

TITLE 07 – DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Department of Natural and Cultural Resources intends to readopt with substantive changes the rules cited as 07 NCAC 15 .0104, .0105, .0401, .0504, and .0603.

Link to agency website pursuant to G.S. 150B-19.1(c): <http://www.ncdcr.gov/>

Proposed Effective Date: December 1, 2019

Public Hearing:

Date: August 20, 2019

Time: 10:00 a.m.

Location: 3125 Poplarwood Ct., Suite 160, Raleigh, NC 27604

Reason for Proposed Action: *The proposed rules are proposed for readoption as part of the existing rules review process. The proposed rules are necessary to carry out the functions of the Aquariums division of the Department of Natural and Cultural Resources.*

Comments may be submitted to: *Maylon White, 3125 Poplarwood Ct., Raleigh, NC 27604; phone (919) 623-5106; email maylon.white@ncaquariums.com*

Comment period ends: September 30, 2019

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 15 - NORTH CAROLINA AQUARIUMS

SECTION .0100 - USE OF NORTH CAROLINA AQUARIUMS

07 NCAC 15 .0104 PERMISSIBLE ACTIVITIES

Approved private activities may include sales or solicitations if approved by the Aquarium or Pier Director at least 10 days before the date of the activity. No other sales or solicitations by private groups and individuals are allowed on Aquarium or Pier property.

*History Note: Authority G.S. 143B-135.182(a)(1b)b.; 143B-135.182(b);
Eff. February 1, 1987;
Amended Eff. April 1, 2010;
Transferred from 15A NCAC 28 .0104 Eff. April 1, 2017.*

07 NCAC 15 .0105 PERMISSION FOR USE

All potential users shall obtain prior written permission from the Aquarium or Pier Director for use of the building or grounds. Approved users of the facilities shall sign a written contract.

*History Note: Authority G.S. 143B-135.182(a)(1b)b.; 143B-135.182(b);
Eff. February 1, 1987;
Amended Eff. April 1, 2010;
Transferred from 15A NCAC 28 .0105 Eff. April 1, 2017.*

SECTION .0400 - FIREARMS: FIRES: SMOKING

07 NCAC 15 .0401 LETHAL INSTRUMENTS

Carrying or possessing firearms, airguns, bows and arrows, slingshots or lethal instruments of any kind in the Aquarium or Pier or on Aquarium or Pier property, except by law enforcement officials with jurisdictional authority, is prohibited.

History Note: Authority G.S. 143B-135.182(a)(1b); 143B-135.182(b);
Eff. February 1, 1987;
Amended Eff. April 1, 2010;
Transferred from 15A NCAC 28 .0401 Eff. April 1, 2017.

SECTION .0500 - CONDUCT: ALCOHOLIC BEVERAGES: PETS: PROPER DRESS

07 NCAC 15 .0504 PETS

Pets are not allowed in the Aquarium ~~buildings~~ buildings or Pier. Service animals whose handlers attest to the animal's status are allowed inside the buildings. Pets are allowed on the grounds provided they remain at all times under the owners' control and are restrained by a leash. Any animal causing a nuisance or left unattended on Aquarium or Pier property shall be removed by the owner upon the request of the Aquarium or Pier Director. Pet owners shall pick up their animal's waste from Aquarium and Pier grounds and dispose of it.

History Note: Authority G.S. 143B-135.182(a)(1b); 143B-135.182(b);
Eff. February 1, 1987;
Amended Eff. May 1, 2010;
Transferred from 15A NCAC 28 .0504 Eff. April 1, 2017.

SECTION .0600 - COMMERCIAL ACTIVITIES: SOLICITATIONS: ETC.

07 NCAC 15 .0603 PHOTOGRAPHS

No person shall take photographs, video tapes or movies of the Aquarium or Pier facilities or on Aquarium or Pier property for commercial purposes without the permission of the Aquarium or Pier Director. Permission shall be granted when the activity is conducted at a time and in a manner that does not expose the Aquarium's or Pier's visitors, employees or captive animals to harm.

History Note: Authority G.S. 143B-135.182(a)(1b); 143B-135.182(b);
Eff. February 1, 1987;
Amended Eff. May 1, 2010;
Transferred from 15A NCAC 28 .0603 Eff. April 1, 2017.