS) survey techniques to establish NAD 83 datum, must not be greater than one part in twenty thousand (1: 20,000) proportional accuracy or a Local Positional Accuracy (at two sigma, 95% confidence level) not exceeding 0.025 feet and a Network Positional Accuracy (at two sigma, 95% confidence level) not exceeding 0.05 feet.

For the survey method employed a ~~A~~ certification statement to that effect by a New York State Licensed Land Surveyor shall appear on the plat of the survey. All angle points of the ~~A~~ minimum of three corners of the boundaries of the project shall show the coordinates of said points as reduced to sea level grid. The coordinates shall be in the New York State Plane Coordinate System of 1927 or 1983, West Zone, Transverse Mercator Projection as established by ~~the United States Coast and Geodetic Survey~~ National Geodetic Survey and expanded by the Monroe County Geodetic Survey. Datum used for vertical control shall be identified on the plat.

Where a Developer's project involves easements and/or the installation of underground facilities, the easement boundaries shall be coordinated and certified to in the same manner as property boundaries. "As-Built maps" "Record Plans" must include coordinates of the beginning, the end and all points where a change of direction occurs in the underground facility and be surveyed and certified to in the same manner as property boundaries, and The survey shall be of sufficient accuracy to assure maximum safety to those facilities when additional facilities are installed nearby. ~~Where a project includes the building of internal roads, all monumented corners of the right of way shall be coordinated and shown on the plat.~~

6. Rules and Regulations

The Director shall prescribe orders of procedure, rules, regulations and issue technical criteria to carry out the purpose and intent of this law. A copy of such orders, rules, regulations and criteria shall be filed with the Clerk of the County Legislature and shall be available for inspection to the public.

7. Enforcement

Wherever it appears, in accordance with the provisions of this law, that geodetic survey monuments installed or employed by the County of Monroe that are part of the Geodetic Control Network are in danger of being damaged, destroyed or removed by the Developer, the Director may require a performance bond security deposit in the amount of ~~One Thousand Three Thousand~~ One Thousand Three Thousand Dollars (~~\$1,000~~ 3,000) per monument to be posted with and approved by the Director, said ~~bond~~ security deposit to be subject to forfeiture if in the opinion of the Director there is adequate proof that the provisions of this law have been violated. The Director may issue notices and stop-work orders with respect to acts of violation during the progress of any project. No plat shall be filed in the office of the Monroe County Clerk unless the provisions of this law have been complied with and such compliance is noted in writing by the Director.

8. Violations and Penalties

(a) Any violation of or non-conformance with any provision of this law, or of any rule, regulation, order or special direction duly made thereunder shall constitute an offense punishable for each offense by a fine not exceeding ~~\$150.00~~ 3,000 or by imprisonment for each offense not exceeding one hundred fifty (150) days, or by both such fine and imprisonment.

(b) Any Developer violating or failing to comply with any provision of this law or any order made pursuant thereto shall be responsible for any damages resulting therefrom to geodetic survey monuments, installed or employed by the County of Monroe or National Geodetic Survey that are part of the Geodetic Control Network. This money may be collected by civil action in the City Court of the City of Rochester, the County Court of the County of Monroe or the Supreme Court of the State of New York. Obedience to the law may also be enforced by injunction. Every day of such violation or failure may be held to constitute a separate offense. Nothing herein contained shall be construed to exempt an offender from any other prosecution or penalty provided by law.

9. Appeals

There shall be created a Board of Appeals to consist of three members who shall be appointed by the County ~~Manager~~ Executive and who shall serve at ~~his~~ the County Executive's pleasure. Such members shall be ~~either land~~ surveyors duly registered to practice land surveying ~~or engineer-surveyors duly registered to practice professional engineering and land-surveying~~ within the State of New York.

Any decision made by the Director pursuant to this law shall be submitted to review by the Board of Appeals upon written petition filed by the aggrieved party. Such petition shall be served on the Director and the Clerk of the County Legislature within thirty (30) days of the receipt of the disputed decision. The Board is empowered to establish rules of order and regulations pursuant to which it will carry out its functions as a review board.

10. Separability

If any section or provision of this law shall be adjudged by any court of jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this law, but shall be confined in its application to the work, clause, section or provision directly involved on which such judgment shall have been rendered.

Sec. 3. This local law shall take effect upon filing in the office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Agenda/Charter Committee; April 22, 2019 - CV: 5-0
Environment and Public Works Committee; April 22, 2019 - CV: 7-0
File No. 19-0108.LL

ADOPTION: Date: June 11, 2019 Vote: 25-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: ✓ VETOED: _____

SIGNATURE [Signature] DATE: 6/28/19

EFFECTIVE DATE OF RESOLUTION: 6/28/19

Added language is underlined.
Deleted language is ~~stricken~~.