

Legislative Regulation Review Committee

2010-007

Department of Environmental Protection

**BLUFF POINT COASTAL RESERVE &
EVICITIONS & PENALTIES**

STATE OF CONNECTICUT
REGULATION
OF

Department of Environmental Protection

Sections 23-4-4 through 23-4-5, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Section 23-4-4. [Special regulations] Bluff Point Coastal Reserve regulations.

(a)[(1) Bluff Point Coastal Preserve.] This section shall be applicable to the Bluff Point Coastal Reserve, which is defined in Special Act 75-45, as amended. Sections 23-4-1 through 23-4-3 and 23-4-5 of the Regulations of Connecticut State Agencies, to the extent they do not conflict with this section, shall also be applicable to the Bluff Point Coastal Reserve.

(b) Hours of operation.

[(A)] (1) Bluff Point Coastal Reserve shall be open to the public daily from [8:00 a.m.]sunrise until sunset[;], provided that fishing shall be allowed at any time. Except as is specifically provided for in [subparagraph] subdivision [(1)(B)] (2) of this [subdivision] subsection, no person shall enter Bluff Point Coastal Reserve except when it is open.

[(B)] (2) The Commissioner shall close Bluff Point State Park and Bluff Point Coastal Reserve for the taking of deer pursuant to section 26-86a-11 of the Regulations of Connecticut State Agencies. During any such closure only persons employed by the Department of Environmental Protection whose employment requires them to do so or persons with specific written authorization from the Commissioner shall be allowed to enter Bluff Point State Park or Bluff Point Coastal Reserve during the days [and/] or hours designated by the Commissioner. To effect such closure the Commissioner shall post notices or signs or shall otherwise notify the public that Bluff Point State Park and Bluff Point Coastal Reserve are closed, including the hours [and/] or days that they will remain closed.

[(2) Vandalism. No person shall deface, destroy, alter, molest, disturb, remove or otherwise injure in any manner any structure, building, vegetation, earth or rock material, tree, fuelwood, wildlife or fauna except as may occur as a normal incident of the lawful use of Bluff Point Coastal Reserve. The Commissioner may grant to any person, upon written application, permission to collect specimens, take samples or conduct any other investigation for management or scientific purposes. Such permission shall be in writing and shall be subject to such conditions as the Commissioner deems necessary for the purpose of preserving public safety or the native ecological associations, unique faunal characteristics, geological features or scenic qualities of Bluff Point Coastal Preserve.]

[(3)](c) Weapons. Except for authorized law enforcement personnel or persons authorized pursuant to section 26-86a-11 of the Regulations of Connecticut State Agencies, no person shall discharge, possess or carry any firearm, archery equipment or other weapon, including but not limited to an air rifle or sling shot within Bluff Point Coastal Reserve.

[(4) Alcoholic Beverages. Within Bluff Point Coastal Reserve: (A) No minor, as defined by section 30-1 of the general statutes, shall possess or drink any alcoholic beverages; (B) No person shall possess beer in a container greater than one liter; (C) No person shall drink or possess any alcoholic beverage in any area so posted; and (D) No person shall sell any alcoholic beverage.]

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[(5)](d) Pets. [No person may bring a pet or riding animal into Bluff Point Coastal Reserve unless such pet or riding animal is on a leash no longer than seven feet and is under the continuous control of the owner or handler;] Subsection (f) of section 23-4-1 of the Regulations of Connecticut State Agencies shall apply, provided that no pets or riding animals shall be allowed into any area so posted by the Commissioner.

[(6)](e) Notices and signs. No person, other than the [commissioner] Commissioner, shall erect or post, or attempt to erect or post, any notice or sign in Bluff Point Coastal Reserve. The Commissioner may erect or post any sign or notice within Bluff Point Coastal Reserve consistent with Special Act 75-45, as amended.

[(7)](f) Improvements/[Structures] structures and [Commercial] commercial restrictions.

[(A)](1) No person, other than the Commissioner, shall, temporarily or otherwise, make improvements to[,] or erect structures on or in[,] Bluff Point Coastal Reserve. The Commissioner may make improvements to or erect structures on or in Bluff Point Coastal Reserve consistent with Special Act 75-45, as amended.

[(B)](2) Except with the advance written authorization of the Commissioner, no person shall use Bluff Point Coastal Reserve for private financial gain or for commercial purposes. Any such authorization granted by the Commissioner shall be for the purposes specified in Special Act 75-45, as amended.

[(8)](g) Waste disposal. No person shall dispose of any waste material at Bluff Point Coastal Reserve except in a receptacle provided by the Commissioner for such purpose and provided that all such waste material was generated there as a normal incident to such person's lawful use of Bluff Point Coastal Reserve. If no receptacle is provided by the Commissioner, each person shall remove or carry out of Bluff Point Coastal Reserve all such waste material accumulated or generated there by such person during such person's use of Bluff Point Coastal Reserve. No person shall bring any waste material into Bluff Point Coastal Reserve for disposal therein.

[(9)](h) Fires. No person shall light a fire at Bluff Point Coastal Reserve.

[(10)] Swimming. No person shall swim except in areas posted or designated for swimming by the Commissioner. No person shall use skin diving or scuba equipment except in areas so posted or designated by the Commissioner.

[(11)] Crockery and glassware. No person shall possess or use crockery or glass container on the beach or in any other area so posted by the Commissioner.]

[(12)](i) Fireworks. No person shall possess or use fireworks at Bluff Point Coastal Reserve.

[(13)] Parking.] (j) Use of motor vehicles and parking.

[(A)](1) Except as is specifically provided for in this [subdivision] subsection, no person shall use or operate any motor vehicle within, allow any motor vehicle to enter into, or park any motor vehicle within Bluff Point Coastal Reserve. Any such unauthorized vehicle within Bluff Point Coastal Reserve may be towed at the owner's expense. For purposes of this [subdivision] subsection, the term motor vehicle shall include any motor vehicle, motorcycle, motorized bicycle, camp trailer, camper, motor

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bus, mechanically driven mass conveyance, snowmobile, all-terrain vehicle, truck, trailer or tractor.

[(B)](2) Only the following persons may use or park a motor vehicle, a battery-powered conveyance as described in [subpart (iii)] subparagraph (C) of this [subparagraph] subdivision, or a horse-drawn or electric-powered conveyance within Bluff Point Coastal Reserve[.];

[(i)](A) Department of Environmental Protection employees using a motor vehicle within the course of their employment[.];

[(ii)](B) Persons responding to an emergency within Bluff Point Coastal Reserve;

[(iii)](C) Persons using battery-powered conveyances capable of carrying not more than two persons for use by the physically disabled or the elderly provided any such person receives advance written authorization from the Commissioner to operate or park a battery-powered conveyance within Bluff Point Coastal Reserve; or

[(iv)](D) Persons using horse-drawn or electric-powered conveyances, provided any such person receives advanced written authorization from the Commissioner to operate or park such conveyance within Bluff Point Coastal Reserve[.];

[(C)](3) Any such motor vehicle or conveyance lawfully within Bluff Point Coastal Reserve shall only be used along established roadways therein, unless otherwise authorized by the Commissioner. Such authorization shall be consistent with Special Act 75-45, as amended.

[(14) Motor Vehicles.

(A) Except as is specifically provided for in this subdivision, no person shall use or operate any motor vehicle or allow any motor vehicle to enter Bluff Point Coastal Reserve. Any such unauthorized vehicle within Bluff Point Coastal Reserve may be towed at the owner's expense. For purposes of this subdivision the term motor vehicle shall include any motor vehicle, motorcycle, motorized bicycle, camp trailer, camper, motor bus, mechanically driven mass conveyance, snowmobile, trailer or tractor.

(B) Only the following persons may use a motor vehicle, battery-powered conveyance as described in subpart (iii) of this subparagraph, or horse-drawn or electric-powered conveyance within Bluff Point Coastal Reserve:

(i) Department of Environmental Protection employees using a motor vehicle in the course of their employment;

(ii) Persons responding to an emergency within Bluff Point Coastal Reserve;

(iii) Persons using battery-powered conveyances capable of carrying not more than two persons for use by the physically disabled or the elderly, provided any such person receives advance written authorization from the Commissioner to operate a battery-powered conveyance within Bluff Point Coastal Reserve; or

(iv) Persons using horse-drawn or electric-powered conveyances, provided any such person receives advance written authorization from the Commissioner to operate such a conveyance within Bluff Point Coastal Reserve.

(C) Any such motor vehicle or conveyance lawfully within Bluff Point Coastal Reserve shall only be used along established roadways therein.]

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- [(15)] (k) Camping. No person shall camp at Bluff Point Coastal Reserve.
 [(16) Definitions. For purposes of this subsection of the Regulations of Connecticut State Agencies:
 "Commissioner" is defined as in section 22a-2 of the general statutes.
 "Person" is defined as in section 22a-2 of the general statutes.]

Section 23-4-5. Evictions and penalties.

(a) Eviction.

- (1) Violation of any provision of [Sections] sections 23-4-1 through 23-4-4, inclusive, of the Regulations of Connecticut State Agencies shall be sufficient cause for eviction for a period of twenty-four hours.
- (2) No person evicted with written notice shall enter any state park or forest during the eviction period.

(b) Penalties.

- (1) Any person who violates any provision of [Sections] sections 23-4-1 through 23-4-[3]4, inclusive, of the Regulations of Connecticut State Agencies shall have committed an infraction.
- (2)(A) Any person who violates any provision of [Sections] sections 23-4-1 to 23-4-[3]4, inclusive, of these regulations shall pay a fine [in accordance with the fee schedule established by the judges of the Superior Court of the state of Connecticut.] of thirty five-dollars (\$35.00).
- (B) Any person who enters a state park or forest during an eviction period in violation of [Section 23-4-4(a)] subsection (a) of [these regulations] this section shall pay a fine [in accordance with the schedule established by the judges of the Superior Court of the state of Connecticut.] of seventy-five dollars (\$75.00).

Statement of Purpose

State Parks Rules

RCSA §§23-4-4 to 23-4-5, inclusive

The revisions to section 23-4-4 better integrate and clarify the regulations that apply specifically to the Bluff Point Coastal Reserve with the regulations that apply generally to state park and forest recreation areas within the state. The regulations that apply generally to state park and forest recreation areas, specifically sections 23-4-1 through 23-4-3 and 23-4-5, apply to the Bluff Point Coastal Reserve unless section 23-4-4 has a more specific regulation or unless section 23-4-4 conflicts with the general regulations. Revisions to section 23-4-5 correct an improper delegation of authority to the judges of the Superior Court. Pursuant to section 23-4 of the Connecticut General Statutes, section 23-4-5 was changed so that the Commissioner of the Department of Environmental Protection establishes the fines for a person in violation of provisions of sections 23-4-1 through 23-4-5, inclusive.

CERTIFICATION

Be it known that the foregoing:

[X] Regulations [] Emergency Regulations

Are:

[] Adopted [] Amended as hereinabove stated [] Repealed

By the aforesaid agency pursuant to:

[X] Section 4-168, 22a-6, 23-4 and 23-26 of the General Statutes.

[] Section of the General Statutes, as amended by Public Act No. of the Public Acts.

[] Public Act No. of the Public Acts.

After publication in the Connecticut Law Journal on January 27, 2009, of the notice of the proposal to:

[] Adopt [X] Amend [] Repeal such regulations

(If applicable): [X] And the holding of an advertised public hearing on 26th day of February, 2009.

WHEREFORE, the foregoing regulations are hereby:

[] Adopted [] Amended as hereinabove stated [] Repealed

Effective:

[X] When filed with the Secretary of the State.

(OR)

[] The day of 200 .

In Witness Whereof: DATE 1/14/10 SIGNED (Head of Board, Agency or Commission) Amey W. Mavela OFFICIAL TITLE, DULY AUTHORIZED Commissioner

Approved by the Attorney General as to legal sufficiency accordance with Sec. 4-1269, as amended, C.G.S.: SIGNED 1/19/10 OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL

[] Approved

[] Disapproved

[] Disapproved in part, (Indicate Section Numbers disapproved only)

[] Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes. DATE SIGNED (Clerk of the Legislative Regulation Review Committee)

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE SIGNED (Secretary of the State) BY

INSTRUCTIONS

- 1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.
3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.