

## CHAPTER 19

### HISTORIC AND ARCHAEOLOGICAL RESOURCE PROTECTION

#### **SECTION 1: PURPOSE AND INTENT**

It is the purpose of this chapter:

- a) to protect and perpetuate the natural and cultural heritage of significant historic and/or archaeological sites and structures for the benefit, education and enjoyment of future generations;
- b) to protect the public interest in historic and/or archaeological sites and structures from adverse activities, land uses, excavations, construction, destruction and other impacts, and to prevent the unnecessary removal of historic structures of archaeological artifacts;
- c) to stabilize and improve property values, while providing attractions to residents, tourists and visitors, a stimulus to business and industry and a mode to preserve the beauty and historical past of the City of Umatilla; and
- d) to implement policies of the Comprehensive Plan regarding such protection.

#### **SECTION 2: PROHIBITED ACTIVITY**

Within the City of Umatilla, it shall be unlawful for any person, group, organization or agency to knowingly and/or willfully damage, alter, destroy, deface, renovate, relocate, excavate or otherwise disturb any known or designated historic or archaeological resource without prior and appropriate authorization from the City of Umatilla, City Clerk and from any additional state or federal regulatory agency with applicable jurisdiction.

#### **SECTION 3: PETITIONS, DESIGNATIONS AND APPEALS**

A Historic or Archaeological designation request may be initiated by a written petition from a property owner or by an appropriate authorized agency of the U.S. Government and/or the State of Florida.

- a) Written petitions for Historic or Archaeological designations may be initiated by, or authorized by, the property owner(s). This request shall be submitted to the City of Umatilla, City Clerk and shall be accompanied by any additional information necessary, as requested by the City Clerk. The City Clerk shall

review all potential historic designations, and provide additional information, comments and recommendations to the public.

- b) Upon petition/request for historic or archaeological resource designation, the City Clerk shall provide written notification to the property owner(s) of the intent to consider a proposed historic designation at least thirty (30) calendar days prior to the date of a City Council public hearing as provided for in Chapter 3, "Administration".
- c) Upon request for historic resources designation involving human burial remains, all issued or pending permits pertaining to the affected portion of the subject property shall be suspended, and no new permits shall be issued or reinstated for a period of up to fifteen (15) consecutive days or until a final report is received from the State archaeologist or district medical examiner.
- d) The City Clerk shall hold public hearings to consider petitions/requests for historic designations pursuant to the criteria of this Chapter.
- e) All petitions and requests for Historic designations approved by a majority vote of the City Council shall designate an area, site artifact, excavation, structure or other resource as an historic resource, regulated by the provisions of this chapter.

**SECTION 4:            APPEALS**

Decisions and/or designations by the City Clerk concerning historic resources within the City of Umatilla are subject to the procedures and provisions of the City Council as set forth by Chapter 3, "Administration". Appeals of the Council's decision may be initiated by the subject property owner or authorized agent.

Upon any appeal of the City Council's decision, the City Clerk may continue the suspension of all activities and permits within that portion of the site associated with the historic or archaeological resources in question, pending a final decision or agreement between the City Clerk and the subject property owner(s) or a rendering of a decision of appeal, whichever occurs first. Any property owner(s) may waive the deadlines set forth in this ordinance or request an earlier hearing by written request to the City Clerk, which shall approve, deny or approve with conditions all waiver requests.

**SECTION 5:            EXEMPTIONS**

Duly authorized agents of the State of Florida or the Federal Government or organizations authorized by the City of Umatilla conducting bona fide scientific surveys, investigations, excavations or explorations for the purpose of identification, protection or exhumation of historical resources of the City of Umatilla, may be exempted from the provisions of this ordinance, provided such exemptions are deemed to be in the best interest of the citizens of the City of Umatilla, the State of Florida or the nation.

**SECTION 6:            ARCHAEOLOGICAL PROTECTION**

a)     Archaeological survey requirements

Within the City of Umatilla, any person(s), company, organization or governmental agency engaged or promoting activities which unearth, uncover, or otherwise reveal any suspected archaeological site, burial, artifact, or other remains, shall be required to immediately notify the City of Umatilla, City Clerk's office, as to the nature, size and exact location of the suspected find. In addition, staff shall have authority to request an archaeological survey form a representative of an authorized agency or qualified archaeologist for development in any area known or documented to contain historic resources. If the presence of historic resources is confirmed, all activities, permits and/or exemptions associated with that portion of the subject site shall be temporarily suspended for a period of three (3) working days, or until initial site inspection, subsequent evaluation and site release to continue work is issued by staff, whichever occurs first. However, following the initial site inspection, if human burial remains are found, staff shall have authority to temporarily suspend for up to fifteen (15) days all activities, permits and/or exemptions concerning the subject site until a subsequent inspection and evaluation is conducted by a representative of a qualified agency with experience in archaeological identifications or by the medical examiner. Any known or suspected archaeological sites, artifacts, remains or other resources shall be reported to staff, which shall have the following authority:

- 1)     To request that the property owner conduct a scientific excavation and evaluation of the site under the direction of an archaeologist;
- 2)     To make recommendations to the City Clerk as to the nature, importance and possible preservation and/or protection of the known or suspected archaeological remains;
- 3)     To review for consistency all proposed mitigation procedures and potential adverse impacts to the subject site;
- 4)     To recommend/comment on variance requests for archaeological protection; and
- 5)     To recommend/comment on potential public acquisitions for archaeological preservation.

**SECTION 7:            EXCAVATIONS**

All subsequent excavations, removals, preservations, designations, displays or mitigation concerning a potential, known, or designated archaeological site, must be approved by the City Clerk upon recommendation by the appropriate state or federal authorities. All

approved excavations shall be in strict accordance with the recommendations, permits, approvals or authorizations of the City clerk and any appropriate state or federal agencies with jurisdiction and knowledge of archaeological resources.

**SECTION 8:**                    **HUMAN BURIALS**

Chapter 872 of the Florida Statutes (Offenses Concerning Dead Bodies and Graves, 1987) effects a third degree felony for persons who willfully and knowingly disturb any human burial remains. Any person who knows or has reason to know that an unmarked human burial is being unlawfully disturbed, destroyed, defaced, mutilated, removed, excavated or exposed shall immediately notify the local law enforcement agency with jurisdiction in the areas where the unmarked human burial is located. Persons with knowledge of the disturbance who fail to notify the local law enforcement agency will be guilty of a misdemeanor of the second degree. All subsequent actions concerning the subject human burial shall be in compliance with Chapter 872 of the Florida Statutes.

**SECTION 9:**                    **ENFORCEMENT & PENALTY**

Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than sixty (60) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.