

## **CHAPTER 3 SPECIAL DISTRICTS**

### **Part 7      Regulations for Designated Archaeological Sites**

#### **Sec. 13-3-27 Demolition, Excavating, Building & Development.**

Any person performing demolition, excavating, building, or development requiring a permit from the City of Onalaska within a designated Archaeological District shall notify the City of Onalaska Inspection Department or its designee not less than two (2) full weeks prior to commencing activities disturbing more than twenty (20) sf of soil to a depth of two (2) feet or greater except in the case of emergency excavations as approved by the City Engineer or the Land Use and Development Director. Such notice shall be in writing and shall include a description and location of the proposed work, the depth and area of the proposed soil disruption, and the proposed date and time of commencement of such work.

#### **Sec. 13-3-28 Regulations.**

Any person, persons or entity receiving a permit for demolition, excavating, building or development to be done in a designated Archaeological District that includes soil disturbance of more than twenty (20) sf to a depth of two (2) feet or greater shall as a condition of such permit:

- (a) Provide an Archaeological Survey by a regional qualified archaeologist of the site affected by the permit or provide unlimited and uninhibited access by the regional qualified archaeologist to the site of any such demolition, excavating, building or development that includes disturbing more than twenty (20) sf of soil to a depth of two (2) feet or greater for the two (2) week investigation period outlined in (2) below and during any period when excavation or soil disruption is taking place, and after archaeological artifacts are found, subject to reasonable safety requirements.
- (b) The regional qualified archaeologist shall have up two (2) consecutive weeks excluding holidays after the initial notification of the City Inspection Department to investigate the site. No additional work may be done by the permittee or permittee's agents during this period that would interfere with the archaeological investigation. If no significant archaeological resources are found by the regional archaeologist, work on demolition, excavating, building or development that includes disturbing more than twenty (20) sf of soil to a depth of two (2) feet or greater may resume following permit issuance by the City and the parcel may be removed from the boundaries of the Archaeological District. If the regional archaeologist does not investigate the site following notification of the City Inspection Department of the presence of archaeological artifacts, human remains, or other clear evidence of historic or prehistoric activity, work may be resumed following permit issuance by the City.

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- (c) The Permittee and any agents of permittee shall agree that any archaeological artifacts discovered will remain the property of the land owner upon whose land the artifacts were found unless the owner relinquishes ownership of the artifacts to the Mississippi Valley Archaeology Center as a public repository. The regional qualified archaeologist shall provide an itemized inventory report of all artifacts following such removal. Such artifacts may be held by the regional archaeologist for a reasonable period, not to exceed twelve (12) months, for study and identification, but shall be returned to the landowner at the end of such period unless the artifacts have been relinquished by the property owner to the Mississippi Valley Archaeology Center. Any human remains discovered shall be dealt with in accordance with applicable state and federal law.
- (d) The requirements listed for permittees in an Archaeological District in Paragraphs 1, 2 and 3 shall also apply to all City of Onalaska departments, utilities, contractors, and agents regardless of whether a permit is required for any proposed work in an Archaeological District, if the work will result in disrupting more than twenty (20) sf of soil to a depth of two (2) feet or greater.
- (e) The City may waive the requirement for archaeological investigation if significant proof of land disturbance has been provided by the owner, and the area in it's entirety to be affected by the proposed construction has been previously excavated to a depth of two (2) feet or greater.

### **Sec. 13-3-29 Penalties.**

Any person violating any provision of this Chapter, except as otherwise provided in this Chapter, including those provisions of the Wis. Stats., Wis. Adm. Code or other materials which are incorporated herein by reference shall be subject to the penalties as outlined in Title 1, Chapter 2 of the Code of Ordinances.

