

ORDINANCE O-2014-09

Adopting Section 58-2 to the Code of the County of Powhatan Virginia - Metal detecting and digging on county property

WHEREAS, Section 58-2 is proposed to be added to the County Code to address incidents of metal detecting and digging on County property and to provide guidance and clarity that metal detecting and digging on County property is not allowed except by permission of the County Administrator; and

WHEREAS, the proposed ordinance is intended to reinforce existing law prohibiting digging on County property and assist with prevention and enforcement; and

WHEREAS, notice of the public hearing on this item was published in the Powhatan Today on May 7 and May 14, 2014; and

WHEREAS, a public hearing on this matter was held on May 19, 2014 and those who spoke were heard.

NOW, THEREFORE, BE IT ORDAINED by the Powhatan County Board of Supervisors that Section 58-20-139 of the Code of the County of Powhatan Virginia is hereby adopted as follows:

Sec. 58-2 - Metal detecting and digging on county property

(A) It shall be unlawful for any person, while located on county property, to:

- (1) operate, or possess, with the intent to operate, any powered mineral or metal detector or any other similar powered device or probe to search for objects in, on or below the surface of the soil;**
- (2) dig, excavate or in any other way disturb the surface of the soil;**
- (3) remove any object found in, on or below the surface of the soil, except for objects belonging to that person that were either lost or misplaced.**

(B) Notwithstanding the prohibitions in subsection (A) above, permission may be obtained from the County Administrator or designee to use a metal detector on county property.

(C) This section shall not apply to activities conducted by county employees during the course of their duties.

(D) A violation of this section shall be deemed to be a Class 4 Misdemeanor.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON MAY 19, 2014.



Carson L. Tucker, Chairman
Powhatan County Board of Supervisors

ATTEST:



Patricia A. Weiler, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

Barry C. Hodge	<i>aye</i>
William E. Melton	<i>aye</i>
Jason Moore	<i>aye</i>
Carson L. Tucker	<i>aye</i>
David T. Williams	<i>aye</i>