

TOWN BOARD
TOWN OF GERMANTOWN
COLUMBIA COUNTY, NEW YORK

Local Law No. B of 2023

**A LOCAL LAW PROHIBITING METAL DETECTING AND TREASURE HUNTING
ON TOWN-OWNED PROPERTY**

BE IT ENACTED by the Town Board of the Town of Germantown as follows:

SECTION 1. TITLE.

This Local Law shall be entitled “A Local Law Prohibiting Metal Detecting and Treasure Hunting on Town-owned Property.”

SECTION 2. PURPOSE AND INTENT.

The purpose of this local law is to prohibit metal detecting and treasure hunting on Town-owned property in order to preserve the integrity of the cultural and archaeological record of these lands, including but not limited to the Town-owned cemeteries, the Reformed Parsonage, and several other parcels of historic importance. This local law further promotes the health, safety and general welfare of the Town of Germantown and its inhabitants.

SECTION 3. AUTHORITY.

This Local Law is adopted pursuant to Municipal Home Rule Law section 10. This law shall be consistent with section 233 of the New York State Education Law and 9 NYCRR Title 9, Subtitle I, along with all federal laws or regulations prohibiting or otherwise restricting metal detecting.

SECTION 4. METAL DETECTING AND TREASURE HUNTING PROHIBITED.

- A. The following is prohibited on all Town-owned property:
 - 1. Possessing, destroying, injuring, defacing, removing, digging, or disturbing a structure or its furnishing or fixtures or other cultural or archeological resources; and
 - 2. Possessing or using a mineral or metal detector, magnetometer, side scan sonar, other metal detecting device, or sub-bottom profiler.
- B. This section does not apply to professional or academic archaeological excavations authorized by the Town Board in consultation with the Town Historian and Highway Superintendent.

SECTION 5. PENALTIES FOR OFFENSES; ENFORCEMENT.

- A. A violation of this local law is hereby declared to be an offense, punishable by a fine not

exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations.

- B. In addition to the above remedies, the Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this local law.
- C. Any Town official has the right and authority to eject from Town-owned property any person acting in violation of this local law.

SECTION 6. REPEAL.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION 7. SEVERABILITY.

If any section, provision or part thereof of this local law shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of this local law as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

SECTION 8. WHEN EFFECTIVE.

This local law shall take effect immediately upon filing with the Secretary of State.