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TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #01-34(F)

DIGEST

Amends 312 IAC 8-2-6 and 312 IAC 8-5-3, rules that govern the public use of DNR properties. A license would be required for the release of any animal on a DNR property. Amends 312 IAC 8-5-3, so 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. (The Natural Resources Commission has, however, deferred action on amendments to 312 IAC 8-2-2 by which discharge of sink, shower, or other gray water through drains onboard a boat operated on a DNR property would be prohibited.). Effective January 1, 2002.

312 IAC 8-2-6

312 IAC 8-5-3

SECTION 1. 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; filed Nov 30,*

2001, 10:55 a.m.: 25 IR 1074, eff Jan 1, 2002)

SECTION 2. 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; filed Nov 30, 2001, 10:55 a.m.: 25 IR 1074, eff Jan 1, 2002*)

SECTION 3. SECTIONS 1 through 2 of this document take effect January 1, 2002.

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