

CHAPTER 15 – NORTH CAROLINA AQUARIUMS

SECTION .0100 - USE OF NORTH CAROLINA AQUARIUMS

07 NCAC 15 .0101 PURPOSE **07 NCAC 15 .0102 FACILITIES**

History Note: Authority G.S. 143b-390.2(b);
 Eff. February 1, 1987;
 Repealed Eff. April 1, 2010;
 Transferred from 15A NCAC 28 .0101, .0102 Eff. April 1, 2017.

07 NCAC 15 .0103 USERS

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 .0103 Eff. April 1, 2017;
 Expired Eff. June 1, 2018 pursuant to G.S. 150B-21.3A.

07 NCAC 15 .0104 PERMISSIBLE ACTIVITIES

History Note: Authority G.S. 143B-135.182;
 Eff. February 1, 1987;
 Amended Eff. April 1, 2010;
 Transferred from 15A NCAC 28 .0104 Eff. April 1, 2017;
 Repealed Eff. December 1, 2019.

07 NCAC 15 .0105 PERMISSION FOR USE

(a) Any person or group wishing to rent, commercially photograph or film, or otherwise use any of the Aquarium or Pier buildings or grounds for a private purpose shall obtain prior written permission from the Aquarium or Pier Director for use of the building or grounds. For the purposes of this Rule, "a private purpose," includes activities which are outside of the daily operations of the Aquarium or Pier. Prior to the approved use, the user shall enter into a written agreement setting forth the terms of the use of the Aquarium or Pier.

(b) In determining whether to approve the use, the Aquarium or Pier Director shall consider the following factors:

- (1) the reason for the use;
- (2) the availability of the requested facilities, or portion thereof;
- (3) the impact of the use on the operations of the Aquarium or Pier, including the impact to public access;
- (4) the impact of the use on Aquarium or Pier resources and facilities; and
- (5) whether the use would be detrimental to the purposes of the Aquariums as defined in G.S. 143B-135.184.

History Note: Authority G.S. 143B-135.182;
 Eff. February 1, 1987;
 Amended Eff. April 1, 2010;
 Transferred from 15A NCAC 28 .0105 Eff. April 1, 2017;
 Readopted Eff. December 1, 2019.

07 NCAC 15 .0106 SCHEDULING PERMISSIBLE ACTIVITIES

History Note: Authority G.S. 143b-390.2(b);
 Eff. February 1, 1987;
 Repealed Eff. April 1, 2010;
 Transferred from 15A NCAC 28 .0106 Eff. April 1, 2017.

07 NCAC 15 .0107 AVAILABLE AREAS

Each facility has the following functional areas available for use:

- (1) auditorium,
- (2) classrooms,
- (3) Aquarium galleries,
- (4) conference room, and
- (5) garden or nearby natural areas.

A group wishing to use the facility may request a specific functional area, but the Aquarium Director has final authority in assigning the use of any particular area.

*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 .0107 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

07 NCAC 15 .0108 LONG-TERM USE PROHIBITED

*History Note: Authority G.S. 143b-390.2(b);
Eff. February 1, 1987;
Repealed Eff. April 1, 2010;
Transferred from 15A NCAC 28 .0107 Eff. April 1, 2017.*

07 NCAC 15 .0109 NORTH CAROLINA AQUARIUMS: HOURS OF OPERATION AND FEES

(a) Information concerning hours of operation, admission fees and related activity fees for North Carolina's Aquariums may be found at:

- (1) Roanoke Island – <http://www.ncaquariums.com/roanoke-island-tickets>.
- (2) Pine Knoll Shores – <http://www.ncaquariums.com/pine-knoll-shores-tickets>.
- (3) Fort Fisher – <http://www.ncaquariums.com/fort-fisher-tickets>.
- (4) Jennette's Pier – <http://www.ncaquariums.com/jennettes-pier>.

(b) Admission fees and related activity fees are subject to dynamic pricing and may change from time to time.

*History Note: Authority G.S. 143B-135.182; 143B-135.188;
Eff. April 1, 2017.*

SECTION .0200 - SCHEDULING ACTIVITIES FOR GROUP USE

07 NCAC 15 .0201 SCHEDULING ACTIVITIES FOR REGULAR HOURS

The Aquarium Director must give written permission to groups wishing to use the Aquarium during normal operating hours. Groups shall be scheduled at a time and in a functional area that do not interfere with the normal operations of the Aquarium.

*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 .0201 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*

07 NCAC 15 .0202 AQUARIUM RESPONSIBILITIES

*History Note: Authority G.S. 143b-390.2(b);
Eff. February 1, 1987;
Repealed Eff. April 1, 2010;
Transferred from 15A NCAC 28 .0202 Eff. April 1, 2017.*

07 NCAC 15 .0203 SCHEDULING ACTIVITIES FOR NON-REGULAR HOURS

Any group wishing to use the facility before or after normal operating hours shall enter into a written agreement that includes the following requirements:

- (1) The user provides supervision adequate for the activity being planned;
- (2) An employee of the facility must be present at all times;
- (3) The user leaves the building and grounds in the same condition as before the activity;
- (4) No illegal substances, firearms (except those in the possession of law enforcement officials), or pets are permitted on the premises during the activity;
- (5) The user shall acquire prior permission from the Division Director if alcoholic beverages are to be consumed on the property;
- (6) Smoking is prohibited in all indoor areas and allowed only in designated outside areas; and
- (7) The Aquarium may cancel a scheduled event due to a hurricane or other natural disaster or may move or terminate a scheduled event for the safety and well-being of the exhibits or captive animals.

History Note: Authority G.S. 143B-135.182(a)(1b)b.; 143B-135.182(b);
Eff. May 1, 1987;
Amended Eff. April 1, 2010;
Transferred from 15A NCAC 28 .0203 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

SECTION .0300 - UNAUTHORIZED USE OF FACILITIES: FEES

07 NCAC 15 .0301 UNAUTHORIZED ENTRY

No person shall enter or remain on Aquarium property during hours when the facility is not open to the public except for on-duty employees, contractors or agents of the Aquarium; law enforcement, fire and emergency personnel; and others authorized to use the property in connection with an Aquarium or Aquarium Society sponsored event, or unless accompanied by an authorized employee of the Aquarium or permission has been granted by the Aquarium Director for the safety and well-being of the employees, exhibits, or captive animals.

History Note: Authority G.S. 143B-135.182(a)(1b); 143B-135.182(b);
Eff. February 1, 1987;
Transferred and Recodified from 01 NCAC 12 .1101 Eff. August 1, 2007;
Amended Eff. May 1, 2010;
Transferred from 15A NCAC 28 .0301 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 15 .0302 FEE SCHEDULE

History Note: Authority G.S. 143B-289.41(b); 143B-289.44;
Eff. March 1, 2004;
Amended Eff. September 1, 2011; January 1, 2011; April 1, 2010; January 1, 2006;
Transferred and Recodified from 15A NCAC 01R .0101 Eff. August 1, 2007;
Temporary Amendment Eff. February 28, 2014;
Amended Eff. December 1, 2014;
Repealed Eff. April 1, 2016 pursuant to S.L 2015-241, s. 14.11.(b);
Transferred from 15A NCAC 28 .0302 Eff. April 1, 2017.

SECTION .0400 - FIREARMS: FIRES: SMOKING

07 NCAC 15 .0401 WEAPONS

Carrying or possessing firearms, airguns, bows and arrows, slingshots or deadly weapons of any kind as defined in G.S. 14-269 in the Aquarium or Pier or on Aquarium or Pier property, except by law enforcement officials with jurisdictional authority or other persons as defined in G.S. 14-269(b) and G.S. 14-415.27, is prohibited.

History Note: Authority G.S. 14-269.3; 143B-135.182;
Eff. February 1, 1987;
Amended Eff. April 1, 2010;
Transferred from 15A NCAC 28 .0401 Eff. April 1, 2017;
Readopted Eff. December 1, 2019.

07 NCAC 15 .0402 EXPLOSIVES

The possession or use of pyrotechnics and cap pistols except by authorized employees of the Aquariums is prohibited.

History Note: Authority G.S. 143B-135.182(a)(1b); 143B-135.182(b);
Eff. February 1, 1987;
Transferred from 15A NCAC 28 .0402 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 15 .0403 FIRES

All fires, including grills, are prohibited except in designated areas.

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 .0403 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 15 .0404 SMOKING

Smoking is prohibited in the buildings. Smoking is prohibited on Aquarium grounds within the paid perimeter and in other outside areas except where smoking is designated.

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 .0404 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 15 .0405 USES NOT COVERED BY POLICY

History Note: Authority G.S. 143B-390.2(b);
Eff. May 1, 1987;
Repealed Eff. April 1, 2010;
Transferred from 15A NCAC 28 .0405 Eff. April 1, 2017.

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

07 NCAC 15 .0501 DISORDERLY CONDUCT

No person shall engage in disorderly conduct, be intoxicated, or be impaired by controlled or illegal substances while on Aquarium property or while involved in an Aquarium-sponsored program that is conducted off the premises.

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 .0501 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 15 .0502 SALES OF ALCOHOL OR CONTROLLED SUBSTANCES

No person shall sell or attempt to sell controlled or illegal substances or any other intoxicating or impairing substance on Aquarium property. Beer and wine may be sold pursuant to a valid Alcohol Beverage Control permit at an event held at the Aquarium if written approval is given by the Division Director prior to the event. The Director's approval shall be given when the applicant agrees that the beverages' alcohol content will not exceed 16 percent, the alcoholic beverages will be served through a caterer or bartender insured by a general liability insurance policy containing per occurrence coverage, and alcohol service will be discontinued at least 30 minutes prior to the conclusion of the event.

History Note: Authority G.S. 143B-135-182(a)(1b); 143B-135-182(b);
Eff. February 1, 1987;
Amended Eff. November 1, 2010; May 1, 2010;
Transferred from 15A NCAC 28 .0502 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 15 .0503 CONSUMPTION OF ALCOHOL

Alcoholic beverages that do not exceed 16 percent alcohol may be served and consumed on Aquarium property upon prior written approval of the Division Director. The Director's approval shall be given when the applicant agrees that the alcoholic beverages will be served pursuant to an approved event and by an insured caterer or purchased directly from a wholesaler; bartenders will have received Alcohol Law Enforcement bartender training; and alcohol service will be discontinued at least 30 minutes prior to the conclusion of the event.

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 .0503 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 15 .0504 PRIVATELY-OWNED ANIMALS

- (a) No person shall bring any privately-owned animal inside the Aquarium buildings or Pier.
- (b) Animals are allowed on the Aquarium's property outside the perimeter fence, not including the Pier House and Pier itself, provided they remain at all times under the owners' control and are restrained by a leash.
- (c) Owners with animals that are left unattended or exhibit aggressive behavior, including excessive barking, shall be directed to remove the animal from the Aquarium or Pier premises.
- (d) Animal owners shall pick up their animal's waste from Aquarium grounds and dispose of it.
- (e) Paragraph (a) of this Rule shall not apply to service animals that meet the criteria specified in the Americans with Disabilities Act (42 U.S.C. 12101 et seq).

History Note: Authority G.S. 143B-135.182;
Eff. February 1, 1987;
Amended Eff. May 1, 2010;
Transferred from 15A NCAC 28 .0504 Eff. April 1, 2017;
Readopted Eff. December 1, 2019.

07 NCAC 15 .0505 LOUD RADIOS

The playing of radios, tape players or other audio equipment in such a manner as to disturb others is prohibited inside the Aquarium and on Aquarium property.

History Note: Authority G.S. 143B-135.182(a)(1b); 143B-135.182(b);
Eff. May 1, 1987;
Amended Eff. April 1, 2010;
Transferred from 15A NCAC 28 .0505 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 15 .0506 PROPER DRESS

Any person using the facility or participating in programs must wear shirts, pants or shorts and shoes at all times and safety equipment if required for a particular program. Uncovered or wet bathing suits are prohibited inside the Aquarium.

History Note: Authority G.S. 143B-135.182(a)(1b); 143B-135.182(b);
Eff. May 1, 1987;
Amended Eff. April 1, 2010;
Transferred from 15A NCAC 28 .0506 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 15 .0507 COASTER CONVEYANCES

Skateboards, roller blades, "heelie" shoes and other similar coaster conveyances are not allowed inside the buildings or in the gardens. These conveyances are allowed on Aquarium bicycle paths and parking lots.

History Note: Authority G.S. 143B-135.182(a)(1b); 143B-135.182(b);
Eff. April 1, 2010;
Transferred from 15A NCAC 28 .0507 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

SECTION .0600 - COMMERCIAL ACTIVITIES: SOLICITATIONS: ETC.

07 NCAC 15 .0601 COMMERCIAL ENTERPRISES

History Note: Authority G.S. 143B-135.182(a)(1b); 143B-135.182(b);
Eff. February 1, 1987;
Transferred from 15A NCAC 28 .0601 Eff. April 1, 2017;
Expired Eff. June 1, 2018 pursuant to G.S. 150B-21.3A.

07 NCAC 15 .0602 ADVERTISING

The Aquarium Director shall grant written permission for notices and advertisements to be displayed on Aquarium property when they are related to tourist attractions or conservation events.

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 .0602 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 15 .0603 PHOTOGRAPHS

History Note: Authority G.S. 143B-135.182;
Eff. February 1, 1987;
Amended Eff. May 1, 2010;
Transferred from 15A NCAC 28 .0603 Eff. April 1, 2017;
Repealed Eff. December 1, 2019.

07 NCAC 15 .0604 LOGOS: SLOGANS: ETC

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 .0604 Eff. April 1, 2017;
Expired Eff. June 1, 2018 pursuant to G.S. 150B-21.3A.

07 NCAC 15 .0605 SOLICITATIONS

Persons engaged in fundraising activities sponsored by the N.C. Aquarium Society for the purpose of supporting the Aquariums or Society may solicit contributions on Aquarium property. Non-profit users may engage in fundraising activities as part of an approved event held on Aquarium property.

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 .0605 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 15 .0606 ACCEPTANCE OF DONATED PERSONAL PROPERTY

History Note: Authority G.S. 143B-135.182(b); 143B-135.184;
Eff. April 1, 2010;
Transferred from 15A NCAC 28 .0606 Eff. April 1, 2017;
Expired Eff. June 1, 2018 pursuant to G.S. 150B-21.3A.

SECTION .0700 - PRESERVATION OF AQUARIUM PROPERTY

07 NCAC 15 .0701 FLOWERS: PLANTS: ANIMALS: ETC.

Unless authorized by Aquarium employees or agents acting in performance of their duties or for the safety and well-being of the captive animals, visitors, employees or exhibits, no person may feed, remove, dispose of or otherwise handle any animal or plant life, whether marine or terrestrial, or remove sand or other minerals owned or controlled by the Aquarium.

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 .0701 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 15 .0702 BUILDINGS: SIGNS: ETC.

Only authorized Aquarium employees or agents acting in performance of their duties shall alter, disturb or dispose of any part of any Aquarium property.

History Note: Authority G.S. 143B-135.182(a)(1c); 143-135.182(b);
Eff. February 1, 1987;
Transferred from 15A NCAC 28 .0702 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 15 .0703 PARKING

All privately-owned vehicles shall be parked in designated parking areas of the Aquarium property. All other vehicles shall be parked only as directed by the Aquarium Director. Visitors shall not leave vehicles on Aquarium property overnight. Drivers of vehicles parked on Aquarium property shall turn off engines.

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 .0703 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.

07 NCAC 15 .0704 FOOD AND BEVERAGES PROHIBITED INSIDE

Visitors shall not bring food or beverages, except bottled water, inside the Aquarium during normal operating hours.

History Note: Authority G.S. 143B-135.182(a)(1b); 143B-135.182(b);
Eff. April 1, 2010;
Transferred from 15A NCAC 28 .0704 Eff. April 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.