

ORDINANCE NO. 3355

AN ORDINANCE to add a new Section 13-1-40 (METAL DETECTING AND DIGGING ON CITY PROPERTY) to Chapter 1 (GENERAL OFFENSES), Title 13 (MISCELLANEOUS OFFENSES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new section 13-1-40 to read as follows:

Sec. 13-1-40 Metal detecting and digging on city property.

(a) Except as provided in subsections (b), (c) and (d), it shall be unlawful for any person, while located on city property, to:

(1) possess or use a mineral or metal detector or any other 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.

(b) Notwithstanding the prohibitions in subsections (a)(1) and (a)(3), permission may be obtained from the director of the department of recreation, parks and cultural activities, or his designee, to use a metal detector on city property to locate and recover a specific item of personal property which has been lost by the person requesting such permission.

(c) Notwithstanding the prohibitions in subsection (a)(2), permission to dig on or excavate specific city property may be granted by the city manager, after review of and favorable recommendation on the request by the city archaeologist. Any objects found as a result of such permitted digging or excavation shall remain the property of the city. Any person receiving permission under this subsection shall, at the completion of the work, restore the city property to its previous condition.

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

(e) Any person violating this section shall, upon conviction, be guilty of a class three misdemeanor. Each day that a violation continues or occurs shall constitute a separate offense.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

JAMES P. MORAN, JR.
Mayor

Final Passage: January 14, 1989