

ARTICLE 4. PORT USE

Rule 1. Prohibited Acts

130 IAC 4-1-1 Commercial activity

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 1. No person shall:

(1) offer or display goods or services for sale;

(2) post, distribute, or display signs, advertisements, circulars, or written or printed matter; or

(3) operate mobile or stationary public address equipment;

unless the commission shall have granted permission therefore; provided, however, that this section shall not apply to the display of customary warning, identifying, advertising, or like signs on a vehicle ordinarily and customarily carrying such signs. (*Ports of Indiana; 130 IAC 4-1-1; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-2 Unauthorized use of areas

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 2. (a) No one shall make unauthorized use of any area within the port area. Unauthorized occupants are subject to immediate ejection, and unauthorized material on site is subject to removal to storage areas at the owner's expense.

(b) Stevedores' tools, appliances and equipment, donkey engines, vehicles, or any other material or object, which are not part of the cargo, are not permitted to remain on the wharves or other public areas. Such materials shall be removed and stored at the owner's expense. (*Ports of Indiana; 130 IAC 4-1-2; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-3 Areas closed to public

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 3. No person shall enter any restricted area posted as being closed to the public, except a person:

(1) assigned to duty in the restricted area; or

(2) under the supervision and control of the port director or other personnel duly authorized to enter the restricted area.

(*Ports of Indiana; 130 IAC 4-1-3; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-4 Solicitation prohibited

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 4. No person shall solicit funds for any purpose on the port area without the written consent of the port commission. (*Ports of Indiana; 130 IAC 4-1-4; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-5 Photography prohibited

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 5. No person shall take still, motion, or sound pictures on any port or port area except by special permission of the port director. (*Ports of Indiana; 130 IAC 4-1-5; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-6 Designated traffic areas; obstruction

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 6. No person shall travel on the port area other than on the roads, walks, or places provided for the particular class of traffic, nor shall any person use the roads or walks in such a manner as to hinder or obstruct their proper use. (*Ports of Indiana; 130 IAC 4-1-6; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-7 Firearms and explosives

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 7. (a) No person except port security, conservation officers, police officers, customs officers, or members of the armed forces of the United States on official duty shall carry any firearms, concealed weapons, explosives, or similar inflammable materials on the port area.

(b) All persons other than the excepted classes shall:

(1) surrender all objects described in subsection (a) to the port security on guard at the entrance gate or to the port director;

(2) be given a receipt; and

(3) recover the object upon leaving the port area and surrendering the receipt.

(c) Shooting anywhere on the port area, either over or on the water or land, within the confines of any port boundary is prohibited without the consent of the port director. (*Ports of Indiana; 130 IAC 4-1-7; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-8 Prohibited articles

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 8. No person shall transport or carry on the port property any of the following:

(1) Alcoholic beverages (excepting, however, alcoholic beverages permitted to be brought into the United States on cruise ships and in course of shipment).

(2) Firearms.

(3) Weapons.

(4) Explosives.

(5) Narcotics.

(6) Obscene literature.

(*Ports of Indiana; 130 IAC 4-1-8; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3709; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-9 No smoking areas

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 9. Persons shall not smoke on:

(1) the wharves or in the warehouses, sheds, and other structures of the port, set apart for:

(A) the loading and unloading of vessels;

(B) the storage or warehousing of their cargoes, or other merchandise;

(2) any truck dray, float, automobile, or vehicle of any kind when using such structure.

A person shall not smoke or use matches or cigar or cigarette lighters in the hold of any vessel or upon the decks thereof, while loading or unloading cargo. (*Ports of Indiana; 130 IAC 4-1-9; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3710; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-10 Entry and exit permits

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 10. (a) Every person entering or leaving the port area shall stop at the entrance gate, identify himself or herself to the commission through its authorized employees or port security, and state his or her business and reason for being on the port area. If the person's business and purpose of being in the port area is in furtherance of or incidental to the operation and maintenance of the port area, the person shall be issued a temporary visitor's pass to enter the port area, which pass shall be completely filled out, signed by the visited party, and surrender [*sic.*, *surrendered*] upon leaving the port area.

(b) The commission, through its authorized employees, or port security shall refuse admittance to the port area to anyone whose purpose in the port area is not in furtherance of or incidental to the operation and maintenance of the port area.

(c) No admittance will be permitted to sheds, warehouses, platforms, docks, or other structures, except to those having business to transact with the commission or with its tenants and lessees.

(d) The commission, through its authorized employees, or port security shall refuse admittance to the port area to any person under the influence of intoxicants or drugs.

(e) A special permit and identification card may be given to persons regularly employed in the port area and will be used in lieu of any other identification or permit to enter and leave the port area upon presentation to the commission, through its authorized employees, or port security. The special permit shall not be transferable and may be taken up by the commission through its authorized employees or port police at any time for violation of port area rules.

(f) The operator of any vehicle entering or leaving the port area shall:

(1) dim his or her lights and bring his or her vehicle to a complete stop at the gate;

(2) identify himself or herself and his or her passengers and show his or her operator's permit and identification card to the port security; and

(3) state his or her business and reason for being in the port area.

The commission, through its authorized employees or port security, shall refuse admittance to the port area to any person or vehicle without an operator's permit and whose purpose in the port area is not in furtherance of or incidental to the operation and maintenance of the port area.

(g) A visitor's pass for the vehicle windshield area may be issued to the operator of a vehicle after identification that will permit the operator of the vehicle and passengers in the vehicle for a limited period to view the facilities of the port area or to use the public fishing area. The pass shall be surrendered to the port security upon leaving the port area. (*Ports of Indiana; 130 IAC 4-1-10; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3710; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-11 Fishing; swimming; boat launching

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 11. (a) No person shall fish in the port area between sunset and sunrise. Fishing is allowed only within the designated fishing area that is maintained and is under the jurisdiction of the department of natural resources and the commission.

(b) No person shall launch a boat or fish from a boat in the port area.

(c) Swimming is prohibited in the port area. (*Ports of Indiana; 130 IAC 4-1-11; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3710; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-12 Minors

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 12. All minors in the port area must be accompanied by a responsible adult. (*Ports of Indiana; 130 IAC 4-1-12; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3710; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-13 Fires prohibited

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 13. No person shall ignite or maintain an open fire in the port area without the consent of the port director. (*Ports of Indiana; 130 IAC 4-1-13; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-14 Searches of persons, vehicles, and cargoes

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 14. Every motor vehicle, truck, trailer, vessel, semitrailer, and any person or cargo therein shall be subject to complete search and inspection by the commission, through its authorized employees, or port security on entering or leaving the port area and within the port area. No person shall interfere with or hinder the commission or port security in the conduct of any search. (*Ports of Indiana; 130 IAC 4-1-14; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-15 Compliance with orders

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 15. No persons shall disobey any lawful and reasonable order given by the executive director, port director, port security, or other duly authorized port employee. Port employees may be invested with the authority by the executive director or port director to carry on the business of the commission and to enforce the rules of the commission. (*Ports of Indiana; 130 IAC 4-1-15; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-16 Damage to commission property

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 16. No person shall:

- (1) cut, mutilate, or remove any tree, shrub, or plant; or
- (2) deface, damage, mutilate, destroy, mar, or otherwise damage any signs, structures, fences, or any other property or equipment;

owned by or under the jurisdiction or control of the commission without the consent of the port director. (*Ports of Indiana; 130 IAC 4-1-16; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-17 Disposal of litter, harmful material, and waste

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 17. No person shall place, drop, or permit to be dropped any litter upon the port roads, harbor property, or any article that may damage or injure any person or property in or upon the port roads, harbor property or dispose of bottles, cans, papers, garbage, rubbish, or other waste material of any kind or description at any place upon the port roads or port area, except at places designated therefore within the port area. (*Ports of Indiana; 130 IAC 4-1-17; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-1-18 Discharge of liquid waste and other debris (Expired)

Sec. 18. (*Expired under IC 4-22-2.5, effective January 1, 2009.*)

130 IAC 4-1-19 Fire equipment

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 19. A person shall not obstruct or interfere with the free and easy access to, or remove, or in any manner disturb any fire extinguishers, fire hose, fire hydrant, or any other firefighting appliance or apparatus installed in or upon any wharf, building, or any location within a port area. (*Ports of Indiana; 130 IAC 4-1-19; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

Rule 2. General Provisions

130 IAC 4-2-1 Lease of commission land

Authority: IC 8-10-1-9
Affected: IC 8-10-1-7; IC 8-10-2-2

Sec. 1. (a) Land is available for lease at port sites under the control of the commission. Prospective tenants must meet the qualifications listed in this section.

(b) All port tenants must be registered, when required by law, with the Indiana secretary of state and be authorized to do business in Indiana.

(c) It is desirable that the intended commercial activities of prospective port tenants include direct use of waterborne commerce if at all practicable.

(d) The prospective port tenant must provide adequate assurance that the intended use of the port will comply with all applicable environmental quality laws and regulations.

(e) The prospective port tenant must provide evidence that the prospective tenant has adequate financial resources to undertake the proposed project. (*Ports of Indiana; 130 IAC 4-2-1; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3711; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-2-2 Construction on commission land

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 2. No construction shall commence within any port or upon any port area without the prior written consent from the executive director, the port engineer, or the port director. Any authorized construction shall be limited to the area specifically approved in writing by the executive director, the port engineer, or the port director. (*Ports of Indiana; 130 IAC 4-2-2; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-2-3 Packaging and labeling material

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 3. No radioactive material shall be transported in any vehicle or motor vehicle on the port roads or port area except in a package of sufficiently strong structure so as not to be affected in case the vehicle in which it is transported is involved in any kind of accident or occurrence, and such packaging shall bear legible labels identifying the contents and the radioactivity strength thereof, all in compliance with the Interstate Commerce Commission's regulations or other laws and regulations relating thereto. (*Ports of Indiana; 130 IAC 4-2-3; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA*)

130 IAC 4-2-4 Vehicle labels

Authority: IC 8-10-1-7; IC 8-10-1-9
Affected: IC 8-10-1

Sec. 4. Every vehicle transporting radioactive materials on the port roads or port area shall display upon exterior of the vehicle four (4) radioactive labels, each complying with the Interstate Commerce Commission's regulations relative thereto as to the size, color, and contents. Such labels shall be so designed and affixed as to be durable and legible for the entire trip such vehicle is transporting such material and shall be placed on such vehicle as follows:

- (1) One (1) on the front of the vehicle so as to be clearly visible to persons approaching the vehicle from the front thereof.
- (2) One (1) on the rear of the vehicle so as to be clearly visible to any persons approaching the vehicle from the rear thereof.
- (3) One (1) on each side of the vehicle clearly visible to persons approaching the vehicle from either side thereof.

(Ports of Indiana; 130 IAC 4-2-4; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA)

130 IAC 4-2-5 Permits required

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 5. No radioactive material may be transported in any vehicle on port roads or port area other than those materials listed on the exempt list in the appropriate Interstate Commerce Commission's regulations without first applying to the director of operations or the port director, or to his or her duly authorized representative. *(Ports of Indiana; 130 IAC 4-2-5; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA)*

130 IAC 4-2-6 Accidents

Authority: IC 8-10-1-7; IC 8-10-1-9

Affected: IC 8-10-1

Sec. 6. In the event of an accident occurring on the port road or port area, it shall be the responsibility of the driver of the vehicle wherein such material is transported, or any passenger therein, to notify the port director immediately, by telephone or radio or in person. In the event of such incident, it shall also be the responsibility of the carrier to prevent contamination of any port road or port property or exposure of any person on the port area, by taking every reasonable step to prevent the dispersal of such material in the interest of personnel into the affected area by setting out flares, lights, and flags as required in a case of a disabled vehicle, by the appropriate Interstate Commerce Commission's regulations. *(Ports of Indiana; 130 IAC 4-2-6; filed Jun 6, 2002, 11:22 a.m.: 25 IR 3712; readopted filed Nov 7, 2008, 1:50 p.m.: 20081203-IR-130080612RFA)*

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