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Sequence Number: 11-21-20  
 Notice ID(s): 3215-3216  
 File Date: 11/20/2020

# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Department of Environment and Conservation
<b>Division:</b>	Division of State Parks
<b>Contact Person:</b>	Michael D. Driver
<b>Address:</b>	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 2nd Floor Nashville, Tennessee 37243
<b>Phone:</b>	(615) 253-2027
<b>Email:</b>	<a href="mailto:Michael.D.Driver@tn.gov">Michael.D.Driver@tn.gov</a>

*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	ADA Coordinator
<b>Address:</b>	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 22nd Floor Nashville, Tennessee 37243
<b>Phone:</b>	1-866-253-5827 (toll free) or 615-532-0200 Hearing impaired callers may use the TN Relay Service 1-800-848-0298
<b>Email:</b>	<a href="mailto:Jennifer.Katzenmiller@tn.gov">Jennifer.Katzenmiller@tn.gov</a>

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	2 <sup>nd</sup> Floor, Conference Rooms A, B, and C		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	01/12/2021		
Hearing Time:	11:00 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

*The Department of Environment and Conservation is committed to the Tennessee Pledge and reopening responsibly. All individuals planning to attend this hearing are asked to follow the current recommended guidelines for social distancing, hygiene, and wearing protective equipment when appropriate.*

**Alternate Hearing Option (An electronic participation option is also available. If the In-Person Hearing is Prohibited or Otherwise Inappropriate the Hearing will be Electronic-Only)**

<b>Method 1:</b>	<p><b>You may also join electronically.</b></p> <p><b>Join by going to this link:</b>  <a href="https://tngov.webex.com/tngov/j.php?MTID=m3ce17db325ff398b1230dab1bb34e633">https://tngov.webex.com/tngov/j.php?MTID=m3ce17db325ff398b1230dab1bb34e633</a></p> <p><b>Meeting number (access code): 178 435 1961</b>  <b>Meeting password: ZWa8Mihgg82</b></p>
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<b>Method 2:</b>	<b>Join by phone</b> <b>1-415-655-0003</b> <b>Access code: 178 435 1961</b>  <b>Global call-in numbers are available online at:</b> <a href="#">Link for Global Call-in Numbers</a>
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**Additional Hearing Information:**

*If it is hard for you to read, speak, or understand English, TDEC may be able to provide translation or interpretation services free of charge. Please contact Cheryl Gracy at (615) 532-0041 for more information.*

The purpose of this rulemaking is to provide a means by which a person may make a demonstration or small-group demonstration on Tennessee State Park property and ensures the appropriate and intended use of Tennessee State Parks by the general public. This rulemaking applies to all groups intending to make a demonstration or small-group demonstration in a state park. This rulemaking addresses the requirements that apply to small-group demonstrations in state parks separately from the requirements that apply to all other demonstrations in state parks.

An initial set of draft rules has been prepared for public review and comment. The "DRAFT" rules may be accessed for review using at <https://www.tn.gov/environment/ppo-public-participation/ppo-public-participation/ppo-state-parks.html>.

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Tennessee Department of Environment and Conservation, State Parks, Attention: Michael Driver, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 2<sup>nd</sup> Floor, Nashville, Tennessee 37243; telephone (615) 253-2027 or email: [Michael.D.Driver@tn.gov](mailto:Michael.D.Driver@tn.gov). However, such written comments must be received by 4:30 PM Central Time, January 12, 2021, in order to assure consideration. For further information, please contact Michael Driver at the above address or telephone number, or by e-mail.

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0400-02-02	Public Use and Recreation
Rule Number	Rule Title
0400-02-02-.19	Reserved

Chapter Number	Chapter Title
0400-02-12	Requirements for Demonstrations on State Park Property and Facilities
Rule Number	Rule Title
0400-02-12-.01	Purpose, Scope, and Applicability
0400-02-12-.02	Definitions
0400-02-12-.03	Non-public Forums
0400-02-12-.04	Requirements that Apply to Small-group Demonstrations
0400-02-12-.05	Demonstration and Small-group Demonstration Requirements
0400-02-12-.06	Violations

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Chapter 0400-02-02  
Public Use and Recreation

Amendments

The table of contents to Chapter 0400-02-02 Public Use and Recreation is amend by replacing the title to Rule 0400-02-02-.19 Public Assemblies, Meetings with "Reserved."

Authority: T.C.A. §§ 11-1-101 and 4-5-201 et seq.

Rule 0400-02-02-.19 Public Assemblies, Meetings is amended by deleting it in its entirety and substituting instead the following:

0400-02-02-.19 Reserved.

Authority: T.C.A. §§ 11-1-101 and 4-5-201 et seq.

Chapter 0400-02-12  
Requirements for Demonstrations on State Park Property and Facilities

New Rules

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0400-02-12-.01 Purpose, Scope, and Applicability

(1) Purpose

The purpose of this chapter is to provide a means by which a person may make a demonstration or small-group demonstration in state parks in a manner that:

- (a) Is consistent with applicable law, rules, and department policies;
- (b) Ensures public health and safety;
- (c) Protects environmental or scenic values, natural or cultural resources, and scientific research;
- (d) Minimizes adverse impacts among visitors to a state park; and
- (e) Ensures the proper allocation and use of state park facilities.

(2) Scope

This chapter applies to all groups intending to make a demonstration or small-group demonstration in a state park.

(3) Applicability

This chapter addresses the requirements that apply to small-group demonstrations in state parks separately from the requirements that apply to all other demonstrations in state parks.

Authority: T.C.A. §§ 11-1-101 and 4-5-201 et seq.

0400-02-12-.02 Definitions

When used in Rule 0400-02-12-.01 through Rule 0400-02-12-.06, the following terms have the following meaning:

“Commissioner” means the Commissioner of the Department of Environment and Conservation or the Commissioner’s authorized representative.

“Demonstration” includes any assembly, gathering, picketing, speechmaking, marching, holding vigils or religious services, the distribution of printed matter and other message-bearing items, and all other like forms of conduct that involve the communication or expression of views or grievances, engaged in by one or more persons. This term does not include casual park use by visitors or tourists that is not reasonably likely to attract a crowd or onlookers or that is otherwise an expected and approved use of the park area. “Demonstration” does not include a “small-group demonstration” unless specifically stated.

“Department” means the Department of Environment and Conservation.

“Designated demonstration areas” means the areas designated on a map for each state park identifying locations available for demonstrations other than small-group demonstrations.

“Director” means the Director of State Park Operations or the Director’s designee.

“Non-public forum” means those areas in a state park deemed a non-public forum in accordance with paragraph (2) of Rule 0400-02-12-.03 and other areas that qualify as non-public forums under state or federal law.

“Other message-bearing items” means a message-bearing item that is not “printed material” and is not solely commercial advertising. Other message-bearing items include, but are not limited to, readable electronic media such as compact discs and flash drives; clothing and accessories such as hats and key chains; buttons; pins; and bumper stickers.

“Park manager” means the highest-ranking manager responsible for oversight and management of a respective state park or the park manager’s designee.

“Printed material” means message-bearing textual printed material such as books, pamphlets, magazines, and leaflets, provided that it is not solely commercial advertising.

“Small-group demonstration” means a demonstration involving 25 or fewer individuals.

“State park” means any land operated or managed by the department pursuant to T.C.A. § 11-1-108, including state parks and state natural areas.

“Structure” means furniture and furnishings, such as chairs, tables, cabinets, platforms, podiums, and lecterns; shelters, such as tents, sheds, boxes, and other enclosures; wagons and carts; and all other similar types of property that might tend to harm park resources, including aesthetic interests.

Authority: T.C.A. §§ 11-1-101 and 4-5-201 et seq.

#### 0400-02-12-.03 Non-public Forums

- (1) The Department has a legitimate interest in maintaining peace, tranquility, reverence, and other desired atmospheres found in natural, historic, hospitality, and commemorative areas of state parks and in providing the contemplative visitor experience for which many visitors pay money to receive; particularly for services provided in the Department’s hospitality facilities.
- (2) The restricted areas detailed in subparagraphs (a) through (l) of this paragraph are deemed non-public forums and are not intended to be open places for free expression by or between citizens. The restrictions on non-public forums in this rule are intended to be view-point neutral and are reasonably necessary to further the Department’s interest in securing its facilities and grounds for their legitimate and intended purpose. Therefore, the Department prohibits demonstrations and small-group demonstrations in the following park areas:
  - (a) Hospitality facilities. The Department’s hospitality facilities are meant to be commercial hospitality service facilities and areas for customers to experience state park hospitality services within or near natural, cultural, or historic resources for the reasonable, quiet enjoyment of such services for which the visitor typically pays money to experience. Therefore, demonstrations and small-group demonstrations are prohibited in state park hospitality facilities and areas. The term “hospitality facilities and areas” includes:
    1. State park resort facilities, which includes the interior of all buildings and facilities that are part of a state park lodge, inn, or conference center location and the parking lots and sidewalks that service the resort facilities. State park resort facilities also includes any swimming pool area, beach access area, and other areas that are adjacent to a state park resort facility or are reserved for state park resort guests. In addition, a state park resort facility includes any area within 100 feet of the state park resort facility, except for areas that constitute a traditional public forum, such as a sidewalk, that would be reasonably anticipated for general public use, as opposed to being principally for use by

those using the state park resort facilities. Currently, there are state park resort facilities at the following Tennessee state parks; provided, however, that this list shall not be construed to exclude any subsequently constructed state park resort facility from this part:

- (i) Fall Creek Falls State Park;
  - (ii) Henry Horton State Park;
  - (iii) Montgomery Bell State Park;
  - (iv) Natchez Trace State Park;
  - (v) Paris Landing State Park; and
  - (vi) Pickwick Landing State Park.
2. Campground areas, which includes any area within a state park that offers overnight accommodations at campgrounds designed to accommodate tents or recreational vehicles, and any areas within 100 feet of any such campground areas, except for areas that constitute a traditional public forum, such as a sidewalk, that would be reasonably anticipated for general public use, as opposed to being principally for use by those using a camp site;
  3. Cabin areas, which includes any buildings within a state park that provide overnight accommodations that are not part of a state park inn, group lodge, or group camp, and includes the area within 100 feet of any cabin, except for areas that constitute a traditional public forum, such as a sidewalk, that would be reasonably anticipated for general public use, as opposed to being principally for use by those using a cabin; and
  4. Group lodge areas, which includes building facilities within a state park designed to offer overnight accommodations to groups of people and includes the area within 100 feet of a group lodge building, except for areas that constitute a traditional public forum, such as a sidewalk, that would be reasonably anticipated for general public use, as opposed to being principally for use by those using the group lodge building.
- (b) State park housing facilities, which includes the area within 100 feet of any state park housing facility, except for areas that constitute a traditional public forum, such as a sidewalk, that would be reasonably anticipated for general public use, as opposed to being principally for use by those using the state park housing facilities;
  - (c) State park visitor center buildings;
  - (d) State park office buildings;
  - (e) State park museum buildings;
  - (f) Marinas, including the marina parking lot and any area within 100 feet of a marina dock;
  - (g) Areas in state parks that are designated as historic or commemorative areas;
  - (h) Nature and interpretive centers;
  - (i) Restaurants;
  - (j) Swimming pools;
  - (k) Assembly and recreational halls; and

- (l) Golf courses and golf clubhouse facilities, which includes the golf course parking areas and any area within 100 feet of a golf course or golf clubhouse facilities, except for areas that constitute a traditional public forum, such as a sidewalk, that would be reasonably anticipated for general public use, as opposed to being principally for use by those using the golf course or golf clubhouse facility.

Authority: T.C.A. §§ 11-1-101 and 4-5-201 et seq.

#### 0400-02-12-.04 Requirements that Apply to Small-group Demonstrations

- (1) Small-group demonstrations may be held within public forum areas of a state park within publicly accessible areas, provided that:
  - (a) The area in which the group seeks to demonstrate can reasonably accommodate the small-group and will not present unreasonable risk to health and safety of the group or others;
  - (b) The Director determines that the particular area where the small-group demonstration is being held or will be held can reasonably permit multiple occupancy and:
    - 1. No application for a special event permit in accordance with Chapter 0400-02-11 is presently pending regarding the proposed area for the same time, or overlapping in time, including time necessary for setup and teardown;
    - 2. No permit authorizing a special event in accordance with Chapter 0400-02-11 has been granted regarding the proposed area for the same time, or overlapping in time, including time necessary for setup and teardown;
    - 3. No notification for a demonstration has been submitted in accordance with Rule 0400-02-12-.05 for the same proposed area at the same time, or overlapping in time, including time necessary for setup and tear down; and
    - 4. No other small-group demonstration, other group gathering, or other demonstration is being held or will be held at the same proposed area at the same time, or overlapping in time, including time necessary for setup and tear down;
  - (c) It reasonably appears that the small-group demonstration will not present a clear and present danger to public health or safety;
  - (d)
    - 1. The small-group demonstration is of such nature or duration that it can reasonably be accommodated in the particular location, considering any reasonable factors including, but not limited to, damage to park resources or facilities, impairment of a non-public forum's intended use and atmosphere, unreasonable interference with program activities, or unreasonable impairment of public use facilities;
    - 2. In the event the Director determines that a small-group demonstration does not meet the requirements of part 1 of this subparagraph at the small-group demonstration's current or proposed location, the Director shall propose an alternate site for the small-group demonstration if such a site is available within the respective park. The small-group demonstration may only proceed at the new, alternate site;
  - (e) The location sought is open to the public during the time requested;
  - (f) The small-group demonstration is not being conducted in a non-public forum;
  - (g) The intended purpose of the small-group demonstration is not to violate a law, rule, regulation, or park policy and the conduct of the small-group demonstration is reasonably certain not to violate a law, rule, regulation, or park policy;

- (h) The group is not merely an extension of another group already availing itself of the small-group demonstration exclusion under this paragraph such that the effect of all such groups using such exclusion would be to avoid proper notification under Rule 0400-02-12-.05;
  - (i) The small-group demonstration will not unreasonably interfere with special events or park program activities; and
  - (j) Temporary structures are not erected other than the placement of a small lectern or speakers' platform that is able to be carried by one average size adult without any conveyance device and which shall be no larger than three feet in length, three feet in width, and three feet in height.
- (2) While it is not mandatory, the organizer of a small-group demonstration is requested to provide reasonable notice of the proposed small-group demonstration to the Director to help ensure adequate health and public safety, including whether there is any reason to believe that there may be an attempt to disrupt, protest, or prevent the activity.
  - (3) In the event that two or more groups taking advantage of the small-group permit exception seek to use the same designated available area at the same time and the area cannot reasonably accommodate multiple occupancy, the Director shall, whenever possible, direct the later-arriving group to relocate to another nearby public forum area or designated demonstration area, if available.
  - (4) The Department may seek costs that result from unreasonable damage to park areas, grounds, facilities, or any other park property directly caused by an individual or individuals who cause such damage. For purposes of this paragraph, damage does not include the normal impact to park grounds that is reasonably expected from use of the park area, such as foot traffic impacting turf and ground areas.

Authority: T.C.A. §§ 11-1-101 and 4-5-201 et seq.

#### 0400-02-12-.05 Demonstration and Small-group Demonstration Requirements

- (1) A person planning to make any demonstration other than a small-group demonstration allowed under Rule 0400-02-12-.04 shall submit a complete notification to the Director prior to making a demonstration in a state park.
- (2) Notification Requirements Prior to Making a Demonstration in State Parks
  - (a) Maps of designated demonstration areas shall be available at the office of the Director and the respective park's visitor center during normal business hours and shall be available on each park's respective web page in an area of general public access.
  - (b) A notification form may be obtained from the Director or through the local park office for the respective park location for which a demonstration is intended, if such office exists for that park. Notification forms shall also be available through the Tennessee State Parks web page.
  - (c) Except as otherwise provided on the respective park's web page, notification forms shall be submitted to the Director during normal state business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.
  - (d) A notification for a demonstration shall be submitted at least 48 hours in advance of the demonstration unless the demonstration would require a site plan as provided under part (f)5 of this paragraph, in which case the completed notification form shall be submitted at least 30 days in advance of the demonstration. The advance notice period may be waived by the Director if the size and nature of the demonstration will not reasonably require the commitment of park resources or personnel in excess of that which are normally available or which can reasonably be made available within the necessary time period.
  - (e) The Director shall not accept a notification more than one year prior to the proposed event (including time required for setup). Written notifications received more than one year in advance shall be returned to the applicant.

- (f) Notification of a demonstration shall be submitted on a form adopted by the Director and shall include, but not necessarily be limited to:
    - 1. The name and contact information for the applicant;
    - 2. The date, time, duration, nature, and place of the demonstration;
    - 3. An estimate of the number of individuals expected to attend the demonstration;
    - 4. A statement of equipment and facilities to be used before, during, and after the demonstration;
    - 5. If any type of structure is to be placed or erected on park property for any demonstration or if any other ground-disturbing activity is to be conducted for the demonstration, a complete site plan that:
      - (i) Clearly displays all structures; and
      - (ii) If required by the park manager because of the complexity of the proposal, contains more precise drawings or other additional materials or information to allow the Director to be appropriately informed of the proposed demonstration's impact on park resources and staff;
    - 6. Whether there is any reason to believe that there will be an attempt to disrupt, protest, or prevent the demonstration; and
    - 7. Any other information required on the notification form provided by the Director.
  - (g) The Director shall review the notification for completeness. If the notification, in the opinion of the Director, is not complete, the Director shall notify the applicant of any deficiency. An incomplete notification form does not satisfy the requirement of paragraph (1) of this rule.
- (3) A demonstration may take place in a state park, provided that:
- (a) The notification requirement of paragraph (2) of this rule has been completed to the satisfaction of the Director prior to the demonstration;
  - (b) The demonstration is not being conducted in a non-public forum;
  - (c) The demonstration is in a public forum and is in a designated demonstration area, if such an area has been designated;
  - (d) The designated capacity for an area or facility would not be exceeded;
  - (e) The area in which the group seeks to demonstrate can, in the opinion of the Director, reasonably accommodate the group and will not present unreasonable risk to health and safety of the group or others;
  - (f) 1. Unless the Director determines that the particular area where the demonstration is being held or will be held can reasonably permit multiple occupancy:
    - (i) No application for a special event permit in accordance with Chapter 0400-02-11 is presently pending regarding the proposed area for the same time, or overlapping in time, including time necessary for setup and teardown;
    - (ii) No permit authorizing a special event in accordance with Chapter 0400-02-11 has been granted regarding the proposed area for the same time, or overlapping in time, including time necessary for setup and teardown;

- (iii) No notification for a demonstration has been submitted in accordance with this rule for the same proposed area at the same time, or overlapping in time, including time necessary for setup and tear down; and
      - (iv) No other small-group demonstration, other group gathering, or other demonstration is being held or will be held at the same proposed area at the same time, or overlapping in time, including time necessary for setup and tear down:
    - 2. If the Director determines that the particular area cannot reasonably permit multiple occupancy, the Director shall propose an alternate site for the demonstration, if available. The demonstration shall only proceed at the new, alternate site.
  - (g) It reasonably appears that the demonstration will not present a clear and present danger to public health or safety;
  - (h)
    1. The demonstration is of such nature and duration that it can reasonably be accommodated in the particular location, considering such things as damage to park resources or facilities, impairment of a non-public forum's intended use and atmosphere, unreasonable interference with program activities, or unreasonable impairment of public use facilities;
    2. In the event the Director determines that a demonstration does not meet the requirements of part 1 of this subparagraph at the demonstration's current or proposed location, the Director shall propose an alternate site for the demonstration, if available within the respective park. The demonstration shall only proceed at the new, alternate site.
  - (i) The location sought is open to the public during the time requested;
  - (j) The intended purpose of the demonstration is not to violate a law, rule, regulation, or park policy and the conduct of the demonstration is reasonably certain not to violate a law, rule, regulation, or park policy;
  - (k) The demonstration does not constitute a violation of an applicable law or rule;
  - (l) The demonstration is conducted in a manner that does not put at risk public health and safety, and in a manner that is consistent with applicable laws and regulations; and
  - (m) The requirements of paragraph (4) of this rule applicable to all demonstrations are met.
- (4) Requirements Applicable to all Demonstrations and Small-group Demonstrations
- (a) Structures used or erected during demonstrations and small-group demonstrations
    1. Temporary structures may be used or erected as part of a demonstration or small-group demonstrations as reasonably necessary for the purpose of meeting logistical needs such as first aid facilities, lost children areas, the provision of shelter for electrical and other sensitive equipment or displays, and assisting speakers. All use of temporary structures shall be approved by the park manager prior to such use,
    2. Temporary structures may not be used outside designated camping areas for living accommodation activities such as sleeping, making preparations to sleep (including the laying down of bedding for the purpose of sleeping), storing personal belongings, making any fire, doing any digging or earth breaking, or carrying on cooking activities. Activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging,

3. Temporary structures shall be allowed to the extent described in part 1 of this subparagraph, provided prior notice has been given to and approved by the Director, except that:
  - (i) All such temporary structures shall be erected in such a manner so as not to unreasonably harm park resources and shall be removed as soon as practicable after the conclusion of the demonstration or small-group demonstration. Any person instructed by the park manager to remove or replace a temporary structure erected in a manner that unreasonably harms park resources shall comply as soon as reasonably possible;
  - (ii) The Director may impose reasonable restrictions upon the use of temporary structures in the interest of protecting the park areas involved, ensuring safe traffic flow, public safety considerations, and other legitimate concerns; and
  - (iii) Platforms for speaking shall only be approved by a park manager as follows unless the Director finds that good cause exists for the approval of additional or different speaking platforms and that allowing the requested additional or different speaking platforms would not unreasonably impede on the interest of protecting the park areas involved, ensuring safe traffic flow, public safety considerations, and other legitimate concerns:
    - (I) When 100 or more persons are participating in a demonstration, a temporary speaker's platform as is reasonably required to serve the demonstration participants is allowed while such platform is being erected, dismantled, or used; provided that only one speaker's platform is allowed per demonstrating group and the speaker's platform may not unreasonably damage park property or natural resources; and
    - (II) When fewer than 100 persons are participating in a demonstration or small-group demonstration, a temporary "soapbox" speaker's platform is allowed while such platform is being erected, dismantled, or used. Only one speaker's platform is allowed per demonstrating group. The speaker's platform shall be no larger than three feet in length, three feet in width, and three feet in height.
- (b) Hand-held signs, banners, and placards may be used if they are made of paper, cardboard, poster board, or cloth having dimensions no greater than 60 square feet, and one-quarter inch in thickness. No supports shall be allowed for signs or placards except those made of wood having no sharpened ends or edges and cross-sectional dimensions no greater than three-quarters of an inch by three-quarters of an inch.
- (c) All signage shall be attended at all times. Signage shall be considered to be attended only when it is in physical contact with a person. No signage shall be tied, fastened, or otherwise attached to or leaned against trees, fences, lamp posts or other natural or artificial park structures.
- (d) Persons engaged in the distribution of printed matter or the distribution of other message-bearing items are prohibited from misrepresenting the purposes or affiliations of those engaged in the sale or distribution and misrepresenting whether the printed matter or other message-bearing items are available without cost or donation.
- (e) Hand-portable sound amplification equipment is allowed in connection with a demonstration or small-group demonstration and is limited to one hand-portable device for every 100 demonstration or small-group demonstration participants. Permitted demonstrations involving 500 or more participants may apply for the use of sound amplification equipment other than hand-portable devices as would be reasonably necessary to adequately speak to the demonstration participants. The Director reserves the right to limit the sound amplification equipment so that it will not unreasonably disturb nonparticipating persons in, or in the vicinity of, the area or persons in nonpublic forums, and so that the equipment is not otherwise operated in a manner that violates park rules, regulations, or laws. Any person notified by the Director that the person's

operation of sound amplification equipment in a manner that unreasonably disturbs nonparticipating persons in, or in the vicinity of, the area or persons in nonpublic forums, or that the equipment is otherwise being operated in a manner that violates park rules, regulations, or laws shall immediately stop operating sound amplification in such a manner.

- (f) The in-person soliciting or demanding of money or funds for donation on park property is prohibited, unless specifically allowed by the Director. Persons allowed by the Director to solicit must not:
  - 1. Give false or misleading information regarding their purposes or affiliations; or
  - 2. Give false or misleading information as to whether any item is available without donation.
- (g) No sales shall be made nor admission fee charged for any demonstration or small-group demonstration and no article may be exposed for sale unless allowed by the Director, except as follows:
  - 1.
    - (i) Books, newspapers, leaflets, pamphlets, buttons, and bumper stickers related to the purpose or purposes of the demonstration or small-group demonstration may be sold or distributed, consistent with local, state, and federal laws and rules, during a properly-noticed demonstration or small-group demonstration without the issuance of an additional permit by the Department. No other sale of merchandise is allowed during a demonstration except as permitted by the Director
    - (ii) Use of a stand or structure in the sale or distribution of permitted merchandise, including books, newspapers, leaflets, pamphlets, buttons, and bumper stickers, may only be conducted in accordance with a site plan that is complete as required under subparagraph (2)(f) of this rule and can be accommodated under subparagraph (3)(e) of this rule.
  - 2. Persons engaged in the sale or distribution of printed material under this subparagraph shall not obstruct or impede pedestrians or vehicles, harass park visitors with physical contact, misrepresent the purposes or affiliations of those engaged in the sale or distribution, or misrepresent whether the printed matter is available without cost or donation.
- (h) The Department may seek from groups or individuals any costs that result from unreasonable damage to park areas, grounds, facilities, or any other park property directly caused by the respective group or individual. For purposes of this subparagraph, damage does not include the normal impact to park grounds that is reasonably expected from use of the park area, such as foot traffic impacting turf and ground areas.

Authority: T.C.A. §§ 11-1-101 and 4-5-201 et seq.

0400-02-12-.06 Violations

In addition to the penalties outlined in T.C.A. § 11-1-109, the park manager may require anyone violating these rules to leave the respective park property and not return for at least 24 hours from being ordered to leave and may seek additional actions as otherwise permitted under state law. Any person receiving such instruction from a park manager shall promptly comply.

Authority: T.C.A. §§ 11-1-101 and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: November 20, 2020

Signature: 

Name of Officer: Michael D. Driver

Title of Officer: Senior Associate Counsel

**Department of State Use Only**

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Secretary of State

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