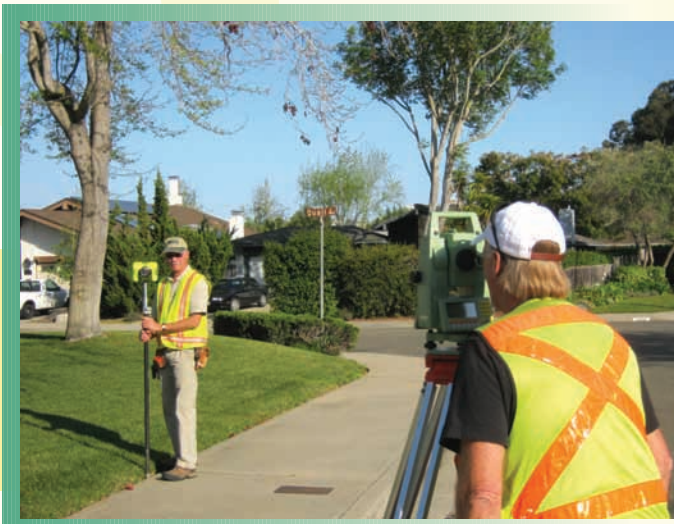


CIVIL CODE §846.5.

(a) The right of entry upon or to real property to investigate and utilize boundary evidence, and to perform surveys, is a right of persons legally authorized to practice land surveying and it shall be the responsibility of the owner or tenant who owns or controls property to provide reasonable access without undue delay. The right of entry is not contingent upon the provision of prior notice to the owner or tenant. However, the owner or tenant shall be notified of the proposed time of entry where practicable.

(b) The requirements of subdivision (a) do not apply to monuments within access-controlled portions of freeways.

(c) When required for a property survey, monuments within a freeway right-of-way shall be referenced to usable points outside the access control line by the agency having jurisdiction over the freeway when requested in writing by the registered civil engineer or licensed land surveyor who is to perform the property survey. The work shall be done within a reasonable time period by the agency in direct cooperation with the engineer or surveyor and at no charge to him.



PENAL CODE §602.8, EXCERPTS

(a) Any person who without the written permission of the landowner, the owner's agent, or the person in lawful possession of the land, willfully enters any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or who willfully enters upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering the lands, is guilty of a public offense....

(c) Subdivision (a) shall not apply to any of the following: ...

(4) Any person licensed pursuant to Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code who is engaged in the lawful practice of land surveying as authorized by Section 846.5 of the Civil Code.

Removal of Monuments

PENAL CODE §605

Every person who either:

1. Maliciously removes any monument erected for the purpose of designating any point in the boundary of any lot or tract of land, or a place where a subaqueous telegraph cable lies; or,
2. Maliciously defaces or alters the marks upon any such monument; or,
3. Maliciously cuts down or removes any tree upon which any such marks have been made for such purpose, with intent to destroy such marks; --Is guilty of a misdemeanor.

Land Surveyors Right of Entry

Information for Property Owners and Law Enforcement Personnel



An informational brochure of
California Land Surveyors Association
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LAND SURVEYORS RIGHT OF ENTRY

Information for Property Owners and Law Enforcement Personnel

The suggestions below are provided for informational purposes only. See right and reverse side for actual codes and statutes

Information for Law Enforcement Personnel

- Land Surveyors are permitted by law to enter private property. (B&P 8774)
- Land Surveyors are exempt by law from trespass in performance of their duties. (PC 602.8)
- Performance of land survey work is in the interest of public health, safety, and welfare.
- Identification of the Land Surveyor in charge should be provided.
- The Land Surveyor in charge should provide a description of expected scope of activities and his/her expected time on-site, where practicable.
- Your informed involvement as a law enforcement officer for possible conflict resolution and mediation between parties is invaluable, both to the Land Surveyor and local property owner.
- California Penal Code Section 602.8 addresses trespass and waiver for Licensed Land Surveyors.
- California Penal Code Section 605 addresses survey marker destruction as a misdemeanor.

Information for the Property Owner

A land survey can be useful to the client as well as the land owner of neighboring property. Some things to consider:

HOW YOU CAN HELP

- Your local knowledge can be helpful and expedite the time spent on-site for survey work.
- It would be helpful if you can indicate animals that require restraint, potential hazards (electric fences, etc.) or obstructions (locked gates, etc.).

INFORMATION THAT SHOULD BE PROVIDED TO YOU

- Land survey crews should respect your private property and privacy and have as little impact as possible.
- Stakes or markers may be set that are NOT property corners, but are used for measurement purposes only.
- You are entitled to know who is working on your property, as well as what land survey activities to expect.
- You are entitled to know who the Land Surveyor in charge is and his or her contact information. He or she may not be on-site at all times.
- Holes may have to be dug in order to recover survey markers, then restored upon completion of survey work.
- Unresolved issues may be directed to the Board for Professional Engineers, Land Surveyors and Geologists.
<http://www.pels.ca.gov/> or (866) 780-5370

BUSINESS & PROFESSIONS CODE §8774

(a) The right of entry upon or to real property to investigate and utilize boundary evidence, and to perform surveys, is a right of persons legally authorized to practice land surveying, and it is the responsibility of the owner or tenant who owns or controls property to provide reasonable access without undue delay. The right of entry is not contingent upon the provision of prior notice to the owner or tenant. However, the owner or tenant shall be notified of the proposed time of entry where practicable.

(b) The requirements of subdivision (a) do not apply to monuments within access-controlled portions of freeways.

(c) When required for a property survey, monuments within a freeway right-of-way shall be referenced to usable points outside the access control line by the agency having jurisdiction over the freeway when requested in writing by the registered civil engineer or licensed land surveyor who is to perform the property survey. The work shall be done within a reasonable time period by the agency in direct cooperation with the engineer or surveyor and at no charge to him or her.

