

AN ORDINANCE
TO BE ENTITLED

AN ORDINANCE TO AMEND PART 8, PLANNING AND
REGULATION OF DEVELOPMENT, OF THE CODE OF THE
CITY OF SAVANNAH, GEORGIA (2003) TO PROVIDE FOR
ARCHAEOLOGY RESOURCE PROTECTIONS; TO PROVIDE
FOR EFFECTIVE DATES; TO REPEAL ALL ORDINANCES IN
CONFLICT HEREWITH AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled, and pursuant to lawful authority thereof:

SECTION 1: That Part 8, Planning and Regulation of Development, of the Code of the City of Savannah, Georgia (2003) be amended by inserting a new Chapter 13 entitled “Archaeology Resource Protection Ordinance” as follows:

CHAPTER 13 ARCHAEOLOGY RESOURCE PROTECTION ORDINANCE

Sec. 8-13001. 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. 8-13002. Definitions; general provisions.

(a) 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.

(b) Archaeological resource. Any material remains of past human life or activities which are at least fifty (50) 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.

(c) Archaeological significance. The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and that:

- (1) are associated with events that have made a significant contribution to the broad patterns of our history; or
- (2) are associated with the lives of persons significant in our past; or
- (3) embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (4) have yielded, or may be likely to yield, information important in prehistory or history.

(d) Archaeological site. A defined area with physical remains of human activity greater than fifty (50) years old for which a boundary can be established.

(e) Artifact. Any tangible object which is the product of human modification or objects which have been transported by people more than fifty (50) years ago.

(f) 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.

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

(h) Qualified Archaeologist. An individual who meets the criteria set forth by the U.S. Secretary of the Interior's Professional Qualifications Standards for Archaeology with experience in urban archaeology.

Sec. 8-13003. Administration.

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

Sec. 8-13004. Applicability.

The following ground disturbance activities undertaken by the City on public property shall comply with an Archaeological Assessment as outlined in Sec. 8-13006 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. 8-13005. 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 by a qualified archaeologist and the City Manager has reviewed the documentation and determined that no further archaeological assessment is needed.

Sec. 8-13006. Archaeological Assessment.

Prior to any land disturbance on public property as provided in Sec. 8-13004, the City shall be required to perform an archaeological assessment. All phases of the archaeological assessment shall follow the Secretary of Interior's Standards and Guidelines for Archeology and the Georgia Standards and Guidelines for Archaeological Investigations and include the following steps as needed:

- (a) Archaeological Survey, Phase I. A qualified archaeologist shall conduct:
 - (1) A preliminary literature review and records search including a review of the Georgia Archaeological Site File to identify previously recorded sites and previous archaeological investigations within 500 feet of the project site. The review shall include historic documents, maps and other relevant sources to provide the prehistoric and historic context for the study and shall be conducted prior to any fieldwork.
 - (2) An archaeological survey including, but not limited to, shovel testing, ground penetrating radar or other appropriate remote sensing survey techniques and/or trenching to determine the presence and type of any archaeological resources present, potential archaeological significance and 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.

(3) Determination of no archaeological significance. If the qualified archaeologist determines that the site has no archaeological significance or that the proposed development will not have a substantial adverse impact on any potential archaeological resources, no additional review shall be required.

(4) Determination of archaeological significance. If the qualified archaeologist determines that the site has the potential for archaeological significance and that the proposed development will have a substantial adverse impact on archaeological resources, the City Manager shall require that Phase II Testing be completed on the site.

(5) The qualified archaeologist shall produce a survey report following fieldwork that provides a detailed review of the Phase I work.

(b) Evaluative Testing, Phase II. A qualified archaeologist shall undertake Phase II level fieldwork including, but not limited to, test unit excavations, trenching, and additional historic research and prepare an archaeological evaluation report providing a detailed review of the Phase II work.

(1) 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 Evaluative Testing, Phase II no additional review is required under this ordinance.

(3) Determination of archaeological significance. If the qualified archaeologist 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 shall require Phase III Mitigation.

(c) Mitigation Plan, Phase III. 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, additional research, full-scale archaeological excavations, site construction monitoring limited only to specific areas

where structural remains and hardscapes are actively being removed, collection and analyses of botanical and faunal samples, artifact analysis, artifact conservation, curation of the artifact collection and all field documentation, public outreach and educational programming, and preparation of a report. The City Manager must approve the Mitigation Plan and it must be carried out 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 and cease adverse impacts to the area of the site. Within five business days, the City Manager, in conjunction with the State Historic Preservation Officer, shall evaluate the significance of the finding according to the assessment criteria above. The City Manager shall determine if additional testing and evaluation is necessary.

Sec. 8-13007. Curation and Ownership of Artifacts.

All artifacts uncovered, recovered or discovered on public property shall be considered City property. All products of City archaeological investigations including curated collections, records, field notes, reports, maps and other related materials shall be considered City property.

Artifact processing, data analysis and curation of artifacts resulting from City archaeological investigations and assessments shall adhere to the National Park Service Guidelines for Curation of Federally Owned and Administered Archaeological Collections (36 CFR Part 79) and American Alliance of Museums standards.

The City Manager shall be responsible for determining the appropriate and acceptable repository for long-term storage, care, protection, preservation of intact collections and associated paperwork, and so that they may be preserved intact in perpetuity and accessible to the public for educational purposes.

Sec. 8-13008. Human Remains.

If human remains are found on any property, construction activity shall immediately cease and compliance with O.C.G.A. §§ 31-21-6 and 36-72-1 *et seq.*, must occur.

Sec. 8-13009. 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, digging tool, or similar such devices or instruments on public property without the prior written approval of the City Manager shall be prohibited. The use of these devices or instruments for purposes of complying with this Ordinance shall be permitted.

Each violation of this section shall be subject to penalties provided in Sec. 1-1013 of this Code.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This Chapter shall be effective when the Mayor fixes his signature below.

ADOPTED AND APPROVED: _____

MAYOR

CLERK OF COUNCIL