

ORDINANCE NO.	<u>2020-xx</u>
INTRODUCED	<u>xx/xx/2020</u>
PUBLIC HEARING	<u>xx/xx/2020</u>
ENACTED	<u>xx/xx/2020</u>
EFFECTIVE	<u>xx/xx/2020</u>

ORDINANCE TO AMEND ARTICLE I, “PUBLIC NUISANCES, MORALS AND CONDUCT” TO: RENUMBER SECTION 14 AS SECTION 13, RENUMBER SECTION 13 AS SECTION 17, ADD REVISED SECTION 14 USE AND ENJOYMENT OF TOWN WOODS,” SECTION 15 “REMOVAL OF ARCHEOLOGICAL OR CULTURAL ARTIFACTS OR FOSSILS AND SECTION 16 “INJURY TO OR REMOVAL OF TREES, PLANTS OR MINERALS IN THE WOODS”

**WHEREAS**, The preservation of the East and West Woods, and the wooded portions of Morgan Park (the “Woods”) as both a natural habitat for native wildlife that buffers the town and as areas of sanctuary for residents to walk is an important objective of the “Town Within a Forest”; and

**WHEREAS**, The Woods are situated within, and contribute to the historic significance of the recently expanded and updated Washington Grove Historic District; and

**WHEREAS**, Humans have lived in, worked and traversed The Woods for thousands of years, and may have left behind fragile and unique archaeological sites as evidence of their past activities, such sites consisting of both physical features and cultural artifacts which are the property of the Town; and

**WHEREAS**, The Woods may contain plant or animal fossils produced over the millions of years that life has existed on this continent, which fossils are the property of the Town; and

**WHEREAS**, The Woods consist of a broad variety of trees and plants that are Town property and which are interdependent and essential to the preservation of the Woods; and

**WHEREAS**, The Woods may contain deposits of valuable minerals that are town property and the removal of such minerals would likely cause serious damage to The Woods and well as deprive the Town of its property rights in said minerals; and

**WHEREAS**, the Town Charter empowers the Town Council to adopt ordinances it deems necessary for, *inter alia*, the protection and preservation of the Town's property rights and privileges; for the protection of peace and good order, and the promotion of the health, safety, comfort, convenience, welfare and happiness of the residents and visitors to the town; and

**WHEREAS**, It is in the public interest to empower the Town Council to adopt rules and regulations governing the use of the Town Woods; to prohibit the disturbance of archeological or paleontological sites and removal of the cultural artifacts or fossils they may contain except in accordance with a permit issued by the Town; to prohibit the damage or removal of plants and trees in The Woods; and to prohibit the removal of minerals from the Woods except upon permit issued by the Town.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Town, Article I is hereby amended to: renumber Section 14 as Section 13, renumber Section 13 as Section 17, add revised Section 14 and the following Sections 15 and 16 to read as follows:

**SECTION 14. Use and enjoyment of Town Woods**

Use and enjoyment of the Town Woods, including the East and West Woods and the wooded portion of Morgan Park and the established trails therein within the Town of Washington Grove, are subject to such rules and regulations as the Council may adopt by resolution.

**SECTION 15. Removal of Archeological or Cultural Artifacts or Fossils**

No person shall search for, whether or not disturbing the ground, or remove from The Woods or any Town park or land, any archeological or cultural artifacts, or fossils, except in accordance with a permit issued by the Mayor upon authorization of the Council and the Historical Preservation Commission and upon the recommendation of the Woods Committee. Application for such a permit should include a plan for a preliminary archaeological assessment prepared in consultation with the Historic Preservation Commission and consistent with professionally

recognized standards. Those applying for a permit should meet the current professional qualification standards for archaeologists used by the National Park Service and referenced in the Code of Federal Regulations, 36 C.F.R. Part 61. The permit shall require that all recovered artifacts, once analyzed, be submitted to the Town and the Historic Preservation Commission accompanied by a list thereof and by a report detailing the results of the assessment.

No person shall search for, undertake any ground disturbing activities, or remove from The Woods, or any Town park or land, any fossil except in accordance with a permit issued by the Mayor upon authorization of the Council and recommendations of the Woods Committee. Application for such permit shall include a detailed plan for the search and removal of such fossils and identification of the supervisor of such search and removal to include the professional qualifications thereof. The permit shall require that all such artifacts or fossils be submitted to the Town accompanied by a list thereof.

**SECTION 16. Injury to or Removal of Trees, Plants or Minerals in The Woods**

No person shall injure, destroy, remove or interfere in any way with any trees, plants or minerals in The Woods, or any Town park or land. This section shall not apply to actions authorized by the Town and under direction of the Woods Committee or the Forestry and Beautification Committee, for removal of invasive species, trail maintenance, or actions necessary to protect safety of persons or property or to removal of minerals pursuant to a permit issued by the Town.

**EFFECTIVE DATE:** This Ordinance shall become effective thirty (30) days from the date of enactment hereof in the absence of a petition by qualified voters as set forth in Section 15 of the Charter of the Town.

ADOPTED THIS xx DAY OF XXXXXXXX, 2020.

TOWN OF WASHINGTON GROVE

\_\_\_\_\_  
John Compton, Mayor

ATTEST:

\_\_\_\_\_  
Kathy Lehman, Clerk

\_\_\_\_\_  
Date