



ORDINANCE NO.	<u>2021-07</u>
INTRODUCED	<u>04/12/2021</u>
PUBLIC HEARING	<u>05/17/2021</u>
ENACTED	<u>XX/XX/2021</u>
EFFECTIVE	<u>XX/XX/2021</u>

ORDINANCE TO AMEND ARTICLE I, “PUBLIC NUISANCES, MORALS AND CONDUCT,” TO: SPECIFY THE EXPIRATION LIMITS FOR PERMITS REQUIRED BY SECTION 15, AND SPECIFY THAT APPLICATIONS FOR THE PERMITS REQUIRED BY SECTION 15 MUST BE ACCOMPANIED BY THE FEES SPECIFIED IN ARTICLE XVI; TO AMEND ARTICLE XVI, SCHEDULE OF FEES, TO ADD SECTION 12, ARCHEOLOGICAL OR FOSSIL PERMIT FEES; AND TO AMEND THE TITLE OF ARTICLE I

WHEREAS, Section 15 of Article I of this Code of Ordinances provides that no person shall search for or remove archeological or cultural artifacts or fossils from any town land except in accordance with a duly issued permit, and

WHEREAS, the issuance of such permits, including evaluation and oversight imposes costs on the Town that are properly recovered from the permit applicant, and

WHEREAS, the use of the word “morals” in the title of Article I is no longer considered appropriate and the title should be revised to be consistent with its current purpose and scope.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town, Article I is hereby amended to specify expiration periods for the permits required by Section 15, and specify that applications for the permits required by Section 15 must be accompanied by the fees specified in Article XVI, Section 12; and Article XVI, Schedule of Fees is amended to add Section 12, Archeological and Fossil Permit Fees; to read as follows:

ARTICLE I

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, except in accordance with a permit issued by the Mayor following review by the Historic Preservation Commission and upon authorization of the Council. The permit shall require that all recovered artifacts be submitted to the Town and the Historic Preservation Commission

No person shall search for, whether or not disturbing the ground, or remove from the Woods, or any Town park or land, any fossil except in accordance with a permit issued by the Mayor

following review by the Historic Preservation Commission and upon authorization of the Council. The permit shall require that all such artifacts or fossils be submitted to the Town accompanied by a list thereof.

SUCH PERMITS WILL EXPIRE IF WORK IS NOT BEGUN WITHIN SIX (6) MONTHS OF ISSUANCE. IF WORK IS BEGUN WITHIN SIX MONTHS OF ISSUANCE, THE PERMIT SHALL EXPIRE ONE (1) YEAR AFTER ISSUANCE. APPLICATION FOR SUCH PERMIT SHALL BE ACCOMPANIED BY THE FEE SPECIFIED IN ARTICLE XVI FOR ARCHEOLOGICAL OR FOSSIL PERMITS.

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ARTICLE XVI

SECTION 12 Archeological or Fossil Permit Fees

- (a) Initial Permit Fee is \$100.00
- (b) Additional fee for Permit Applications that, upon review require the Town to incur additional expense for, *inter alia*, professional evaluation. The applicant will be advised of the projected additional cost and given the option to withdraw the application; whereupon one half of the initial fee will be refunded.
- (c) The Town may, by Resolution, waive all or a portion of the fees specified in subsections (a) and (b) where the applicant is a non-profit scholarly or research entity and waiver would be in the best interest of the town and the scientific community.

NOW THEREFORE, BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the Town, the existing title of Article I is deleted and is replaced by a new title to read: "NUISANCES, OFFENSES AND OTHER PROCEDURES."

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.

ENACTED THIS __DAY OF _____ 2021.

TOWN OF WASHINGTON GROVE

John Compton, Mayor

ATTEST:

Kathryn L. Lehman, Clerk Date