

OTHER OPERATIONS

A. SALES OR USE TAX

1. Law, Regulation, Policy

a. LAW

4 U.S.C. 105

. . . State or taxing authority shall have full jurisdiction and power to levy and collect any such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

b. REGULATION

None

c. POLICY

See law above.

B. BEVERAGE CONTAINER PROGRAM

1. Law

P.L. 89-272 Solid Waste Disposal Act, October 20, 1965 as amended by P.L. 91-512, Resource Recovery Act October 26, 1970 (Section 211), 42 U.S.C. §3251-3259 Executive Order 11752

If an Executive Agency . . . has jurisdiction over any real property or facility the operation or administration of which involves such agency in solid waste disposal activities or such an agency enters into a contract with any person for the operation . . . of any Federal property or facility, and the performance of such contract involves such person in solid waste disposal activities, then such agency shall insure compliance with the guidelines recommended under section 209 and the purpose of this Act in the operation or administration of such property of facility, or the performance of such contract. . . . .

2. Regulation

40 CFR Part 244 Solid Waste Management Guidelines for Beverage Containers.

Sec. 244.100 SCOPE

(b) Section 211 of the Act and Executive Order 11752 makes the "requirements" section of the guidelines mandatory upon Federal Agencies. They are recommended for adoption by State and local governments and private agencies.

(c) (1) These guidelines for Beverage Containers are intended to achieve a reduction in beverage container solid waste and litter, resulting in savings in waste collection and disposal costs to the Federal Government. They are also intended to achieve the conservation and more efficient use of energy and material resources through the development of effective beverage distribution and container collection systems.

(4) Final determination of how the requirements of the guidelines will be met rests with the head of each Federal Agency.

3. Policy

Management Policies Manual, Chapter VIII  
Beverage Container Program

The National Park Service encourages the saving of energy and the reduction of litter through the use of recyclable containers wherever practical. To that end, NPS has established a program for the use of returnable beverage containers for which a deposit is charged.

4. Responsibility

Park Managers/Superintendents are responsible for application of the program, subject to the procedures set forth below.

5. Procedures

a. BEVERAGE CONTAINER GUIDELINES REQUIREMENTS

(1) All beverages in beverage containers sold or offered for sale shall be sold in returnable beverage containers.

(2) A deposit of at least five (5) cents shall be charged unless the local area has an established return system at a lower minimum deposit level.

(3) The concessioner shall accept from consumers the empty beverage containers sold by that concessioner and pay the consumer the refund value of the container.

(4) Refunds shall be provided at the place of sale (point of purchase) whenever possible or as close to that point as practical if original point is unattended.

(5) Refillable beverage containers shall be returned to distributors for refilling and all other returnable containers shall be returned for recycling where markets for recyclable materials are available.

(6) All beverage containers must clearly indicate by embossing, stamp, or label securely affixed to the beverage container, that the container is returnable and the refund value of the container.

(7) Concessioner must inform consumers that beverages are sold in returnable beverage containers by placing a sign or shelf label or both at the point of purchase of the container. The sign must state that the containers are returnable, list the beverage price and deposit amount, indicate where empties may be returned for refund and show a sample of the identifying label, stamp or embossing if so marked.

b. EXCEPTIONS

It is recognized certain conditions may exist in which it may not be practical to enforce the requirements of the Beverage Container Guidelines due to geographic or logistical problems. Therefore, the program may be discontinued at the discretion of the Superintendent if one or more of the following conditions apply:

(1) Program requires additional manpower or incurs other costs which result in its losing money.

(2) Efforts to implement the requirements have failed to induce consumers to buy beverages in returnable containers or to return them when empty.

(3) Impractical to establish refund location in small remote outlets where the majority of consumers are transient and it is not possible to use returnable containers effectively.

(4) There is no market for recyclable container within a reasonable distance.

(5) The program may not be discontinued if State or local law in the area mandates a deposit program.

Superintendents are required to report to the Regions those concession facilities exempted from the program.

Non-implementation decisions are not to be construed as a policy against environmental progress. All Superintendents and concessioners must continue to promote energy conservation and waste reduction by any means possible and continue to inform park visitors of NPS commitment in both of these areas.

c. REPORTS

Annual reports previously required for the Beverage Container Program are discontinued.

C. SMOKING IN PUBLIC BUILDINGS

1. Law

None

2. Regulation

41 CFR 101-20.000  
41 CFR 101-20.109-10

These regulations relate only to GSA controlled buildings and facilities. In establishing guidelines pursuant to the regulations, Departmental Manual 310 extends coverage to buildings and facilities controlled by DOI. (See Policy)

3. Policy

Management Policies Manual, Chapter VIII  
Smoking In Public Buildings  
310 DM-11

The National Park Service policy is the same as the Departmental policy -- smoking in all DOI occupied space is to recognize the rights of all individuals (employees and visitors) by providing an equitable balance of designated "smoking" and "no smoking" areas. In joint-use space, DOI occupants will abide by the guidelines established by the principal occupant when they are more stringent than those of

Interior. Concession facilities are DOI controlled buildings and this policy, therefore, applies to concession facilities.

4. Procedures

Concession facilities must comply with the following Departmental guidelines relative to NPS areas. Posting of notices is to be accomplished by the concessioner:

a. DINING ROOMS AND CAFETERIAS. "No Smoking" areas should be established in dining areas, as appropriate.

b. SNACK BAR. Smoking is prohibited in all areas where food is sold without wrapping.

c. CONFERENCE ROOMS & CLASSROOMS. Smoking is prohibited. Exception may be made on a case-by-case basis by the office controlling the meeting area.

d. ELEVATORS. Smoking is prohibited in all elevators.

f. GIFT SHOPS. Smoking is prohibited in all gift shops.

g. MEDICAL FACILITIES. Smoking is prohibited in all health care units.

h. RECORD/STORAGE AREAS. Smoking is prohibited in all record/storage areas.

i. WAITING/RECEPTION AREAS. Smoking is permitted in all public waiting reception areas. Where space allows public areas should be divided into "smoking" and "no smoking" areas.

In private waiting/reception areas heads of bureaus/ offices shall designate the areas as either "smoking" or "no smoking" areas and provide appropriate disposal receptacles within all "smoking areas."

j. WORKING AREAS. Supervisors should strive to protect the rights of smokers and non-smokers and where appropriate and reasonable, establish "smoking" and "no smoking" areas.

(1) Employees occupying an office - Supervisor may designate the office "No Smoking" area.

(2) Office shall be designated "No Smoking" when an employee has an illness that is aggravated by smoking environment and documentation from physician is presented.

(3) All areas containing flammable and/or highly combustible materials will be designated as "no smoking" areas and meet the requirements of national standards promulgated by the National Fire Protection Association.

k. All "No Smoking" areas must be appropriately identified.

5. Responsibilities

Superintendents are responsible for making local decisions as to the applicability of these guidelines for each concessioner area.

D. ALCOHOLIC BEVERAGES

1. Law

None

2. Regulation

The following regulations are quoted from Parts 2 and 5 of 36 CFR:

**§ 2.25 Alcoholic beverages and controlled substances.**

(a) *Alcoholic beverages.* (1) The use and possession of alcoholic beverages within park areas is allowed in accordance with the provisions of this section.

(2) The following are prohibited:

(i) The sale or gift of an alcoholic beverage to a person under 21 years of age, except where allowed by State law. In a State where a lower minimum age is established, that age limit will apply for purposes of this subparagraph.

(ii) The possession of an alcoholic beverage by a person under 21 years of age, except where allowed by State law. In a State where a lower minimum age is established, that age will apply for purposes of this subparagraph.

(iii) Carrying a bottle, can or other receptacle containing an alcoholic beverage that has been opened, or a seal broken, or the contents partially removed, within a motor vehicle upon a park road or designated parking area.

(iv) Storing a bottle, can or other receptacle containing any alcoholic beverage that has been opened, or seal

broken or the contents of which have been partially removed, within a motor vehicle upon a park road or designated parking area. This restriction shall not apply to containers stored in the trunk of a vehicle, or stored in some other portion of the vehicle designed for the storage of luggage and not normally occupied by the driver or passengers, if the vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers. This subparagraph shall not apply to the living quarters of a motor home or camper.

(3) The superintendent may close all or a portion of public buildings, or structures, vessels, parking lots, picnic areas, overlooks, walkways, gravesites, commemorative areas, historic areas, or archeological sites within a park area to the consumption of alcoholic beverages when it is determined that: (i) The consumption of alcohol would be inappropriate considering other uses of the location and the purpose for which it is maintained or established; or (ii) incidents of aberrant behavior related to the consumption of alcohol are of such magnitude that

the diligent application of the authorities in this section and § 1.5 (public use limits, visiting hours) and § 2.34 (disorderly conduct) over a reasonable time period, do not alleviate the problem. Failure to abide by such a closure is prohibited.

(b) *Controlled substances.* The following are prohibited:

(1) The delivery of a controlled substance, except when distribution is made by a practitioner in accordance with applicable law. For the purposes of this paragraph, delivery means the actual, attempted or constructive transfer of a controlled substance whether or not there exists an agency relationship.

(2) The possession of a controlled substance, unless such substance was obtained by the possessor directly, or pursuant to a valid prescription or order, from a practitioner acting in the course of professional practice or otherwise allowed by Federal or State law.

(c) Presence in a park area when under the influence of alcohol or a controlled substance to a degree that may endanger oneself or another person, or damage property or park resources, is prohibited.

**§ 5.2 Alcoholic beverages; sale of intoxicants.**

(a) The sale of alcoholic, spirituous, vinous, or fermented liquor, containing more than 1 percent of alcohol by weight, shall conform with all applicable Federal, State, and local laws and regulations (See also § 2.35 of this chapter.)

(b) No such liquor shall be sold on any privately owned lands under the legislative jurisdiction of the United States within Glacier, Lassen Volcanic, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, or Yosemite National Parks, unless a permit for the sale thereof has first been secured from the appropriate Regional Director.

(1) In granting or refusing applications for permits as herein provided, the Regional Directors shall take into consideration the character of the neighborhood, the availability of other liquor-dispensing facilities, the local laws governing the sale of liquor, and any other local factors which have a relationship to the privilege requested.

(2) A fee will be charged for the issuance of such a permit, corresponding to that charged for the exercise of similar privileges outside the park area boundaries by the State government, or appropriate political subdivision thereof within whose exterior boundaries the place covered by the permit is situated.

(3) The applicant or permittee may appeal to the Director from any final action of the appropriate Regional Director refusing, conditioning or revoking the permit. Such an appeal shall be filed, in writing, within 20 days after receipt of notice by the applicant or permittee of the action appealed from. Any final decision of the Director may be appealed to the Secretary of the Interior within 15 days after receipt of notice by the applicant or permittee of the Director's decision.

(4) The permit for sale of intoxicating liquors shall contain such general and special conditions as the Regional Director may deem reasonably necessary to insure safe and orderly management of the park area.

(5) The permittee shall comply with all State and county laws and regulations, other than fee and license requirements, which would be applicable to the premises and to the sale and dispensing of intoxicating beverages if the privately owned lands were not subject to the jurisdiction of the United States.

[31 FR 10660, Dec. 29, 1966, as amended at 35 FR 12642, Aug. 6, 1970]

3. Policy

NPS Management Policies Manual, Chapter VIII  
Alcoholic Beverages

The sale of alcoholic beverages may be permitted in park areas, subject to applicable Federal, State, local laws and regulations.

4. Responsibility

As set forth in the CFR extracts, above.

E. ADVERTISING

1. Law

None

2. Regulation

36 CFR Part 5

§ 5.1 Advertisements

Commercial notices or advertisements shall not be displayed, posted or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent. Such permission may be granted only if the notice or advertisement is of goods, services, or facilities available within the park area and such notices and advertisements are found by the Superintendent to be desirable and necessary for the convenience and guidance of the public.

3. Policy

NPS Management Policies Manual, Chapter VIII  
Advertising

Billboard advertising is prohibited in areas administered by the National Park Service. Billboard advertising outside these areas shall be discouraged. All advertising and other public information materials shall be subject to prior approval by the National Park Service.

4. Procedures

a. DEFINITION

Publications and advertising include brochures describing facilities and services, rate schedules, tour agents' tariff or circulars, employment circulars, employee application forms, reservation acknowledgement forms, radio, television, or newspaper commercials, signs and other informational materials issued to or displayed for the public.

b. ALL ADVERTISING

All such publications and advertisements should include:

- (1) The name and address (on and off season, if applicable),
- (2) A statement that the concessioner is issuing the publication or advertisement,
- (3) A statement that the concessioner is authorized by the National Park Service, Department of Interior, to serve the public in the park.

c. DESCRIPTIVE LITERATURE

When the publication or advertisement is designed to describe the facilities and services which are available to the public, the Superintendent should also consider whether it is objective, completely accurate, and if applicable, covers the following:

- (1) Opening and closing dates
- (2) Transportation to the park, and the carriers offering transportation service
- (3) Transportation service in the park.
- (4) Room reservation procedures, including deposits, check-in and check-out deadlines, and telephone numbers where reservations can be made.
- (5) Care of children, such as availability of a nursery, or cribs and playpens, and reduced room and food rates, etc.
- (6) Availability of park and other programs, such as nature walks, conducted hiking, campfire programs, entertainment, etc.
- (7) Weather conditions and changes, and clothing needs.

(8) Policy regarding pets.

(9) Approved prices for rooms or other relatively expensive services.

(10) Policy on acceptance of credit cards.

(11) Handicapped Accessibility.

When used, advertisements for employment must contain a statement that the company is an equal opportunity employer, (See Exhibit B of the Standard Contract Language)

The Superintendent is responsible for reviewing and approving all concessioner publications and advertising prior to publication, distribution, or broadcasting to make certain that they accurately reflect policy, are descriptive, easy to understand and correlated with the management objectives of the park.

#### F. WEIGHTS AND MEASURES

1. Law, Regulation and Policy

None.

2. Responsibility

The Superintendent, in association with the appropriate State Office, is responsible for ascertaining the accuracy of weighing and measuring devices used by the concessioner, and for taking appropriate action to correct any defect. He should, therefore, periodically arrange for tests of such devices, or have tests made at least annually by a designated member of his staff. Standard weights and other testing equipment may be purchased from operating funds.

When making arrangements for tests of weighing and measuring devices, the Superintendent should consider various alternatives, such as:

- The State Weight and Measures or Standards Offices
- Industry or Trade Association

In most cases a report or certificate from the inspector should be adequate.

G. TRAILER VILLAGES (TRANSIENT AND LONG-TERM)

1. Law

None.

2. Regulation

36 CFR Part 5

§5.15. Residing in park areas is prohibited, except in accordance with a permit or other written agreement with the United States authorizing such use, or by employees of the National Park Service.

3. Policy

Management Policies Manual, Chapter VIII  
Trailer Villages

Trailer villages for concessioner or Service employees are generally discouraged and should be approved only if in conformance with the park area development concept plan. Existing long-term trailer villages occupied by non-employees may continue, but occupancy and use must conform to rules and regulations established by each Superintendent. Hereafter, trailer villages for non-employees may be established only for transient occupancy.

4. Requirements

The following statements reflect the longstanding position of the Service regarding trailer villages.

a. No expansion of existing villages except where construction is already under way or commitments have been made permitting same;

b. Where existing contracts provide for construction of trailer villages but none exists or is under construction, authorization to proceed with the understanding that there will be no permanent occupancy;

c. Honor all commitments with respect to length of stay in existing villages and those under construction where the influence of commitment exists;

d. At expiration of existing contracts, phase out and obliterate existing trailer villages unless they are to be operated under terms of no occupancy in excess of 30 days.

H. SCENIC VIEWERS

1. Law

None.

2. Regulation

None

3. Policy

Management Policies Manual, Chapter VIII  
Scenic Viewers

It is the policy of the National Park Service to allow or provide viewing devices (pedestal binoculars or telescopes) at appropriate locations within units of the National Park System when the affected Superintendent or unit manager determines that such devices are desirable for meaningful interpretation or understanding of the resource. Viewers may be provided by the National Park Service or by others under permit or contract.

Viewers provided by the National Park Service will be coin-operated unless the collection of fees is not cost-effective or unless the Superintendent or manager finds the viewing devices to be such an integral part of the visitor experience that subsidy is warranted.

When such devices are to be installed and maintained by others, the Superintendent or unit manager shall approve in writing their number, location, an appropriate maintenance standard, and whether they are to be free or coin-operated. If coin-operated, the rate to be charged shall be approved by the Superintendent or unit manager and be administered under a concession authorization.