

CHAPTER 23
ANTIQUITIES ACT

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CHAPTER 23
ANTIQUITIES ACT

Section 23-1. – Definitions – As used in this Chapter, unless the context requires a different meaning:

“Director” means the Town Manager of the Town of Saltville or in the event of a vacancy in said office, the Mayor.

“Saltville Foundation” means the governing body of the Museum of the Middle Appalachians.

“Field investigation” means the study of the traces of human culture at any site by means of surveying, sampling, excavating, or removing surface or subsurface material, or going on a site with that intent.

“Object of Antiquity” means any relic, artifact, remain, including human skeletal remains, specimen, or other archaeological or paleontological article that may be found on, in, or below the surface of the earth which has historic, scientific, archaeological, paleontological, or educational value.

“Person” means any natural individual, partnership, association, corporation, or other legal entity.

“Site” means a geographical area on dry land that contains any evidence of human activity which is or may be the source of important historic, scientific, archaeological, paleontological, or educational data or objects.

“Town” means the Town of Saltville, a Virginia municipal corporation.

“Town archaeological or paleontological site” means an area designated by the Director and the Saltville Foundation in which it is reasonable to expect to find objects of antiquity.

“Town archaeological or paleontological zone” means an interrelated grouping of town archaeological or paleontological sites.

“Town-controlled land” means any land owned by the Town of Saltville or under the primary administrative jurisdiction of the town. Such land includes, but is not limited to parks, wildlife areas, recreation areas, highway right-of-way, and town-owned easements.

Section 23-2. – Duties of Director and the Saltville Foundation – The Director and the Saltville Foundation shall:

- 1) Coordinate all archaeological and paleontological research on town-controlled land and in town-controlled archeological and paleontological sites and zones;
- 2) Coordinate a survey of significant archaeological and paleontological sites located on town-controlled land, and upon request, survey and officially recognize significant archaeological and paleontological sites on privately owned property;
- 3) Identify, evaluate, preserve, and protect sites and objects of antiquity which have historic, scientific, archaeological, paleontological, or educational value and are located on town-controlled land or on town archaeological or paleontological sites or zones;
- 4) Protect archaeological or paleontological sites and objects located on town-controlled land or on town archaeological or paleontological sites or zones from neglect, desecration, damage, and destruction;
- 5) Ensure that archaeological and paleontological sites and objects located on town-controlled land or on town archaeological or paleontological sites or zones are identified, evaluated, and properly explored so that adequate records may be made;

6) Encourage private owners of designated town archaeological and paleontological sites to cooperate with the Commonwealth of Virginia and the town to preserve the site; and

7) Encourage a town-wide archaeological and paleontological education program to inform the general public of the importance of its irreplaceable archaeological and paleontological heritage.

Section 23-3. – Permit required to conduct field investigations; ownership of objects of antiquity; penalty – A. It shall be unlawful for any person to conduct any type of field investigation, exploration, or recovery operation involving the removal, destruction, or disturbance of any object of antiquity on town-controlled land, or on a town archaeological or paleontological site or zone without first receiving a permit from the Director and the Saltville Foundation.

B. The Director and the Saltville Foundation may issue a permit to conduct field investigations if they find that is in the best interest of the town, and the applicant is an historic, scientific, or educational institution, professional archaeologist, paleontologist, or amateur who is qualified and recognized in the area of field investigations, archaeology, or paleontology.

C. The permit shall require that all objects of antiquity that are recovered from town-controlled land shall be the exclusive property of the town. Title to some or all of the objects of antiquity which are discovered or removed from a town archaeological or paleontological site not located on town-controlled land may be retained by the owner of such land. All objects of antiquity that are discovered or recovered on or from town-controlled land shall be retained by the town unless they are released to the applicant by the Director and the Saltville Foundation.

D. All field investigations, explorations, or recovery operations undertaken pursuant to a permit issued under this section shall be carried out under the general supervision of the Director and the Saltville Foundation and in a manner to ensure that the maximum amount of historic, scientific, archaeological, paleontological, and educational information may be recovered and preserved in addition to the physical recovery of objects.

E. If the field investigation described in the application is likely to interfere with the activity of any state or town agency, no permit shall be issued unless the applicant has secured the written approval of such agency.

F. Any person who violates the provisions of the section shall be guilty of a Class 1 misdemeanor.

Section 23-4. – Control of archaeological and paleontological sites; authority of the Director and the Saltville Foundation to contract - A. The Town of Saltville reserves to itself, through the Director and the Saltville Foundation, the exclusive right and privilege of field investigation on sites that are on town-controlled land. The Director and the Saltville Foundation shall first obtain all permits of other state or town agencies required by law. The Director and the Saltville Foundation are authorized to permit others to conduct such investigation.

B. All objects of antiquity derived from or found on town-controlled land shall remain the property of the Town of Saltville.

Section 23-5. – Designating archaeological and paleontological sites and zones – The Director and the Saltville Foundation may designate town archaeological and paleontological sites and zones on private property or on property owned by any county, city, town, board, or

authority organized to perform local or regional functions in the Commonwealth provided that the Director and the Saltville Foundation secure the expressed prior written consent of the owner of the property involved. Field investigations may not be conducted on a designated site without a permit issued by the Director and the Saltville Foundation pursuant to Section 10.1.

Section 23-6. – Permit required for the archaeological excavation of human remains –

A. It shall be unlawful for any person to conduct any type of archaeological field investigation involving the removal of human skeletal remains or associated artifacts from any unmarked human burial regardless of age of an archaeological site and regardless of ownership without first receiving a permit from the Director and the Saltville Foundation.

B. Any interested party may appeal the Director's and Saltville Foundation's decision to issue a permit or to act directly to excavate human remains to the local circuit court. Such appeal must be filed within fourteen days of the Director's and the Saltville Foundation's decision.

Section 23-7. – Violations; penalty – It shall be unlawful to intentionally deface, damage, destroy, displace, disturb, or remove any object of antiquity on any designated town archaeological or paleontological site on town-controlled land.

Any person who violates this section shall be guilty of a Class 1 misdemeanor.