

ORDINANCE 2009-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING SEC. 15-3.3 OF THE CLAY COUNTY CODE; PROHIBITING THE OPERATION OF A METAL DETECTOR AND THE RETRIEVAL OF ARTIFACTS FOUND ON COUNTY PARKS OR PROPERTIES; PROHIBITING THE REMOVAL OF ANY OBJECTS OR ARTIFACTS FROM COUNTY PARKS OR PROPERTIES; PROHIBITING THE DAMAGE, DESTRUCTION, OR REMOVAL OF VEGETATION FROM COUNTY PARKS OR PROPERTIES; REQUIRING THAT ANY DISCOVERY OF OBJECTS OR ARTIFACTS ON COUNTY PARKS OR PROPERTIES BE REPORTED TO THE DIVISION OF PARKS, RECREATION & SPECIAL EVENTS; CREATING AN EXCEPTION TO SAID PROHIBITIONS FOR ARCHEOLOGICAL RESEARCH PROJECTS AUTHORIZED BY THE COUNTY MANAGER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. Amendment of Section 15-3.3. Section 15-3.3 of the Clay County Code is hereby amended to add subsections (j) and (k) as follows:

(j) *Removal of artifacts prohibited.* The following activities are unlawful and a violation of this subsection:

(1) Operation of a metal detector and digging with any instrument to retrieve objects or artifacts embedded in or lying upon the ground on any County-owned burial site or cemetery or on any County-owned property listed on the Florida Master Site Plan by the Division of Historical Resources of the Department of State pursuant to Section 267.031(5)(m), Florida Statutes.

(2) Removal, exploration, or excavation of any relic, aboriginal antiquities, abandoned property, or buildings of historical or recreational value found upon or within any county park or property; and

(3) Damage, destruction, or removal of any vegetation from any county park or property.

All objects or artifacts embedded in or lying upon the ground on a county park or property, including historic artifacts, old coins, pottery shards, jewelry, or other valuables, are the property of the County and shall not be removed from the site. Any such object or artifact that is found shall be reported to the Division of Parks, Recreation & Special Events. The failure to report the finding of any such object or artifact is a violation of this subsection.

(k) Prohibited removal of artifacts exception. The prohibition of subsection (j) shall not apply to archeological research projects that are authorized by the County Manager.

Section 2. Severability. Should any word, phrase, sentence, or subsection or section of this ordinance or of the code section amended hereunder be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, subsection, or section so held shall be severed from this ordinance or the code section, as applicable, and all other words, phrases, sentences, subsections or sections shall remain in full force and effect.

Section 3. Effective date. This ordinance shall take effect as provided by Florida general law.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this 8th day of September, 2009.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

By: _____
Wendell D. Davis
Its Chairman

ATTEST:

Fritz A. Behring
County Manager and Clerk of the
Board of County Commissioners