

SUBCHAPTER 04N – HISTORIC SITES REGULATIONS

SECTION .0100 – HISTORIC SITES

07 NCAC 04N .0101 STATEMENT OF PURPOSE

The purpose of the Historic Sites Section is to preserve, develop, interpret, operate, and maintain for public benefit historic properties and attendant historic resources significant to the state's overall history.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0102 ACTIVITIES PROHIBITED ON STATE HISTORIC SITES PROPERTY

(a) On state historic sites property, a person may not, unless specifically authorized to do so by written permit or work order from the Department of Cultural Resources:

- (1) remove, deface, or destroy any natural feature, plant, animal, mineral, or human-made object;
- (2) dig, plow, or otherwise disturb existing ground conditions;
- (3) drive or park a vehicle in places other than a designated public roadway or parking area;
- (4) allow an animal under his care to be unrestrained or to enter a site building or historic feature, unless that animal is a guide dog for a legally blind person;
- (5) ride or drive an animal in places other than a designated public roadway;
- (6) enter, leave, or remain on site property at any time other than normal hours of public visitation. The schedule for public visitation is posted at each site; variations from this schedule are announced via print and broadcast media;
- (7) advertise, promote, offer for sale, or otherwise solicit for a product, service, candidate, charity, or public or private cause;
- (8) cross any railing, fence, barricade, or marked safety perimeter, or otherwise attempt to defeat the purpose of any security or safety device;
- (9) carry on his person any firearm, projectile-firing device, explosive or other weapon;
- (10) create a fire hazard by having any open flame or burning material inside any building unless the person is in a designated smoking area, or by kindling fires in any place other than designated cooking grills;
- (11) disrupt the public enjoyment or normal operation of a state historic site by any form of commercial or for-profit activity;
- (12) bathe, wade, or swim in any waters in any state historic site except at such times and in such places as the Department may designate as swimming areas. In this Rule, "swimming area" means any beach or water area designated by the Department as a place for swimming, wading, or bathing.

(b) On state historic sites property, a person may not, under any circumstances:

- (1) create any pollution or environmental hazard by improper disposal of trash, garbage, waste water, or other detrimental substance;
- (2) hunt, fish, or otherwise disturb, injure, or destroy wildlife;
- (3) use or carry a metal detector, probe, or any similar instrument used for remotely sensing the presence of objects or features at or below ground level;
- (4) create a fire hazard by improperly discarding burning or smoldering material.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0103 AUTHORITY OF SITE PERSONNEL

When on state historic site property, a person may not disobey an order of a site manager or other site employee when that order is related to the preservation of historical material, the protection of historic sites property, the safety or well-being of the visiting public, or the equality of access of all citizens to the resources of the site.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0104 PERMIT REQUIRED FOR SPECIAL SITE ACTIVITIES AND EVENTS

A person shall, at least 15 days before the scheduled beginning of the activity or event, apply in advance to the manager of the state historic site for a permit to use that site's property or facilities for any activity or event which will:

- (1) interfere with the visiting public's normal access to or use or enjoyment of the site;
- (2) require site personnel to provide special preparation, assistance, or service not otherwise furnished to individual or group visitors under the site's general public policy and program;
- (3) result in any violation of other rules in this Subchapter; or
- (4) represent a use of the site for purposes other than those associated with historic preservation or public history education.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0105 PERMIT APPLICATION REQUIREMENTS

A person shall, in applying for a permit, provide the site manager with a written description of the proposed activity, the description to include:

- (1) the name, mailing address, and telephone number of the official sponsor;
- (2) the time(s) and date(s);
- (3) a narrative description to include the purpose of the activity and the approximate number of participants;
- (4) a description of any special preparations or assistance which would be required of site personnel;
- (5) any requirements for the use of site utilities.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0106 ADDITIONAL MATERIAL REQUIRED/CERTAIN PERMIT APPLICATIONS

If a permit application requests permission to stage any public performance, to perform any on-site audio or visual recording or other audio or visual production work, or to engage in any for-profit activity on the property of a state historic site, the Historic Sites Section may, at its option, require the submission of additional materials either at the time of the permit application or at any later date prior to the time of the proposed activity. These materials may include:

- (1) a script of the public presentation or audiovisual production;
- (2) the name, address, and business of the client for whom the work will be performed;
- (3) the anticipated distribution of any finished product resulting from on-site production work.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0107 GRANTING OF PERMITS AT OPTION OF SECTION AND DIVISION

The Historic Sites Section reserves the right to refuse to grant a permit for any reason it sees fit; the person filing the permit application may appeal any such refusal to the Director, Division of Archives and History. The Director reserves the right to deny the permit application if, in his opinion, the requested activity would adversely affect:

- (1) the preservation of historical material and state historic sites property;
- (2) the safety and well-being of the site staff and visiting public; or
- (3) the equality of access of all citizens to the resources of the state historic site.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0108 OBLIGATIONS OF PERMIT HOLDER

A permit authorizing any activity on state historic site property places certain obligations upon the individual or group issued the permit, that individual or group designated the "permit holder":

- (1) The permit holder attests that the performance of the authorized activity shall not result in any explicit or implied endorsement of any product, service, or candidate for public office by the Section or Division;
- (2) The permit holder agrees that neither the Division nor any of its employees shall bear any responsibility for the health or safety of those participating in the authorized activity;
- (3) The permit holder attests that the Division shall bear no responsibility in any legal action taken against the permit holder as a direct or indirect result of the performance of the authorized activity;
- (4) The permit holder agrees that the Division may require the presence of a sectional or divisional employee at and during the authorized activity; and
- (5) The permit holder agrees that the Division may require the posting of a bond against possible damage to the site, the amount of this bond to be determined by the Division.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0109 TYPES OF FEES FOR PERMITS

07 NCAC 04N .0110 REIMBURSEMENT FEES FOR SPECIAL SITE ACTIVITIES

07 NCAC 04N .0111 FEES FOR COMMERCIAL USE OF SITE

07 NCAC 04N .0112 ENFORCEMENT

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Repealed Eff. June 1, 1989.

SECTION .0200 - SITE HOURS: ADMISSION FEES

07 NCAC 04N .0201 SITE HOURS

History Note: Authority G.S. 121-4(8); 121-4(9); 121-7.3; 143B-62(2)d;
Eff. February 1, 1985;
Amended Eff. June 1, 2015; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Repealed Eff. June 5, 2019 pursuant to G.S. 150B-21.7 (see S.L. 2014-100, s. 19.5(a)).

07 NCAC 04N .0202 STATE HISTORIC SITES FEES

History Note: Authority G.S. 121-7.3;
Eff. February 1, 1985;
Amended Eff. January 1, 1990; June 1, 1989;
Emergency Amendment Eff. July 14, 2011;
Temporary Amendment Eff. September 23, 2011;
Amended Eff. August 1, 2012;
Codifier determined that findings of need did not meet the criteria for emergency rule on August 2, 2012;
Emergency Amendment Eff. August 10, 2012;
Emergency Amendment Expired November 3, 2012;
Codifier determined that findings of need did not meet the criteria for emergency rule on November 30, 2012;
Emergency Amendment Eff. December 10, 2012;
Emergency Amendment Expired March 3, 2013;
Amended Eff. May 1, 2015; July 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Repealed Eff. June 5, 2019 pursuant to G.S. 150B-21.7 (see S.L. 2015-241, s. 14.11(c)).

SECTION .0300 - ELIZABETH II: VOYAGES POLICY

07 NCAC 04N .0301 SCHEDULING VOYAGES

- (a) Voyages of the ELIZABETH II may be scheduled from mid-September through May. Voyages will not be scheduled during the summer months when seasonal living history programs are presented at the ELIZABETH II State Historic Site nor during the winter when major ship maintenance is scheduled.
- (b) Each voyage will be scheduled to include a minimum of three days public visitation in each host port visited.
- (c) Requests for an ELIZABETH II voyage must be submitted in writing by the host port at least six months in advance of the proposed voyage date to the Administrator, Historic Sites Section, Division of Archives and History, Department of Cultural Resources, 109 East Jones Street, Raleigh, North Carolina 27611.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d.;
Eff. January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0302 APPROVAL OF REQUESTS

The Administrator of the Historic Sites Section shall review all requests for voyages of the ELIZABETH II. The Administrator will deny any request which will jeopardize the safety of the ship or crew. The Administrator may deny any voyage request if, in his opinion, the requested voyage would adversely affect:

- (1) the visitor program at the ELIZABETH II State Historic Site;
- (2) the performance of ship maintenance; or
- (3) prior commitments to other host ports.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d.;
Eff. January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0303 VOYAGE COSTS

Reimbursement based on tug costs, travel and subsistence expenses for the ELIZABETH II staff while the ship is in the host port, and subsistence expenses for the crew while the ship is in transit to and from the host port shall be assessed to the host port. In-kind donations of these services, with prior approval of the Administrator, Historic Sites Section, may be substituted for cash payments.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d.;
Eff. January 1, 1990;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0304 VOYAGE AGREEMENT PROCEDURE

The host port will be furnished a Voyage Agreement outlining voyage costs and responsibilities of the Historic Sites Section of the Division of Archives and History and the host port. The Voyage Agreement shall be completed and returned to the Administrator, Historic Sites Section, Division of Archives and History, 109 East Jones Street, Raleigh, N.C. 27611, at least 30 days in advance of the ELIZABETH II's scheduled departure for the host port. Failure to complete and return the Voyage Agreement will result in cancellation of the voyage.

*History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d.;
Eff. January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*