

*The Doe Mountain Recreation Authority (DMRA) has proposed to adopt the following rules of the Tennessee Department of Environment and Conservation (TDEC) as applicable to the DMRA and the lands under DMRA administration. See Rulemaking Hearing Notice and Emergency Rule for explanation and definitions. (May 15, 2013)*

## **RULES OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

### **CHAPTER 0400-02-02 PUBLIC USE AND RECREATION**

#### **0400-02-02-.01 ABANDONED AND UNATTENDED PROPERTY.**

(1) Abandonment of any vehicle or other personal property is prohibited in a park area and such property may be impounded by the Park Manager or an authorized person.

(2) Leaving any vehicle or other personal property unattended for longer than 24 hours, without prior permission of the Park Manager, is prohibited and any property so left shall be impounded by the Park Manager. In the event unattended property interferes with a safe and orderly management of the park area, it may be impounded by the Park Manager at any time.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

#### **0400-02-02-.02 AIRCRAFT.**

(1) The operation or use of aircraft on lands or waters other than at the landing areas designated in special regulations is prohibited. Where a water surface is designated as a landing area, the operation or use of aircraft on the water within 500 feet of bathing beaches, boat docks, floats, piers, ramps, or within one mile of water controlled structures, except as otherwise provided by special regulations, is prohibited.

(2) Except in extreme emergencies involving the safety of human life or threat of serious property loss, the air delivery of any person or thing by parachute, helicopter, or other means without prior written permission of the Park Manager is prohibited.

(3) The provisions of this rule shall not be applicable to aircraft engaged on official business of the Federal Government or State Government, or used in emergency rescue in accordance with the directions of the Park Manager, or forced to land due to circumstances beyond the control of the operator.

(4) The operation of aircraft shall be in accordance with current applicable regulations of the Federal Aviation Agency, State Aviation Commission and posted regulations of the individual Recreation Airports within the park areas.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

#### **0400-02-02-.03 AUDIO DEVICES.**

(1) The operation or use of any audio devices including radios, television sets, musical instruments, and noise producing devices such as electric generating plants, or other equipment driven by motors or engines in such a manner and at such times so as to unreasonably annoy

persons in campgrounds, picnic areas, lodges, or at other public places or gatherings is prohibited.

(2) The operation or use of public address systems, whether fixed, portable, or vehicle mounted on lands, waters, and highways, is prohibited except when such use or operation is in connection with public gatherings or special events for which permits have been issued by the Park Manager.

(3) The installation of aerials or other special radio, telephone, or television equipment is prohibited unless authorized by the Park Manager.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.04 BEGGING AND SOLICITING.

(1) Begging is prohibited.

(2) Hitchhiking or the soliciting of transportation is prohibited.

(3) Commercial soliciting of any kind without a permit is prohibited: provided, that this rule shall not apply to transactions with authorized concessioners.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.05 CAMPING.

(1) Camping and the use of trailers or other camper units is permitted only at designated location: provided, however, that the Park Manager may issue written permits to persons desiring to camp in backcountry, or other isolated sections of a park area, or may designate portions of the park area in which such permits will not be required by marking on a map which shall be available for public inspection in the Park Offices.

(2) Within designated locations, the pitching of tents or parking of trailers or other camper units is permitted only at the sites designated.

(3) The Assistant Commissioner and/or Area Manager may establish limitations on the length of time persons may camp within a park area, either in a single period or in combined separate periods. Such limitations shall be posted at campgrounds, ranger stations, or other appropriate locations.

(4) The installation of permanent camping facilities is prohibited.

(5) The digging or leveling of the ground at any campsite is prohibited.

(6) Camping equipment must be completely removed and camping sites cleaned by campers before departure.

(7) Quiet shall be maintained in all campgrounds between the hours of 10:00 p.m. and 6:00 a.m.

(8) The gathering of wood for use as fuel in campgrounds or picnic areas shall be limited to dead material on the ground, except where such gathering is prohibited by the Park Manager by the posting of appropriate signs.

(9) Golf carts are only allowed on the paved roads within the campgrounds. Anyone operating a

golf cart in the campgrounds must have a valid driver's license.

Authority: T.C.A. §§ 11-1-108, 11-1-101 et seq. and 4-5-201 et seq. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010. Amendment filed December 21, 2011; effective March 20, 2012.

#### 0400-02-02-.06 CLOSING OF AREAS.

The Park Manager may establish a reasonable schedule of visiting hours for all portions of a park area and close or restrict the public use of all or any portion of a park area, when necessary for the protection of the area or the safety and welfare of persons or property by the posting of appropriate signs indicating the extent and scope of closure. All persons shall observe and abide by the officially posted signs designating closed areas and visiting hours.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.07 DISORDERLY CONDUCT.

(1) Disorderly conduct is prohibited.

(2) Offense defined: A person is guilty of disorderly conduct with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, if he shall:

(a) Engage in fighting or in threatening, violent or tumultuous behavior; or

(b) Make unreasonable noise or make an offensively coarse utterance, gesture, or display, or address abusive language to any person present; or

(c) Create a hazardous or physically offensive condition by any act or threat of action.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.08 DOGS, CATS, AND OTHER PETS.

(1) Dogs, cats and other pets are prohibited unless they are crated, caged or on a leash, or otherwise under physical restrictive control at all times.

(2) Pets are prohibited in park inns, cabins, lodges (except in areas specifically designated for pets), public eating places, food stores, and on designated swimming beaches, public spray pads and pools at all times. The Park Manager may also designate, by the posting of appropriate signs, other portions of park areas where pets are not permitted. This prohibition shall not apply to Seeing Eye Dogs or Hearing Ear Dogs or service animals with their master.

(3) The keeping of dogs, cats or other pets by residents is prohibited unless authorized by the Park Manager under such conditions as they may prescribe.

(4) Dogs, cats or other pets running at large and observed in the act of killing, injuring or molesting humans or wildlife may be disposed of in the interest of public safety and protection of the wildlife.

(5) In park areas where hunting is permitted, the use of dogs may be allowed in accordance with rules of the Tennessee Wildlife Resources Commission.

(6) Persons shall clean up a pet's waste in any park area. Failure to clean up the waste is a violation of park rules.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.09 EXPLOSIVES.

(1) The use or possession of explosives is prohibited except upon written permission of the Park Manager. Any authorized use or possession of explosives shall conform with all applicable Federal, State, and local laws.

(2) The use or possession of fireworks and firecrackers is prohibited, except upon written permission of the Park Manager.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.10 FALSE REPORTS.

The giving of any false or fictitious report or other information to any authorized person investigating an accident or any violation of law or regulations is prohibited.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.11 FIREARMS, TRAPS, AND OTHER WEAPONS.

In park, natural, and historical areas the use of traps, seines, handthrown spears, nets (except landing nets), firearms (including air and gas powered pistols and rifles), blow guns, bows and arrows or crossbows, and any other implements designed to discharge missiles in the air or under the water which are capable of destroying animal life is prohibited. The possession of such objects or implements is prohibited unless they are unloaded and adequately cased, or broken down or otherwise packed in such a way as to prevent their use while in the park areas.

Exception 1: Shooters may use recreational target shooting ranges available for skeet, trap and bow and arrow target shooting within a park area as long as these weapons are properly cased when not on the range.

Exception 2: Authorized Federal, State, County and City law enforcement officers may carry firearms in the performance of their official duties.

Exception 3: Persons using park area facilities while participating in authorized open or managed hunts within the park areas or beyond, may use and possess firearms under the specific rules and regulations pertaining to the authorized hunt and only in the authorized hunting zones or compartments.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.12 FIRES.

(1) The kindling of any fire is permitted only:

- (a) In designated camping and picnic grounds when the fire is confined in a fireplace provided for the use of visitors, or grills, or in locations marked by the Park Manager; or
  - (b) In other locations, including backcountry, wilderness and remote sections of the park areas when a written permit has been secured from the Park Manager; or
  - (c) In stoves or lanterns using gasoline, propane, butane gas or similar fuels.
- (2) Fires must be kindled in such manner that no tree, shrub, grass, or other inflammable or combustible matter will be set on fire or caused to be set on fire.
  - (3) When no longer needed, the fire shall be completely extinguished. Leaving a fire unattended is prohibited.
  - (4) Throwing or dropping a lighted cigarette, cigar, pipe heel, match or other burning material is prohibited.
  - (5) The kindling of fires on park area lands and privately owned lands under the legislative jurisdiction of the State of Tennessee may be prohibited or limited by the Park Manager by posted signs when the fire hazard makes such action necessary.
  - (6) The Park Manager, during such periods of time as he may prescribe, may prohibit smoking on any lands, including roads and trails, by the posting of appropriate signs.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.13 FISHING.

- (1) Unless further restricted herein or by special regulation, fishing within park areas shall be in accordance with the laws and regulations of the Tennessee Wildlife Resources Agency.
- (2) Fishing in all park lakes may require a fishing permit for which there may be a nominal charge.
- (3) Digging for bait is prohibited within all park areas.
- (4) The transplanting or introducing of any live fish or fish eggs into the waters of any park area is prohibited.
- (5) Fishing is prohibited from within 200 feet of any public raft or float designed for water sports or within the limits of designated mooring areas or swimming areas. Fishing from within 200 feet of public boat docks with designated harbors may be prohibited by the Park Manager by the posting of appropriate signs.
- (6) Fishing from motor vehicle bridges is prohibited.
- (7) State fishing licenses and park permits must be exhibited upon demand to any person authorized to enforce the provisions of these regulations.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.14 ALCOHOLIC BEVERAGES.

(1) Except in facilities that are licensed to sell alcoholic beverages, consumption of alcoholic beverages within state park areas that are open to the general public is forbidden.

(2) Except in facilities that are licensed to sell alcoholic beverages, the public display of any container of alcoholic beverages is prohibited within state park areas that are open to the general public.

Authority: T.C.A. §§ 4-5-202, 4-5-203, 4-5-206, and 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed May 1, 1975; effective May 31, 1975. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed October 15, 2003; effective December 29, 2003. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.15 LOST AND FOUND ARTICLES.

All lost articles shall be deposited by the finder at the office of the Park Manager or at the nearest Ranger Station, leaving the name and address of the finder. Articles not claimed within thirty (30) days will be sent to the finder if they so request.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.16 PICNICKING.

(1) In Natural and Cultural areas, picnicking is prohibited except in those locations designated by the Park Manager, by posting of appropriate signs.

(2) In recreation areas, picnicking is permitted unless appropriate signs have been posted by the Park Manager identifying locations where picnicking is not permitted.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.17 PORTABLE ENGINES AND MOTORS.

The operation or use of a portable motor-driven electric generating plant, pump, or other equipment driven by a portable engine or motor outside any developed or public use area without written permission from the Park Manager, is prohibited. The Park Manager may issue a permit for the use if he determines that the applicant has submitted satisfactory justification for the use of such equipment, that natural resources will not be impaired, and that no undue interference with public enjoyment of the park area will result. This rule does not apply to outboard motors in areas where outboard motorboating is permitted, nor does it apply to electric generating plants on vessels.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.18 PRESERVATION OF PUBLIC PROPERTY, NATURAL FEATURES, CURIOSITIES AND RESOURCES.

(1) The intentional or wanton destruction, defacement, or removal of any natural or cultural feature or non-renewable natural resource is prohibited without a permit granted pursuant to rule 0400-02-02-.23 Scientific Specimens.

(2) The intentional or wanton destruction, injury, defacement, removal or disturbance in any manner of any public buildings, signs, equipment, monument, marker or other structure or of any relic, artifact, ruin or historic or pre-historic feature or of any other similar public property is prohibited. The intentional or wanton possession of park equipment is prohibited without the authorization of the Park Manager or his designate.

(3) Gathering or collecting for personal use reasonable quantities of natural products of a renewable nature including but not limited to fruits, berries, and driftwood is permitted; however, the gathering or collecting of such products for the purpose of commercial sale or other commercial use is prohibited.

(4) The gathering or collecting of small quantities of pebbles or small rocks by hand for personal use is permitted; however, the collection of such objects for the purpose of commercial sale or other commercial use is prohibited.

(5) The destroying, digging, cutting, removing, or possession of any tree, shrub, or other plant is prohibited without a permit granted by the Assistant Commissioner of Parks and Recreation.

(6) The use of any mineral or metal detecting device capable of detecting the underground or underwater location of geological, archaeological or historical objects or materials is prohibited. Provided, however, that this rule shall not apply to:

(a) fathometers, radar equipment and electronic equipment used primarily for the navigation and safe operation of boats and aircraft;

(b) persons possessing a permit from the State Archaeologist to conduct legitimate archaeological research when such permit is signed by the Assistant Commissioner of Parks and Recreation; and

(c) an individual engaged in a limited search for a lost item under supervision of the Park Manager.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.19 PUBLIC ASSEMBLIES, MEETINGS.

(1) Public meetings, assemblies, gatherings, demonstrations, parades and other public expressions of views are permitted within park areas on lands which are open to the general public provided a permit has been issued by the Park Manager.

(2) Any application for such a permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, and estimate of the number of persons expected to attend, and a statement of equipment and facilities to be used in connection therewith.

(3) The Park Manager shall issue a permit on proper application unless:

(a) A prior application for the same time and place has been made which has been or will be granted; or

(b) The event will present a clear and present danger to the public health or safety; or

(c) The event is of such nature or duration that it cannot reasonably be accommodated in the

particular park area applied for.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.20 REPORT OF INJURY OR DAMAGE.

All incidents resulting in injury to persons or damage to property must be reported by the person or persons involved as soon as possible to the Park Manager. This report does not relieve persons from the responsibility of making any other accident reports which may be required under State law.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.21 SADDLE AND PACK ANIMALS.

(1) Horses and other saddle or pack animals are permitted only on those trails or routes established for their use, except in those areas where cross-country travel is permitted by the Park Manager.

(2) The use of horses or other saddle or pack animals upon the main traveled or maintained portion of roadways is prohibited except where such travel is necessary for ingress to and egress from trails or privately owned property, or is incidental to authorized travel.

(3) In the interest of the public safety and welfare the Park Manager, by special regulation, may require that saddle horse parties and pack trains shall be in the charge of a guide who has been licensed under State or local laws or who meets qualifications which may be established by the Park Manager, or both, if the Park Manager deems it necessary.

(4) Riding or hitching horses, or other saddle or pack animals in campgrounds, picnic areas, or within the immediate vicinity of trail shelters, eating or sleeping establishments or other areas of public gatherings, except where trails and facilities are designated or provided for such use, is prohibited.

(5) Riders shall slow their horses to a walk or slow trot when passing persons on foot or on bicycles.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.22 SANITATION.

(1) All garbage, papers, cans, bottles, waste materials and rubbish of any kind must be disposed of only at points or places designated for the disposal thereof, or removed from the area.

(2) Draining or dumping refuse or wastes from any trailer, or other vehicle except in places or receptacles provided for such use is prohibited.

(3) Cleaning food or washing clothing or articles of household use at campground hydrants is prohibited.

(4) Polluting or contaminating in any manner any watershed, water supplies or water used for drinking purposes is prohibited.

(5) Fish entrails or other inedible parts of fish shall not be thrown into fresh waters or onto park area lands in areas of public concentration.

(6) Depositing any body waste in or on any portion of any comfort station or other public structure except into fixtures provided for that purpose is prohibited. Placing any bottle, can, cloth, rag, metal, wood, or stone substances in any of the plumbing fixtures in such station or structure is prohibited. All comfort stations shall be used in a clean, sanitary, and orderly manner.

(7) Urinating or defecating other than at the places provided is prohibited, except in backcountry, wilderness or other remote areas.

(8) Using State refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought as such from private property is prohibited.

(9) Washing of vehicles, trailers, and boats at campground hydrants is prohibited.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.23 SCIENTIFIC SPECIMENS.

Unless specifically permitted by other regulations, the collection of plants, rocks, minerals, animal life, botanical specimens, or other natural objects or artifacts, or cultural artifacts is permitted only after the collector has received a written permit from the Assistant Commissioner of Parks and Recreation.

(1) No permits will be issued to any individuals or associations to collect specimens for personal use but only to persons officially representing reputable scientific or educational institutions in procuring specimens for research, group study or museum display.

(2) Permits will be issued only on condition that the specimens taken will become part of the permanent collection of a public museum or herbarium or will in some suitable way be made permanently available to the public and the scientific community.

(3) No permits may be granted for the collection of specimens, the removal of which would disturb the remaining natural features or mar the appearance of a park area.

(4) Permits to secure "rare" natural objects, flora or fauna will be granted by the Assistant Commissioner only upon proof of special need for scientific use and of the fact that such cannot be secured elsewhere.

(5) The Assistant Commissioner may require that the collector provide a complete report of the scientific investigation to the Department of Environment and Conservation as a condition of granting a permit.

(6) The Assistant Commissioner of Parks and Recreation is responsible for coordinating the approvals of the Division of Ecological Services and the Division of Archaeology before granting permits to collectors on state park properties in cases where these Divisions have oversight interests.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.24 SKATES, SKATEBOARDS, ROLLERBLADES, SEGWAYS, SCOOTERS AND

#### LIKE RECREATIONAL EQUIPMENT.

The use of roller skates, skateboards, roller blades, segways, scooters and like recreational equipment are prohibited except in locations designated by the Park Manager by the posting of appropriate signs.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.25 SPECIAL EVENTS.

Sports events, pageants, reenactments, regattas, entertainments and the like, characterized as public spectator attractions, are prohibited unless written permission has been given by the Park Manager. Such permits may be issued only after a finding that the issuance of such permit will not be inconsistent with the purposes for which the area is established and maintained, and will cause the minimum possible interference with use of the area by the general public. The permit may contain such reasonable conditions and restrictions as to duration and area occupied as are necessary for protection of the area and public use thereof.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-02-.26 SWIMMING AND BATHING.

(1) Swimming and bathing are prohibited except in designated beach areas, waters and pools.

(2) The Park Manager, with the approval of the Assistant Commissioner of Parks and Recreation, may post and enforce appropriate rules and regulations governing swimming areas. Violators of posted rules governing the use of pools and beaches will be subject to removal from the premises if the violation is flagrant or repeated or if in the judgment of the Park Manager the continued presence of the violator would create a hazardous condition in the area.

(3) The Park Manager or his designated staff in a pool or beach area are charged with providing a safe condition in these areas and as such may, from time to time, regulate public use of these facilities for the protection of public health and safety. Nothing in these rules shall be construed as limiting the authority of a lifeguard or other personnel in regulating public behavior at beaches and other swimming areas, to only posted rules.

(4) Scuba diving is prohibited within the limits of designated swimming, boat mooring, and boat docking areas.

(5) Scuba diving will be permitted in those state park lakes which are within the borders of a park but only upon receiving a permit to do so from the Park Manager or his authorized representative. This permit will be granted upon demonstration by the applicant that he/she has received scuba certification which is granted to those successfully completing courses meeting the "Revised Instructional Standards: Minimum Course Content for Entry-Level Scuba Certification," January 16, 1986, including any subsequent revision to these standards. These standards are subscribed to by: National Association of Scuba Diving Schools, National Association of Underwriter Instructors, NAVI, PADI, Scuba Schools International and the YMCA. Provided, however, the Park Manager may refuse to grant a permit whenever in his judgment safety conditions or park operation concerns dictate.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-02-.27 TAMPERING WITH VEHICLE OR VESSEL.

Tampering or attempting to tamper with any vehicle, vessel or other equipment which is not lawfully in one's possession or control, or entering or going upon, moving or manipulating any of the parts or components of any vehicle, vessel or other equipment or starting or setting the same in motion, except under such lawful possession or control, are prohibited.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-02-.28 TRAVEL ON TRAILS.

(1) The use of bicycles, motorcycles, snowmobiles, and other motor vehicles is prohibited on trails in park areas unless otherwise designated by the Park Manager by the posting of appropriate signs.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-02-.29 WATER SKIING.

(1) In lakes which are totally within the boundaries of a park area, the towing of water skis and similar devices by vessels is prohibited. In other lakes, water skiing is permitted except in waters which are posted by appropriate signs or markers.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-02-.30 WILDLIFE; HUNTING.

(1) The hunting, killing, wounding, frightening or capture at any time of any wildlife is prohibited, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury. Exception: On park areas during those times when hunts are being conducted in accordance with Tennessee Wildlife Resources Agency's laws and regulations.

(2) Except as otherwise provided herein, the feeding, touching, teasing, molesting or intentional disturbance of any wildlife or the activities or phenomena of wildlife is prohibited.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-02-.30 WINTER SPORTS.

(1) Skiing, sledding, tobogganing, snowshoeing, skating, and other similar winter sports are permitted except upon roads and parking areas when such roads and parking areas are open to motor vehicle traffic and in other places where these activities are prohibited by posted signs.

(2) The towing of persons on skis, sleds, or other sliding devices is permitted only on routes or in locations designated by the Park Manager. Such designations may be made by marking on a map of the area which shall be available for public inspection at the park office, or by posting of signs.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-02-.32 RESERVED.

Authority: T.C.A. §§ 11-1-101(e) and (f) and 11-1-108. Administrative History: Original rule filed April 4, 2000; effective June 18, 2000. Amendment filed June 14, 2010; effective September 12, 2010.

## **CHAPTER 0400-02-05 VEHICLES AND TRAFFIC SAFETY**

0400-02-05-.01 STATE LAW APPLICABLE.

Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State shall govern traffic and the operation and use of vehicles in all State Parks. Such State laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this chapter.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.02 DEFINITIONS.

The following terms and phrases when used in this chapter have the meanings respectively ascribed:

- (1) "Vehicle". Every device in, upon, or by which any person or property is or may be transported or drawn on land, except devices moved by human power or used exclusively upon stationary rails or tracks.
- (2) "Motor Vehicle". Every vehicle which is self-propelled by internal combustion, electric or any other mechanical motor, but not operated upon rails, or upon water.
- (3) "Bicycle". Every device propelled by human power upon which a person or persons may ride on land, having one, two, three or four wheels.
- (4) "ATV". All Terrain Vehicle.
- (5) "Motorcycle". Every motor vehicle having a seat for the use of the rider and designed to travel on not more than four wheels in contact with the ground, but excluding a tractor.
- (6) "Authorized Emergency Vehicle". Any vehicle in official use for emergency purposes by local, state or federal agencies and other emergency vehicles such as ambulances and fire engines.
- (7) "Operator". Any person who operates, drives, controls or otherwise has charge of a vehicle.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.03 BICYCLES.

- (1) Bicycle riders must comply with all applicable traffic regulations. Bicycle riders shall keep well

to the right side of the road and shall keep the bicycle under complete control at all times. Bicycles shall not be ridden abreast of one another except on roads designed for bicycle use only.

(2) Each bicycle must exhibit a white light on the front and a red light or red reflector on the rear during periods of low visibility or during the period between sundown and sunup.

(3) Anyone under the age of 16 is required to wear a helmet while operating or riding bicycles on any state park property.

Authority: T.C.A. §§ 11-1-108, -1-101 et seq. and 4-5-201 et seq. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010. Amendment filed December 21, 2011; effective March 20, 2012.

#### 0400-02-05-.04 COMMERCIAL TOWING SERVICE.

An operator of a vehicle used to provide commercial towing service for another vehicle following an accident or for any other reasons must give immediate notice by the quickest available means of communication to the Park Manager before moving the vehicle, unless traffic is being obstructed, in which case notification shall be made before leaving the park area.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-05-.05 DRIVER'S LICENSE.

Driving or permitting another person to drive a vehicle unless such operator has a valid license, when such is required by laws of the State in which the operator is resident or in which the vehicle is registered, is prohibited. A valid driver's or operator's license, registration and proof of insurance must be displayed upon the request of any authorized person.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-05-.06 DRIVING UNDER INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.

No operator of a vehicle shall be under the influence of intoxicating liquor or drugs.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-05-.07 ENTRANCES AND EXITS.

No operator of a motor vehicle shall enter or leave the park with such vehicle at any place except established entrances and exits, and during such hours as may be designated by the Park Manager through the posting of appropriate signs.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-05-.08 EXCESSIVE ACCELERATION.

The excessive acceleration of the engine of a motor vehicle or motorcycle or ATV when such vehicle is not moving, or is approaching or leaving a stopping place, is prohibited.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.09 FALSE REPORT.

The giving of any false or fictitious report or information to any authorized person investigating an accident or other violation of law or regulations is prohibited.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.10 FOLLOWING VEHICLES.

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the roadway. The responsibility for conformance with this rule rests with the operator of the following vehicle.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.11 LOAD, WEIGHT, LENGTH, AND WIDTH LIMITATIONS.

(1) Load, weight, length, and width limitations of vehicles except as provided herein shall be in accordance with applicable State law: provided, however, the Park Manager may by the posting of appropriate signs, establish lesser limits, when limits within the State are determined to be greater than sufficient and proper for preservation of the roadway and the safety and welfare of the public, any may also establish hours during which heavy equipment may be operated over government roads.

(2) No vehicle, or load thereon, the total outside width of which exceeds eight (8) feet, shall be permitted on park roads without a permit from the Park Manager.

(3) Trailers more than 35 feet long are prohibited without a permit from the Park Manager.

(4) The transporting of explosives in any quantity or form without a permit from the Park Manager is prohibited.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.12 MUFFLERS.

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

0400-02-05-.13 OBSTRUCTING TRAFFIC.

(1) Stopping, parking, or leaving any vehicle, whether attended or unattended, upon the paved or maintained surface of a road so as to leave less than 10 feet of the width of the same traffic lane for the free or unobstructed movement of other vehicles or upon a designated fire lane is

prohibited, except in the event of accident or other conditions beyond the immediate control of the operator, or as otherwise directed by an authorized person.

(2) Causing or permitting a motor vehicle under one's control to obstruct traffic by making turns from the wrong traffic lane, or by weaving in and out of traffic, or by driving so slowly as to interfere with the normal flow of traffic, or in any other manner, is prohibited.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010

#### 0400-02-05-.14 RECKLESS OR CARELESS DRIVING.

(1) Driving or operating any vehicle carelessly or heedlessly, or in willful or wanton disregard for the rights or safety of other persons, or without due care or at a speed greater than is reasonable and prudent under prevailing conditions, having regard to traffic, weather, wildlife, road, and light conditions, and surface, width, and character of the road, is prohibited.

(2) Texting while operating a vehicle or distracted operation of a vehicle is prohibited.

(3) Every operator shall maintain such control of the vehicle as may be necessary to avoid danger to persons or property or wildlife.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-05-.15 REPORT OF VEHICLE ACCIDENTS.

(1) The operator of any vehicle involved in a collision or upset shall give notice of such accident forthwith by the quickest available means of communication to the Park Manager or his authorized representative and shall also provide a written report of the incident within twenty- four (24) hours when requested by the Park Manager or his authorized representative. This report does not relieve the operator from the responsibility of making any other motor vehicle accident report which may be required by State law.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed August 24, 1987; effective October 8, 1987. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-05-.16 RIGHT OF WAY.

(1) The operator of any vehicle, when being approached from any direction by any authorized emergency vehicle giving an audible or visual signal, shall yield the right of way to the emergency vehicle.

(2) Pedestrians, saddle horses, pack trains, and horsedrawn vehicles have right of way over motor vehicles.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-05-.17 SPEED LIMITS.

(1) The Park Manager may establish greater or lesser speed limits upon any road or other way when the maximum speed limits set forth are determined to be greater or less than is reasonable or safe. Such speed limits shall be established by the posting of appropriate signs and no person

shall drive any vehicle at a speed in excess of the maximum limits so posted.

(2) The provisions of this rule shall not apply to authorized emergency vehicles: provided, however, that such vehicles shall not be operated at speeds in excess of those which are prudent under the circumstances.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-05-.18 TRAFFIC CONTROL AND SIGNS.

(1) The Park Manager may erect signs which regulate traffic, prohibit or restrict stopping, standing or parking, the direction of travel, and the hours during which roads and parking areas are open to the public. All persons shall comply with the directions of any signal or posted traffic sign.

(2) All persons shall obey the lawful order or signal of any authorized person directing, controlling, or regulating the movement of traffic.

(3) The operator of a motor vehicle shall comply with and observe all visual or audible signals given by any authorized person directing the operator to bring his motor vehicle to a stop.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-05-.19 TRAVEL ON ROADS.

(1) Operating a vehicle outside of established public roads, parking areas, or routes designated by the Park Manager is prohibited. Such routes may be designated by the posting of appropriate signs, or by marking a map which shall be available for public inspection in the office of the Park Manager, or both.

(2) Operating a vehicle, equipped with any fitting or device which damages or is likely to damage the road surface is prohibited: however, this rule shall not be construed to prohibit the use of ordinary detachable tire or skid chains or comparable safety devices under adverse road conditions.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-05-.20 VEHICLE REGISTRATION.

The operation of a vehicle which does not bear valid license plates and is not properly certificated or registered in accordance with applicable State laws is prohibited. Valid proof of ownership of State registry of the vehicle must be displayed upon the request of any authorized person. Valid proof of liability insurance must be displayed upon the request of any authorized person.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.

#### 0400-02-05-.21 USE OF MOTORCYCLES.

(1) Motorcycles (any two-, three- or four wheel vehicle of more than 5 horsepower) are only permitted on paved park roads, and must obey all traffic laws that any other motor vehicle operator must observe.

. (2) Motorcycles must be equipped with brakes, lights, approved crash bars, seat and foot rests for operator and passenger, windshield or safety goggles for operator and passenger, and rear view mirror.

. (3) Motorcycle operators must possess a valid Motorcycle Drivers License, Vehicle Registration Certificate, and vehicle must have proper license plates.

Authority: T.C.A. § 11-1-108. Administrative History: Original rule certified May 24, 1974. Amendment filed June 14, 2010; effective September 12, 2010.