

Protocol for Metal Detecting and the Discovery of Archaeological Finds



Windsor has a rich archaeological heritage that extends back over 10,000 years, this includes the rich cultural diversity of our Indigenous communities as well as non-Indigenous peoples who have been settled in the area in the past 300 years. The city's extensive history yields a number of areas that have high archaeological potential, some of these areas are identified and protected but it may also be possible to find artifacts of archaeological or cultural importance outside of these areas.

What is an artifact?

Archaeological resources help us to understand the history of a people or place. An archaeological artifact is defined under the *Ontario Heritage Act* as any object, material or substance that is made, modified, used, deposited or affected by human action and is of cultural heritage value or interest. Because of the passage of time, most archaeological resources are below the surface of the land or water. Not all finds are artifacts. An archaeologist should be contacted in order to determine and confirm if a find is in fact an artifact. The Windsor Chapter of the Ontario Archaeological Society (OAS) has 3 licensed archaeologists who may be able to assist in determining whether a find is an artifact and therefore protected under the *Ontario Heritage Act*.

Things to Bring When You Metal Detect

According to the City of Windsor Parks Bylaw's *Procedure for Metal Detecting in City Parks*, you must be carrying the registered Metal Detector Permit when metal detecting in the City Parks at all times, and bring along the flag marker provided to you at the time of registration. The Ministry of Heritage, Sport, Tourism and Culture strongly advises that detectorists carry GPS or other devices to record the coordinates of the finds. You must also either have a mobile phone with internet access in order to access the online "Reporting form for Metal Detecting and Discovery of Archaeological Finds" or bring along a hard copy of the form with a camera to take photos of the finds.

What Laws Regulate the Discovery of Archaeological Artifacts?

According to the *Ontario Heritage Act*, any activity carried out on, above or under land or water for the purpose of obtaining and documenting data, recovering artifacts and remains or altering an archaeological site, including monitoring, assessing, exploring, surveying, recovering and excavating, is classified as *archaeological fieldwork* and is subject to licensing. The Ministry of Heritage, Sport, Tourism, and Culture (MHSTC) strongly recommends that detectorists obtain an Avocational License. **Any person who contravenes the *Ontario Heritage Act* by conducting archaeological fieldwork, altering an archaeological site or removing an artifact or any other physical evidence of past human use or activity from an archaeological site without a license is guilty of an offence and on conviction is liable to a maximum fine of \$1,000,000 or to imprisonment for a term of not more than one year, or to both.** Under the *Ontario Heritage Act*, the Minister may direct that artifacts discovered in the process of licensed archaeological fieldwork be deposited in a public institution and held in trust for people of Ontario; the Minister may also authorize the seizure of artifacts discovered through unlicensed fieldwork. In addition to the *Ontario Heritage Act*, individuals engaged in metal detecting within City Parks are bound by all other applicable laws and regulations including, but not limited to, the *City of Windsor Parks By-law* and the *Trespass to Property Act*. Violators will be prosecuted to the full extent of the law.

What Should You Do if You Discover an artifact?

1. If you have discovered or suspect that you have discovered an artifact (not limited to metal objects), stop the ground disturbance immediately. **Do not collect or remove the artifact.** Record the GPS coordinates where the artifact is found. This can be determined via a GPS or an application designed for this purposes.
2. Immediately fill in the "Reporting Form for Metal Detecting and the Discovery of Archaeological Artifacts", which includes taking a photo of the site and suspected artifact as it lies. You must then contact either the Ontario Archaeological Society (OAS) Windsor chapter at oaswindsor@gmail.com or a licensed archaeologist and provide them with a completed copy of the form. A licensed archaeologist is required to re-locate and verify the artifact. Any cost associated with this is at the detector's expense.
3. Flag the location. Cease any further metal detecting in the park.
4. Call 311 to report the find and provide the location.

If the OAS/archaeologist determines that the find is an artifact, the archaeologist shall collect and retain the artifact and contact the MHSTC, and the City of Windsor Parks Department and submit an Archeological Site Form as required by the Ministry, to be entered in the Ontario Archaeological Sites Database. Metal Detecting activities in the subject park will be removed from the allowable list of parks for Metal Detecting and an update will be sent to all registered Metal Detectors to inform them of this change.

If an artifact is confirmed Indigenous, the City's Heritage Planning Department will notify the Indigenous community. Artifacts shall be returned to Indigenous Community who has expressed interests through a process, administered by MHSTC

What Should You Do if You Discover Human Remains?

If you suspect that you have come across human remains, **you must contact the Police (Call 911)** immediately and stop any further disturbance of the bones and other associated materials as the site may constitute a crime scene. Improper interference with human remains is an indictable offence under section 182 of the Criminal Code. Artifacts cannot be retrieved from burials even if the site is not a crime scene as they are considered grave goods. The police will secure the site and determine whether the site is a possible crime scene and gather evidence. The Local police or coroner will then notify the MHSTC and the Registrar at the Ministry of Government and Consumer Services if needed. Do not resume any further metal detecting activities within the park, unless confirmation has been received from the Police, and the City of Windsor's Planning or Parks staff.