

**ORDINANCE 2009-34**

**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-OWNED CEMETERIES OR BURIAL SITES AND ON COUNTY-OWNED PROPERTIES LISTED ON THE FLORIDA MASTER SITE PLAN PURSUANT TO SECTION 267.031(m), FLORIDA STATUTES; PROHIBITING THE DAMAGE, DESTRUCTION, OR REMOVAL OF VEGETATION FROM COUNTY PARKS OR PROPERTIES; 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) Permanent damage, destruction, or removal of any vegetation from any county park or property.

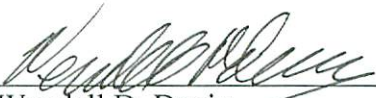
(k) *Prohibited removal of artifacts exception.* The prohibition of subsection (j) shall not apply to archeological research projects that are authorized by the County Manager.

**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

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