

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

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

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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.

(Rule 0400-02-02-.02, continued)

- (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.
- (5) This rule does not apply to the operation of an unmanned aircraft system (UAS) as defined in Rule 0400-02-02-.33. See Rule 0400-02-02-.33 for the requirements that apply to operation of a UAS in park areas or natural areas.

Authority: T.C.A. §§ 4-5-201, et seq., and 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. Amendment filed January 11, 2021; effective April 11, 2021.

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 locations: 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

(Rule 0400-02-02-.05, continued)

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. §§ 4-5-201, et seq.; 11-1-101, et seq.; and 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. 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.

(Rule 0400-02-02-.08, continued)

- (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.

- (1) 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 are 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.
- (2) Exceptions

(Rule 0400-02-02-.11, continued)

- (a) 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.
- (b) Authorized Federal, State, County and City law enforcement officers may carry firearms in the performance of their official duties.
- (c) 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.
- (d) In accordance with T.C.A. § 39-17-1311, persons who are authorized to carry a handgun pursuant to T.C.A. § 39-17-1351 may carry handguns, unless such persons:
 - 1. Are in the immediate vicinity of an athletic event or other school-related activity on an athletic field sponsored by a school or university: and
 - 2.
 - (i) Knew or should have known such an athletic event or other school-related activity was taking place, or
 - (ii) Failed to take reasonable steps to leave the area of the athletic event or school-related activity after being informed of or becoming aware of its use.

Authority: T.C.A. §§ 4-5-201, et seq.; 11-1-101, et seq.; and 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. Amendments filed March 10, 2016; effective June 8, 2016.

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.

(Rule 0400-02-02-.12, continued)

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) Possessing alcoholic beverages in an open container or consuming any alcoholic beverages in any state park area is prohibited, except as specifically allowed in paragraph (2) of this rule.
- (2) Possessing alcoholic beverages in an open container or consuming any alcoholic beverages in any state park area is allowed in the following designated areas and circumstances:
 - (a) In the overnight accommodations set out below:
 1. Designated campsites;
 2. Cabins;
 3. Inn Rooms;
 4. Group Camps; and
 5. Other accommodations designated by the Division of State Parks.
 - (b) In any designated group day-use facility by any authorized group which has paid a reservation fee and has obtained a prior authorization from the Park Manager to consume alcohol. A designated group day-use facility includes:

(Rule 0400-02-02-.14, continued)

1. Designated picnic area, shelters, or meeting rooms; and
 2. Open-Space venues that have specific boundaries as defined by the Park Manager.
- (c) In any facility that is licensed to sell alcoholic beverages.

Authority: T.C.A. §§ 4-5-201, et seq.; 4-5-202; 4-5-203; 4-5-206; 11-1-101, et seq.; 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. Amendments filed March 10, 2016; effective June 8, 2016.

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.

(Rule 0400-02-02-.18, continued)

- (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.

(Rule 0400-02-02-.19, continued)

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.

(Rule 0400-02-02-.22, continued)

- (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, ROLLER BLADES, 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.

(Rule 0400-02-02-.24, continued)

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 Underwater 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

(Rule 0400-02-02-.27, continued)

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-.31 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.

0400-02-02-.33 UNMANNED AIRCRAFT SYSTEMS.

(1) Definitions.

When used in this rule, the following terms have the meanings given below:

- (a) “Applicant” means the individual or entity that is submitting an application for unmanned aircraft system (UAS) flight outside the authorized flight zone. If the Applicant is an entity, the Applicant must have an individual listed on the application as the contact person for communication purposes.
- (b) “Authorized flight zone” or “AFZ” means the land or water within a park area or natural area that is designated for unrestricted UAS launching, landing, and operation.
- (c) “Commercial purpose” means operating a UAS for any purpose other than personal recreation and enjoyment. Such commercial purposes shall include, but not be limited to, filmmaking and photography, whether by professionals or amateurs, where there is the potential for financial gain, or where the film or photos are intended to be reproduced or posted on publicly available media outlets as brand promotion or awareness; scientific observation and data collection; specimen collection; GIS data collection; and research for institutions of higher education or governmental entities.
- (d) “Commercial UAS flight” means a UAS operated for a commercial purpose.
- (e) “Commissioner” means the Commissioner of the Department of Environment and Conservation or the Commissioner’s designee.
- (f) “Department” means the Department of Environment and Conservation.
- (g) “FAA” means the Federal Aviation Administration.
- (h) “Natural area” has the same meaning as defined in Rule 0400-02-01-.03.
- (i) “Park area” has the same meaning as defined in Rule 0400-02-01-.03.
- (j) “Unmanned aircraft system” or “UAS” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft along with its associated elements (including communication links and the components that control the aircraft) that are required for the safe and efficient operation of the aircraft in the national airspace system.
- (k) “UAS flight permit” means a permit issued under this rule to operate a UAS.

(2) No person may launch, land, or operate a UAS in any park area or natural area for any reason, unless:

- (a) The UAS is launched, landed, and operated entirely inside of an AFZ, in which case, the person is not required to secure prior written approval from the Commissioner or to pay a permit fee; or

(Rule 0400-02-02-.33, continued)

- (b) For a UAS that is launched, landed, or operated to any extent outside of an AFZ, the person obtains prior written approval from the Commissioner as evidenced by a signed UAS flight permit.
- (3) Park area or natural area guests may not operate a UAS in a manner that would violate:
 - (a) Tennessee state law;
 - (b) Any regulation promulgated by the FAA regulating UAS flights;
 - (c) Any other law regulating the operation or flight of UAS; or
 - (d) For persons with a UAS flight permit, any condition of the UAS flight permit, including but not limited to conditions added to the permit in accordance with paragraphs (5) and (11) of this rule.
- (4) In order to receive a UAS flight permit, an Applicant must provide the following in or along with an application to the Commissioner prior to commencing flight of a UAS for which a UAS flight permit is required:
 - (a) Name and contact information of the Applicant;
 - (b) Name and contact information of the individual who will pilot the UAS;
 - (c) Anticipated time(s) and location(s) of all UAS flight activity requested to be authorized by the UAS flight permit, including a description of the proposed UAS flight activity and whether it will affect any natural features or wildlife in the park area or natural area, or park area or natural area guests;
 - (d) Whether the UAS flight is for recreational or commercial purposes;
 - (e) The permit fee, if any;
 - (f) Proof that the Applicant has all necessary licenses, certificates, waivers, clearances, and permits required by the FAA for the type of UAS flight in which Applicant seeks to engage;
 - (g) Certification that the Applicant agrees to remain liable for any damage caused by the UAS flight conducted under Applicant's permit, regardless of who is piloting the UAS at the time of the damage;
 - (h) If the permit application includes a request to authorize a UAS flight for commercial purposes, in addition to the other information required by this paragraph (4), the Applicant shall provide:
 - 1. The intended use of the footage, photographs, information, or specimens to be captured during the UAS flight, as applicable; and
 - 2. If determined to be necessary by park area or natural area management, a certificate of general liability insurance naming the State of Tennessee as an additional insured with minimum limits per person and per accident that are acceptable to the Commissioner; and
 - (i) Any other pertinent information requested by park area or natural area management.

(Rule 0400-02-02-.33, continued)

- (5) All UAS flights for the purpose of collecting artifacts or specimens on park areas or natural areas must also comply with and receive a permit for such flight in accordance with Rule 0400-02-02-.23 or Rule 0400-02-08-.28, respectively.
- (6) The Commissioner may, prior to the issuance of any UAS flight permit, require a UAS flight permit applicant to pay (in the form of a credit card, cash, certified check, or money order made payable to the Department) a permit fee in an amount determined by the Commissioner to be the reasonable anticipated costs sufficient to cover costs incurred by the Department in processing the permit application and overseeing the permitted activity as determined by the specific facts and circumstances of that permit, including the presence of the UAS as an inconvenience to the park area or natural area guests or interference with the recreational nature of the park area or natural area. Upon request, the Commissioner shall provide a written breakdown of the anticipated costs. Nothing in this paragraph shall require the Commissioner to charge any costs for the issuance or renewal of a permit if the Commissioner determines that the permit may be issued and overseen without substantial cost to the Department.
- (7) Each UAS flight permit issued will grant the one pilot named in the permit application the right to operate one UAS at a time, subject to any special conditions outlined in the permit.
- (8) Each UAS permit shall only be valid for the time(s) and location(s) authorized by the Commissioner in the approval of the permit application.
- (9) The Commissioner may establish the boundaries of any AFZ within a park area or natural area and a reasonable schedule of UAS flight operation for the AFZ, as well as whether an AFZ is permanent, seasonal, or temporary. A suitable location for an AFZ is one that:
 - (a) Is relatively open and free from obstruction;
 - (b) Is not near campgrounds, cabins, or other infrastructure where park area or natural area guests may routinely recreate or have accommodations;
 - (c) Is of a sufficient size to allow multiple UAS pilots to operate simultaneously; and
 - (d) If possible, possesses scenic beauty or picturesque landscapes that will provide attractive backgrounds and opportunities for photography.
- (10) The Commissioner may issue a UAS flight permit on a form issued by the Department to authorize UAS pilots to operate a UAS outside an AFZ pursuant to subparagraph (2)(b) of this rule. The Commissioner may deny an application for a UAS flight permit if the Commissioner determines, in the Commissioner's sole discretion, that the issuance of the requested permit is inappropriate.
- (11) When issuing a permit pursuant to paragraph (10) of this rule, the Commissioner may include additional reasonable terms and conditions the Commissioner deems necessary for the safety and protection of park area or natural area property and/or guests. Such terms and conditions may only limit a pilot's ability to launch, land, or operate a UAS on certain park areas or natural areas, and may not regulate the airspace over a park area or natural area, or the flight of the UAS itself.
- (12) This rule does not apply to the following types of UAS flight occurring within park areas or natural areas:
 - (a) UAS operated by employees of the State of Tennessee, the federal government, or contractors working on behalf of the State of Tennessee or the federal government, who are operating a UAS for official government business; or

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- (b) A government agency, or a person acting on behalf of a government agency, using UAS flights for search-and-rescue, law-enforcement, or fire-prevention purposes.
- (13) Persons exempted by paragraph (12) of this rule must still comply with all other applicable federal, state, and local laws governing UAS flights.
- (14) This rule is not intended to impose any restrictions on the national airspace system under the sole regulatory authority of the FAA. To the extent reasonably possible, this rule should not be construed as regulating the national airspace system in any way, but only the launching, landing, and operation of UAS on park areas or natural areas.
- (15) The Commissioner may revoke a UAS flight permit issued under this rule for any reason in the sole discretion of the Commissioner. A UAS flight permit issued under this rule only constitutes temporary, terminable permission to engage in the permitted activity.

Authority: T.C.A. §§ 4-5-201, et seq., and 11-1-108. **Administrative History:** New rule filed January 11, 2021; effective April 11, 2021.

0400-02-02-.34 PARKING.

- (1) No person shall:
 - (a) Stop, park, or leave 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 in violation of paragraph (1) of Rule 0400-02-05-.13; or
 - (b) Stop or park any vehicle, whether attended or unattended, in a manner that is prohibited or restricted by any sign in violation of paragraph (1) of Rule 0400-02-05-.18.
- (2) The person to whom a vehicle is registered and any person parking such a vehicle are jointly responsible for ensuring that a vehicle is not stopped, parked, or left in a manner that is in violation of paragraph (1) of this rule.
- (3) For a person to whom a vehicle is registered, it shall be an affirmative defense to an alleged violation of paragraph (1) of this rule that the vehicle was leased or rented to another person at the time of the violation. Provided, however, that the person to whom the vehicle was leased or rented remains responsible for ensuring that a vehicle is not stopped, parked, or left in a manner that is in violation of paragraph (1) of this rule.
- (4) A notice of violation containing a proposed civil penalty under Rule 0400-02-02-.35 for a violation of this rule may be served as set out in paragraph (2) of Rule 0400-02-02-.35 or by leaving a copy of the notice of violation on the vehicle that is stopped, parked, or left in violation of paragraph (1) of this rule.

Authority: T.C.A. §§ 4-5-201, et seq.; 11-1-101(e); and 11-1-109(b). **Administrative History:** New rule filed January 22, 2021; effective April 22, 2021.

0400-02-02-.35 NOTICES OF VIOLATION.

- (1) In addition to or in lieu of any other lawful action, the Commissioner may issue a notice of violation for any violation for which the Commissioner is authorized to seek a civil penalty pursuant to T.C.A. § 11-1-109 by notifying a person of the Commissioner's intent to seek assessment of a civil penalty pursuant to T.C.A. § 11-1-109(c) and offering to settle the matter by the person to whom the notice of violation was issued admitting that the alleged

(Rule 0400-02-02-.35, continued)

violation occurred and paying the proposed penalty according to paragraph (3) of this rule. Multiple alleged violations and proposed penalties may appear in a single notice of violation.

- (2) Except as set out by paragraph (4) of Rule 0400-02-02-.34, a notice of violation issued pursuant to paragraph (1) of this rule shall be served by U.S. mail, personal service, email, or any other lawful means, on the person named in the notice of violation. The name and signature of the person issuing the notice of violation shall appear on the notice of violation.
- (3) Any person served a notice of violation pursuant to this rule:
 - (a) May provide the Commissioner with a copy of the notice of violation signed by the person named on the notice of violation accepting the proposed civil penalty and admitting to the violations alleged in the notice of violation. The signed notice of violation shall be sent to the Department as provided on the notice of violation or the Department's website. The person named on the notice of violation shall, by any means made available by the Department, make payment in the amount of the proposed civil penalty designated in the notice of violation within 30 calendar days of service of the notice of violation. The Commissioner may further settle the violations alleged in a notice of violation by such terms as the Commissioner determines appropriate; or
 - (b) If a person does not accept the proposed civil penalty set out in a notice of violation, or any subsequent offer of settlement, the Commissioner, through the attorney general and reporter, may institute proceedings for assessment in the chancery court of Davidson County or in the chancery court of the county in which all or part of the violation occurred, in the name of the Department to seek civil penalties pursuant to T.C.A. § 11-1-109(b)(3) and (c) for each violation. Nothing in this rule shall prohibit the Commissioner from seeking civil penalties greater than those proposed in the notice of violation or other offer of settlement.
- (4) Signing and returning a notice of violation without remitting full payment of the proposed penalty in the notice of violation within the required 30 calendar days of service of the notice of violation may result in the Commissioner instituting proceedings through the attorney general and reporter for assessment in the chancery court of Davidson County or in the chancery court of the county in which all or part of the violation occurred.
- (5) Each notice of violation shall state the proposed penalty for the violation alleged. The date of the violation shall be the date that the violation occurred, not the date that any penalty is proposed through a notice of violation. Only penalties accepted according to subparagraph (3)(a) of this rule, or assessed according to subparagraph (3)(b) of this rule, shall be considered in determining whether to issue a second, or third or subsequent violation within a 365-day period pursuant to subparagraph (b) of this paragraph. Each day of a continued violation shall constitute a separate violation. The following shall be the schedule of standard penalties to be proposed by the Department.
 - (a) For an alleged violation of Rule 0400-02-02-.34: \$35.
 - (b) For any other alleged violation:
 1. First violation by an individual within a 365-day period, \$50;
 2. Second violation by an individual within a 365-day period, \$100; and
 3. Third or subsequent violation by an individual within a 365-day period, \$200.

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- (6) Any proposed civil penalties paid to the Department pursuant to this rule shall be deposited in the state park fund created by T.C.A. § 11-3-302.
- (7) Nothing in this rule shall limit the Commissioner's authority to:
 - (a) Seek an assessment of civil penalties in excess of those proposed in a notice of violation through an action brought pursuant to T.C.A. § 11-1-109(c) without proposing to settle the matter by a notice of violation;
 - (b) Settle the allegations contained in a notice of violation after the expiration of the 30-day acceptance period; or
 - (c) Pursue any other lawful criminal or civil remedy.

Authority: T.C.A. §§ 4-5-201, et seq.; 11-1-101(e); and 11-1-109(b). **Administrative History:** New rule filed January 22, 2021; effective April 22, 2021.