

ARCHAEOLOGY RESOURCE PROTECTION DRAFT ORDINANCE

Sec. X-XXXXX. Intent; purpose.

The purpose of this chapter shall be to identify and plan for the protection of the archaeological resources of the City and to set forth archaeological review procedures for City ground disturbing projects.

Sec. X-XXXXX. Definitions; general provisions.

Archaeology. The science that studies human cultures through the recovery, documentation and analysis of material remains and environmental data, including architecture, artifacts, bio-facts, human remains and landscapes.

Archaeological resource. Any material remains of past human life or activities which are at least seventy-five (75) years old and of historic or prehistoric interest. Such materials include, but are not limited to, ornaments, jewelry, textiles, ceremonial objects, armaments, maritime objects, human skeletal remains, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, water control devices, intaglios, personal items, clothing, household or business refuse, printed matter, manufactured items, or any piece of the foregoing items. Areas which contain these objects are also archaeological resources and include, but are not limited to, graves, wells, privies, trash pits, basements and foundations.

Archaeological site. A defined area with physical remains of human activity greater than seventy-five (75) years old for which a boundary can be established.

Artifact. Any tangible object which is the product of human modification or objects which have been transported by people more than seventy-five (75) years ago.

Ground Disturbance. The alteration of the existing surface or subsurface by grading, excavation or construction, causing an alteration in the existing cultural soil layering present on site.

Public property. Real property owned by the Mayor and Aldermen of the City of Savannah, Georgia, including, but not limited to, parks, squares, tree planting or landscaped medians, parking lots, vehicular and pedestrian rights-of-way, and public utility rights-of-ways.

Qualified Archaeologist. An individual who meets the criteria set forth by the United States Secretary of the Interior's Professional Qualifications Standards for Archaeology.

Sec. X-XXXXX. Administration.

The City Manager or designee shall be authorized to administer and enforce the archaeological resource protection program.

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Sec. X-XXXXX. Applicability.

The following ground disturbance activities undertaken by the City on public property shall comply with an Archaeological Assessment as outlined in Sec. X-XXXXX under the following conditions:

- a. Construction projects that have a building footprint of 1,500 square feet or more; or
- b. Surplus public property sold by the City.

This Ordinance does not apply to private property.

Sec. X-XXXXX. Exemptions.

The City shall be exempt from an archaeological assessment under the following conditions:

- a. Any project determined as an emergency by the City Manager;
- b. Any agreement between the City and entity which pre-dates the adoption of this Ordinance; or
- c. The site has previously undergone archaeological assessment and the City Manager has determined and documented that no further archaeological assessment is needed.

Sec. X-XXXXX. Archaeological Assessment

A. Preliminary Archaeological Assessment: Phase I Survey. Prior to any land disturbance on public property, the City shall be required to conduct a Phase I Archaeological Survey by a qualified archaeologist.

1. Preliminary Archaeological Assessment Criteria. A qualified archaeologist will conduct a preliminary assessment of the potential archaeological significance and the impact of any proposed ground disturbing activities on the site, based on the following criteria:
 - a. Research value. The extent to which the potential archaeological data would contribute to the expansion of knowledge.
 - b. Rarity. The degree of uniqueness of the archaeological data and the potential for providing information about a person, structure, or event for which there are few examples or little is known about in Savannah.
 - c. Public value. The level of importance the property has to the community as a location associated with a significant person, structure or event.
 - d. Site integrity. The extent to which soil stratigraphy and original placement and condition of archaeological resources on the property have not been disturbed or altered in a manner which appreciably reduces their research or public value.
 - e. Presence of materials. The extent to which archaeological resources are present on the property.
 - f. Impact on resources. The extent to which the proposed ground disturbing activities will alter or destroy resources which have been determined to have substantial significance as outlined above.

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2. Determination of no archaeological significance. If the qualified archaeologist determines that the site has no substantial archaeological significance or that the proposed development will not have a substantial adverse impact on any potential archaeological resources, no additional review is required.
 3. Determination of archaeological significance. If the qualified archaeologist determines that the site has the potential for substantial archaeological significance and that the proposed development will have a substantial adverse impact on archaeological resources, the City Manager may require that Phase II Testing be completed on the site.
- B. Archaeological Evaluation Report: Phase II Testing. The City shall develop an Archaeological Evaluation Report prepared by a qualified archaeologist which includes detailed evaluation of the archaeological significance of the site including, but not limited to, reasonable measures for historic research, archaeological surveys and test excavations.
1. Archaeological Evaluation Report Criteria: A qualified archaeologist shall determine whether the proposed project will have an adverse effect on archaeological resources listed in or eligible for listing in the National Register of Historic Places.
 2. Determination of no archaeological significance. If the qualified archaeologist determines that the site has no substantial archaeological significance or that the proposed land disturbance will not have a substantial adverse impact on any potential archaeological resources eligible for or listed on the National Register, based on the Phase II Testing, no additional review is required under this ordinance.
 3. Determination of archaeological significance. If the Phase II Testing confirms the existence of significant archaeological resources eligible for or listed on the National Register and that the proposed development will have a substantial adverse impact on those resources, the City Manager may require Phase III Mitigation.
- C. Mitigation Plan: Phase III Archaeology. A qualified archaeologist shall develop a mitigation plan which includes reasonable measures for the study and preservation of archaeological resources on the site, including, but not limited to, test and full-scale excavations, site construction monitoring, field recording, photography, laboratory analysis, conservation of organic and metal artifacts, curation of the collection and preparation of reports. The City Manager must approve the Mitigation Plan prior to additional site disturbance.
- D. During Construction. If an unidentified archaeological site is discovered during the course of construction, the project manager shall immediately notify the City Manager. Within five business days, the City Manager shall evaluate the significance of the finding and evaluate according to the assessment criteria above. The City Manager will determine if additional testing and evaluation is necessary. If human remains are

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discovered, all construction activities shall immediately cease and the project manager shall immediately contact local law enforcement and the City Manager and follow Georgia legislative code regarding such remains.

Sec. X-XXXXX. Ownership of Artifacts

All artifacts uncovered, recovered or discovered on public property shall belong to the City. The City Manager shall be responsible for determining the appropriate and acceptable repository for long-term storage, care, protection, preservation and so that they may be accessible to the public for educational purposes.

Sec. X-XXXXX. Human Remains.

If human remains are found on any property, public or private, the property owner must comply with O.C.G.A. 36-72-1 et seq.

Sec. X-XXXXX. Prohibited Acts.

It shall be unlawful for any person to excavate, remove, damage or attempt to excavate, remove or damage any archaeological resource located in the City limits on public property without a permit issued by the City Manager.

The use of a metal detector, probe or similar such device or instrument on public property without the prior written approval of the City Manager is prohibited.

Each violation of this section shall be subject to penalties provided in Sec. 1-1001 of this Code.