

ARTICLE 6. PUBLIC USE OF CULTURAL AND HISTORIC SITES

Rule 1. Administration and Definitions

313 IAC 6-1-1 Application

Authority: IC 4-37-4-3

Affected: IC 4-37

Sec. 1. This article applies to use by a person of any corporation property. (*Indiana State Museum and Historic Sites Corporation; 313 IAC 6-1-1; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA*)

313 IAC 6-1-2 Administration

Authority: IC 4-37-4-3

Affected: IC 4-37-4-3

Sec. 2. (a) Except as provided in subsection (b), this article is administered by the corporation.

(b) This article does not apply to a person who has contracted with the corporation, if the person is conducting business of the corporation, or to any of the following while performing official duties for the corporation or its board:

- (1) An employee of the corporation.
- (2) A member of the board.
- (3) An employee of the board.
- (4) A member of the board advisory committee.
- (5) A law enforcement officer.

(*Indiana State Museum and Historic Sites Corporation; 313 IAC 6-1-2; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA*)

313 IAC 6-1-3 Entrance and use requirements

Authority: IC 4-37-4-3

Affected: IC 4-37-4-3

Sec. 3. The board may, in a master plan or by resolution, establish any of the following:

- (1) Fees for entrance into a corporation property or for a particular use within a corporation property.
- (2) Entrance and exit sites for a corporation property.
- (3) Conditions upon or prohibitions against particular uses within a corporation property or a portion of a corporation property.

(*Indiana State Museum and Historic Sites Corporation; 313 IAC 6-1-3; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA*)

313 IAC 6-1-4 Definitions

Authority: IC 4-37-4-3

Affected: IC 4-37-1; IC 9-13-2-196; IC 9-25-2-4; IC 14-8-2; IC 14-19-1-0.5; IC 14-31-1

Sec. 4. In addition to the definitions in IC 4-37-1 and 313 IAC 2-1, the following definitions apply throughout this article:

- (1) "Authorized representative" means the corporation chief executive officer or another person designated by the corporation chief executive officer.
- (2) "Berry" means the fruiting body of the following:
 - (A) A blackberry.
 - (B) A blueberry.
 - (C) A dewberry.
 - (D) An elderberry.
 - (E) A gooseberry.

- (F) A huckleberry.
- (G) A mulberry.
- (H) A raspberry.
- (I) A serviceberry.
- (J) A strawberry.

(3) "Corporation property" means land and water owned, licensed, leased, or dedicated under IC 4-37 or IC 14-31-1 or under easement to the state or managed by the corporation. The following areas are, however, exempted from the term:

- (A) Public freshwater lakes.
- (B) Navigable waterways.
- (C) Buildings and grounds (other than those of the Indiana state museum) not located at historic sites.

An area is not exempted because the corporation has issued a lease, license, or concession to another person.

(4) "Fallen cone" means the fruiting body of a coniferous tree that is no longer attached to a living tree.

(5) "Fruit" means the fruiting body of the following:

- (A) Apples.
- (B) Cherries.
- (C) Grapes.
- (D) Hawthorns.
- (E) Persimmons.
- (F) Plums.
- (G) Pears.
- (H) Pawpaws.
- (I) Roses.

(6) "Greens" means the aboveground shoots or leaves of the following:

- (A) Asparagus.
- (B) Dandelion.
- (C) Mustard.
- (D) Plantain.
- (E) Poke.

(7) "Leaf" means the leaf of a woody plant for use in a leaf collection or similar academic project.

(8) "License" means:

- (A) a license;
- (B) a permit;
- (C) an agreement;
- (D) a contract;
- (E) a lease;
- (F) a certificate; or
- (G) any other form of approval;

issued by the corporation. A license may authorize an activity otherwise prohibited by this title.

(9) "Mushroom" means edible fungi.

(10) "Nut" means the seeds of the following:

- (A) Hazelnuts.
- (B) Hickories.
- (C) Oaks.
- (D) Pecans.
- (E) Walnuts.

(11) "Off-road vehicle" has the meaning set forth in IC 14-8-2-185.

(12) "Public road" means a public highway under IC 9-25-2-4 that is designated by the corporation for use by the public.

(13) "Recreation area" means an area that is managed by the corporation for specific recreation activities.

(14) "Snowmobile" has the meaning set forth in IC 14-8-2-261.

(15) "Vehicle" has the meaning set forth in IC 9-13-2-196(d).

(16) "Motorized cart" has the meaning set forth in IC 14-19-1-0.5.

(Indiana State Museum and Historic Sites Corporation; 313 IAC 6-1-4; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA)

Rule 2. General Restrictions on the Use of Corporation Properties

313 IAC 6-2-1 Posted special requirements

Authority: IC 4-37-4-3

Affected: IC 4-37-4-3

Sec. 1. (a) A sign may be posted to:

- (1) authorize;
- (2) identify conditions upon; or
- (3) establish prohibitions against;

a particular use within a corporation property or a portion of a corporation property. A sign may close an area to entry by the public.

(b) A person must not violate a sign posted under this section. *(Indiana State Museum and Historic Sites Corporation; 313 IAC 6-2-1; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA)*

313 IAC 6-2-2 Trash, refuse, and sanitation

Authority: IC 4-37-4-3

Affected: IC 4-37-4-3

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

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

A vehicle, boat, aircraft, waste receptacle, or personal item must not be washed except in a designated area. *(Indiana State Museum and Historic Sites Corporation; 313 IAC 6-2-2; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA)*

313 IAC 6-2-3 Animals brought to corporation properties

Authority: IC 4-37-4-3

Affected: IC 4-37; IC 35-46-3-11.5

Sec. 3. (a) A person who possesses a pet or service animal must:

- (1) keep the animal caged or on a leash not more than six (6) feet long; and
- (2) attend the animal at all times.

(b) If a pet or service animal appears likely to:

- (1) endanger a person or property; or
- (2) create a nuisance;

the owner may be required to immediately remove the pet or service animal from a corporation property.

(c) A person must not do the following:

- (1) Take a cat, a dog, or other pet to a:
 - (A) rental facility; or
 - (B) public building.

A service animal used by a person with a disability is exempted from this subsection.

- (2) Bring a horse or horseback ride on a corporation property.
- (3) Allow livestock or domesticated animals to enter or remain upon a corporation property. These animals may be removed by the corporation and disposed or held at the owner's expense.
- (4) Release an animal on corporation property.

(d) For purposes of this section, a pet is not a service animal under IC 35-46-3-11.5. (*Indiana State Museum and Historic Sites Corporation; 313 IAC 6-2-3; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA*)

313 IAC 6-2-4 Smoking, fires, and flammable liquids

Authority: IC 4-37-4-3

Affected: IC 4-37; IC 16-41-37

Sec. 4. (a) A person must not start or maintain a fire except in a public use area designated for that purpose. A fire must be extinguished immediately after use. An authorized representative may prohibit fires even in a designated area for public safety or to protect property.

(b) In accordance with IC 16-41-37, smoking is prohibited on any corporation property. A person must extinguish a lighted match, cigarette, cigar, or similar item before entering a corporation property. (*Indiana State Museum and Historic Sites Corporation; 313 IAC 6-2-4; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA*)

313 IAC 6-2-5 Vehicles, trails, boats, and aircraft

Authority: IC 4-37-4-3

Affected: IC 4-37; IC 14-19-1-0.5

Sec. 5. (a) A person must not operate a vehicle:

(1) at a speed greater than:

(A) thirty (30) miles per hour on straight, open stretches of road; or

(B) fifteen (15) miles per hour on steep grades or curves or where posted; or

(2) other than on a public road.

(b) A person must not park:

(1) a vehicle;

(2) a boat; or

(3) associated equipment;

except at a site designated by the corporation.

(c) A person must not operate a motorized cart on a corporation property except as follows:

(1) The person must demonstrate both of the following:

(A) The person holds a valid driver's license.

(B) The person:

(i) is at least sixty-five (65) years of age that is evidenced by the valid driver's license; or

(ii) has a disability, as defined by the federal Social Security Administration guidelines (42 U.S.C. 416), that is evidenced by documentation from the Social Security Administration.

(2) A motorized cart must, if operated between the hours of sunset and sunrise, have a lamp on the:

(A) front exhibiting a white light visible at least five hundred (500) feet ahead of the motorized cart; and

(B) rear exhibiting a red light visible at least five hundred (500) feet behind the motorized cart.

(3) A restriction applicable to the operation, parking, or other use of a vehicle under this section also applies to a motorized cart.

(d) A person moving cross-country on a trail must remain on the designated pathway for the trail. A person must not:

(1) hike;

(2) bike; or

(3) ski;

except on a trail designated for the purpose.

(e) A person must not operate an off-road vehicle or a snowmobile on a corporation property.

(f) A person must not leave a vehicle or associated equipment at a corporation property unless the person is actively engaged in the use of a corporation property.

(g) A person must not land, taxi, take-off, park, or moor:

- (1) an aircraft;
- (2) a hang glider;
- (3) an ultralite;
- (4) a powered model aircraft; or
- (5) a hot air balloon;

except at a site designated for that purpose or pursuant to a license. (*Indiana State Museum and Historic Sites Corporation; 313 IAC 6-2-5; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA*)

313 IAC 6-2-6 Preservation of habitat and natural and cultural resources

Authority: IC 4-37-4-3

Affected: IC 4-37

Sec. 6. Except as authorized by a license, a person must not do any of the following within a corporation property:

- (1) Molest an animal den or bird nest.
- (2) Take, chase, or collect any wild animal, other than a groundhog.
- (3) Prospect for gold or other similar mineral.
- (4) Damage or collect a plant or pick flowers. Exempted from this subdivision are the following:
 - (A) Berries.
 - (B) Fruits.
 - (C) Nuts.
 - (D) Fallen cones.
 - (E) Mushrooms.
 - (F) Leaves.
 - (G) Greens.
- (5) Pick:
 - (A) berries;
 - (B) fruits;
 - (C) nuts;
 - (D) fallen cones;
 - (E) mushrooms;
 - (F) leaves; or
 - (G) greens;on a nature preserve.
- (6) Damage, interfere with, or remove:
 - (A) a work of art;
 - (B) an artifact;
 - (C) a rock or mineral;
 - (D) a shipwreck;
 - (E) an archeological site;
 - (F) a historic site;
 - (G) a building; or
 - (H) a sign.
- (7) Place or maintain a:
 - (A) structure;
 - (B) device;
 - (C) ramp; or
 - (D) sign.
- (8) Use a metal detector.
- (9) Rock climb or rappel.

(10) Collect firewood.

(11) Dig or excavate any material from the ground, including prospecting.

(12) Regardless of whether taken lawfully, sell any material taken from a corporation property.

Exempted from this section are materials taken under a license issued by the corporation that specifically authorizes the sale of the material. (*Indiana State Museum and Historic Sites Corporation; 313 IAC 6-2-6; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA*)

313 IAC 6-2-7 Campsites and camping

Authority: IC 4-37-4-3

Affected: IC 4-37-4-3

Sec. 7. (a) A person must not place or maintain a camp, tent, or trailer except during periods and at sites authorized by the corporation for camping. Between 11 p.m. and 7 a.m., a person must not occupy a site other than a designated campsite unless otherwise authorized by a written license.

(b) An individual at least eighteen (18) years of age must register with the site manager on behalf of the persons in a group. The responsible person registering for a campsite must remain with the group during the camping period. Campers under eighteen (18) years of age must be accompanied by a person at least eighteen (18) years of age.

(c) Camping period is to be established by site manager. At the end of the camping period, a camping family or group must vacate the property and remove all equipment.

(d) Quiet hours shall be observed from 11 p.m. until 7 a.m.

(e) A person must not dispose of refuse or garbage, except in a receptacle provided for that purpose. (*Indiana State Museum and Historic Sites Corporation; 313 IAC 6-2-7; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA*)

313 IAC 6-2-8 Other personal activities

Authority: IC 4-37-4-3

Affected: IC 4-37-4-3

Sec. 8. (a) A person must leave a recreation area by 11 p.m. unless the person is engaged in an authorized activity.

(b) A person must not use an audible device in a way or at a time that unduly disturbs another person. As used in this subsection, "audible device" includes any of the following:

(1) A radio.

(2) A television.

(3) An audiotape player.

(4) A compact disc player.

(5) A musical instrument.

(6) A motor.

(7) An engine.

(8) An electronic generator.

(9) A similar device that produces sound.

(c) A person must not operate a public address system, except according to a license.

(d) A person must not possess fireworks. (*Indiana State Museum and Historic Sites Corporation; 313 IAC 6-2-8; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA*)

313 IAC 6-2-9 Advertisements and solicitations

Authority: IC 4-37-4-3

Affected: IC 4-37-4-3

Sec. 9. A person must not do the following:

(1) Post a private notice or advertisement, except as approved by an authorized representative.

(2) Solicit or engage in business, except as approved by an authorized representative.

(Indiana State Museum and Historic Sites Corporation; 313 IAC 6-2-9; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA)

313 IAC 6-2-10 Use by private organizations

Authority: IC 4-37-4-3

Affected: IC 4-21.5; IC 4-37

Sec. 10. (a) This section governs the use of an area within a corporation property that is open to the public by a person to conduct any of the following:

- (1) A public meeting.
- (2) A parade.
- (3) A demonstration.
- (4) A ceremony.
- (5) A contest.
- (6) A competition.
- (7) A sporting activity.
- (8) Any other special event.

For purposes of this section, an area is not open to the public if the corporation chief executive officer or an authorized representative determines that the proposed activity would unduly disturb the environmental, biological, ecological, archeological, cultural, or historic characteristics of the area.

(b) An area open to the public may not be used by a person to conduct a public meeting, parade, demonstration, or ceremony unless the person has obtained a license for the use under this section.

(c) An application for a license designated in subsection (b) shall be delivered to the corporation at least thirty (30) days in advance of the proposed event and shall set forth each of the following:

- (1) The name, address, and telephone number of the applicant.
- (2) The date, time, and duration of the proposed activity.
- (3) An estimate of the number of individuals expected to attend and to participate in the activity.
- (4) A statement of any equipment or facilities to be used in connection with the activity.

(d) An area open to the public may not be used for a contest, competition, sporting event, or other similar activity unless authorized by a license. An application for a license under this subsection shall be delivered to the corporation at least thirty (30) days before the proposed event and shall set forth the following:

- (1) The name, address, and telephone number of the applicant.
- (2) The date, time, and duration of the proposed activity.
- (3) An estimate of the number of individuals expected to attend and participate in the activity.
- (4) A description of any equipment or facilities to be used in connection with the activity.

(e) To receive a license under subsection (c), the applicant must demonstrate each of the following:

- (1) The activity will not present or be conducted in a manner that will present a clear and immediate danger to public health or safety.
- (2) The activity will not cause undue interference to other users of the area.
- (3) The activity will not conflict with another license previously issued by the property manager.
- (4) The activity is consistent with the:

(A) property master plan; or

(B) if a master plan has not been adopted, purposes for which the area was established.

(5) The activity is consistent with any site designated under subsection (g).

(f) The site manager shall make an initial determination to issue or deny an application for a license sought under this section within a reasonable period of time after receipt of the application. The license may include conditions that are reasonably necessary to satisfy the purposes of this section.

(g) An area open to the public is available to the general public by reservation on a first-come, first-served basis.

(h) A license issued under this section does not authorize a person to establish, construct, or erect a structure unless otherwise specified in the license.

(i) This section does not apply to a private expression of religious preference. (*Indiana State Museum and Historic Sites Corporation; 313 IAC 6-2-10; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA*)

Rule 3. Enforcement, Penalties, and Other Administrative Actions

313 IAC 6-3-1 License sanctions

Authority: IC 4-37-4-3

Affected: IC 4-21.5; IC 4-37

Sec. 1. The corporation may file a complaint under IC 4-21.5-3-8, or seek emergency relief under IC 4-21.5-4, to revoke or suspend the license of a person who violates a term of the license, this article, or another law. (*Indiana State Museum and Historic Sites Corporation; 313 IAC 6-3-1; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA*)

313 IAC 6-3-2 Ejection from a corporation property

Authority: IC 4-37-4-3

Affected: IC 4-21.5; IC 4-37

Sec. 2. (a) A site manager or another authorized representative may:

- (1) require a person to leave a corporation property; or
- (2) otherwise restrict a person's use of a corporation property.

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

(c) Notwithstanding subsection (b), a site 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 board under IC 4-21.5.

(d) An ejection or restriction imposed under this section may be made applicable to:

- (1) all or a portion of particular corporation property;
- (2) multiple corporation properties; or
- (3) all corporation properties.

(*Indiana State Museum and Historic Sites Corporation; 313 IAC 6-3-2; filed Sep 11, 2012, 2:31 p.m.: 20121010-IR-313110726FRA*)

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