

Document: Proposed Rule

Source: September 1, 2001, Indiana Register, Volume 24, Number 12

Disclaimer: These documents were created from the files used to produce the official (printed) Indiana Register, however, these documents are unofficial.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #01-34

DIGEST

Amends 312 IAC 8-2-2, 312 IAC 8-2-6, and 312 IAC 8-5-3, rules that govern the public use of DNR properties. The discharge of sink, shower, and other gray water through drains onboard a boat would be prohibited. A license would be required for the release of any animal on a DNR property. In addition to a property manager, any person authorized by the director could (subject to administrative review) restrict or reject a person from a DNR property for misconduct for a period not to exceed one year. Clarifies that a restriction or ejection can apply to all or any portion of a particular property, to multiple DNR properties, or to all DNR properties. Makes other technical changes. Effective January 1, 2002.

312 IAC 8-2-2

312 IAC 8-2-6

312 IAC 8-5-3

SECTION 1. 312 IAC 8-2-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-2 Trash, refuse, and sanitation

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14-15-2-7; IC 14-15-2-8

Sec. 2. (a) Trash, refuse, waste, garbage, glass, petroleum products, sewage, or another material must not be:

- (1) maintained, treated, or disposed in a manner that violates a federal or state law; or
- (2) brought onto a DNR property for disposal.

(b) A watercraft equipped with a toilet or galley may be inspected by a department representative at any time for compliance with IC 14-15-2-7, ~~and~~ IC 14-15-2-8, ~~and this section~~. Before ~~entering~~ **bringing a watercraft on a DNR** property, a person must make inoperative any outside drain of a toilet, ~~or~~ galley, **sink, shower, or similar facility located on the watercraft**.

(c) A vehicle, watercraft, aircraft, waste receptacle, or personal item must not be washed except in a designated area. (*Natural Resources Commission; 312 IAC 8-2-2; filed Oct 28, 1998, 3:32 p.m.: 22 IR 739, eff Jan 1, 1999*)

SECTION 2. 312 IAC 8-2-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-6 Animals brought by people to DNR properties

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 14-22-11-1

Sec. 6. (a) A person who possesses a pet must keep the animal caged or on a leash no more than six (6) feet long.

(b) If a pet appears likely to endanger a person or property or to create a nuisance, the owner may be required to immediately remove the pet from a DNR property.

(c) A person must not take or possess a cat, a dog, or other pet to a:

- (1) swimming beach;
- (2) swimming pool enclosure;
- (3) rental facility; or

(4) public building.

~~A seeing eye dog, a hearing guide dog, or another animal used to assist~~ **An assistance animal used by** a person with a disability is exempted from this subsection.

(d) A horse tag, receipt, or pass must be acquired and possessed for each horse that is brought into designated DNR properties from April 1 through November 30. At Brown County and Versailles State Parks and at Salamonie, the horse tag or pass must be prominently displayed on the left side of the bridle.

(e) A person must not allow livestock or domesticated animals to enter or remain upon a DNR property. These animals may be removed by the department and disposed or held at the owner's expense.

(f) A person must not release an animal on DNR property except under license issued by an authorized representative under this subsection. To receive a license, a person must demonstrate the animal is healthy and unlikely to endanger public safety or the environment. A person in violation of this subsection shall reimburse the department for any expenses reasonably incurred. (*Natural Resources Commission; 312 IAC 8-2-6; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 554, eff Jan 1, 2000*)

SECTION 3. 312 IAC 8-5-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-5-3 Ejection from a DNR property

Authority: IC 14-10-2-4; IC 14-11-2-1

Affected: IC 4-21.5; IC 14

Sec. 3. (a) A property manager or another authorized representative may require a person to leave a DNR property or may otherwise restrict a person's use of a DNR property.

(b) An ejection or restriction imposed under subsection (a) is effective immediately and applies for twenty-four (24) hours unless the property manager or other authorized representative specifies a shorter duration.

(c) Notwithstanding subsection (b), a property manager **or another authorized representative** may designate in writing that the ejection or restriction shall remain in effect for not more than one (1) year. An ejection or restriction under this subsection is subject to administrative review to the commission under IC 4-21.5.

(d) An ejection or restriction imposed under this section may be made applicable to all or a portion of particular DNR property, to multiple DNR properties, or to all DNR properties. (*Natural Resources Commission; 312 IAC 8-5-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 748, eff Jan 1, 1999*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on September 27, 2001 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to rules that govern the public use of DNR properties. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission