



National Park Service  
U.S. Department of the Interior

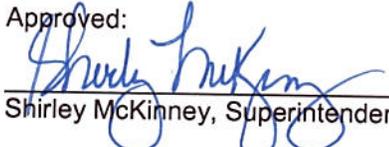
Hamilton Grange  
National Memorial

414 West 141 Street  
New York, New York 10031

Superintendent's Compendium  
Of Designations, Closures, Permit  
Requirements and Other  
Restrictions Imposed Under  
Discretionary Authority.

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Approved:

  
Shirley McKinney, Superintendent

7/16/2014  
Date

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of HAMILTON GRANGE NATIONAL MEMORIAL. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

**36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USES OR ACTIVITIES**

**(a)(1) The following visiting hours, public use limits, and closures are established:**

Visiting Hours:

- The National Memorial is open as scheduled and posted at the building and/or through press releases and public park website, [www.nps.gov/hagr](http://www.nps.gov/hagr)
- The building is open to the public between the hours of 9:00 a.m. and 5:00 p.m. Wednesday through Sunday, and is closed Monday and Tuesday
- The park is closed on the following designated federal holiday(s): Thanksgiving Day, and Christmas Day
- The park superintendent may close park facilities due to severe weather or other emergencies on an as-needed basis.

*These visiting hours were determined to be in the best interests of the park and are necessary for the proper management of the park.*

**Public Use Limits -- Pursuant to §1.5(d) to implement a public use limit, the Superintendent may establish a permit, registration, or reservations system:**

- Personal property larger than 22 inches by 14 inches by 9 inches is prohibited in the Park area. This restriction is based on the generally accepted airline carry-on standards.
- Leaving property unattended for any period of time is prohibited. Property must remain the possession and control of its owner at all times. Property left unattended may be impounded for inspection, which may result in damage to the property.
- The first floor of the home has a capacity limit of 15 visitors at any given time and the public must be accompanied on this floor by a ranger at all times.
- Park quiet hours are established as 8:00 p.m. – 9:00 a.m.
- Personal Property (See also 36 CFR § 2.22 Property of this document):
  - Oversized bags (backpacks, suitcases, etc.) must be checked at the front desk before accessing the historically-furnished floors. Visitor capacity for tours of the historically-furnished floors is 20 persons at any given time.
- The building is closed between 5:00 p.m. and 9:00 a.m. except by permit.

- Unmanned Aircrafts

**The park is designated as closed to the following activities, for which a permit will not be issued:**

- Camping – Camping is defined by 36 CFR 1.4(a) as the erecting of a tent or shelter or natural of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy
- Audio Disturbances – Quiet hours in the park are in place from 8:00 p.m. to 9:00 am
- Snowmobiles
- Residing on Federal Lands
- Memorialization
- Use of Motor Vehicles
- Construction of Buildings
- Grilling, barbequing, or any open flame
- A maximum of 40 persons may occupy the First Amendment Area the National Memorial at any time.
- Groups less than 20 may picnic on the grounds without a permit if it does not impede visitor access to the site or negatively impact the visit of others, and must adhere to all other provisions in this compendium.
- Unmanned Aircrafts

When necessary to protect park visitors from unsafe conditions or to protect park resources, all or portions of the park will be closed on a temporary basis. Signs will be posted to announce such temporary closures.

*These closures are in effect to protect the health and safety of park visitors, to protect the Park's cultural resources and values, and to respect the Park's surrounding environment. Motor vehicles are prohibited because there are no park roads at this site. These closures are the minimum restrictions necessary to achieve such protection.*

**(a)(2) The following areas are designated for a specific use or activity and/or the following conditions or restrictions are imposed on a specific use or activity:**

**36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT**

Activities requiring a permit are listed above under **Public Use Limits** and throughout this document under the specific 36 CFR Section that authorizes or requires the issuance of a permit.

**(b) Permit application**

Permit applications for Special Park Use permits are available at the park website: [www.nps.gov/hagr](http://www.nps.gov/hagr). The Superintendent will act upon a permit request within 10 days of receiving a complete and fully executed application. Accordingly, permit applications must be received at least 10 days before the anticipated activity. Permit applications must be accompanied by a non-refundable application fee of \$50, except for First Amendments requests.

**(e) Permit terms and conditions**

Additional cost-recovery, use and monitoring fees may be charged in accordance with established policy and procedures.

**(f) The following is a compilation of those activities for which a permit from the Superintendent is required:**

- §2.12 Audio Disturbances:
  - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
  - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51

- §2.37 Soliciting or demanding gifts, money, goods or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.52 or §2.52).
- §2.50 (a) Conduct sports event, pageant, and regatta. Public spectator attraction, entertainment, ceremony and similar events.
- §2.51 (a) Public assemblies, meetings, gatherings, demonstrations, parades and or other public expressions of views for over 25 people. 1<sup>st</sup> Amendment assembly area is located on the south side of the building, 414 West 141 Street New York, NY 10031. See attached map.
- §2.52 Sale or distribution of printed matter that is not solely commercial advertising.
- §2.62 Memorialization:
  - (a) Erection of monuments (Requires approval from Regional Director)
  - (b) Scattering ashes from human cremation
- §4.11(a) Exceeding of established vehicle load, weight and size limits.
- §5.1 Advertisements - (Display, posting or distribution.)
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations).
- §5.5 Commercial Photography/Filming:
  - (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television
  - (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.
- §§5.10(a) Operation of eating, drinking, or lodging establishments in park areas.

### **36 CFR §1.5 CLOSURE ON LAUNCHING, LANDING, OR OPERATING UNMANNED AIRCRAFT**

Devices used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device is prohibited except under a special use permit that specifically authorizes launching, landing, or operating unmanned aircraft that is approved by the Associate Director, Visitor and Resource Protection (ADVRP) .

The term unmanned aircraft includes all devices that meet this definition (e.g., model airplanes, quadcopters, and drones) that are used for any purpose, including for recreation or commerce. 36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES (a)(5) Walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statute is prohibited. The following conditions are in effect for walking, entering, ascending the listed cultural historic resource:

### **36 CFR §2.4 -- WEAPONS**

Pursuant to 36 CRR § 2.4(a) (1), possessing, carrying, or using a trap or net is prohibited. Pursuant to 18 U.S.C. § 930, firearms are prohibited in federal facilities. Federal facilities are defined as "buildings or parts thereof owned or leased by the federal government, where federal employees are regularly present for the purpose of performing their official duties." Federal facilities are marked with signs at public entrances, and include the following building: 414 West 141 Street New York, New York 10031

- Pursuant to 16 U.S.C. §§ 1a – 7b (P.L. 111-24 Section 512), park visitors may carry firearms in National parks if they are in compliance with federal, state, and local laws.
- Weapons cannot be used in the park except by authorized federal, state, or local law enforcement officers in the performance of their official duties. Pursuant to (e), Authorized Federal, State and local law enforcement officers
- Historic weapons may be carried, possessed or used by appropriate staff members and/or volunteer individuals or groups who are invited and sponsored by the Park to participate in official and regulated historic weapons living history programs.

*Federal law prohibits the possession of a firearm or other dangerous weapon in this Federal facility unless specifically authorized. 18 USC 930(a) possession violations are subject to fine and/or imprisonment up to one year, while 18 USC 930(b) possession violations with intent to commit a crime are punishable by a fine and imprisonment up to five years*

### **36 CFR § 2.5 RESEARCH ITEMS & SPECIMENS**

Taking artifacts, plants, fish, wildlife, rocks or minerals is prohibited except in accordance with other regulations of Chapter I of 36 CFR or pursuant to the terms and conditions of a specimen collection permit.

### **36 CFR §2.12 – AUDIO DISTURBANCES**

(a)(1) Operating motorized equipment or machinery in a manner: (i) That exceeds a noise level of 60 decibels measured on the A-weighted scale at 50 feet; or, if below that level, nevertheless; (ii) makes noise which is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, purpose for which the area was established, impact on park users, and other factors that would govern the conduct of a reasonably prudent person under the circumstances is prohibited.

(a)(2) Operating a power saw in developed areas is prohibited, except pursuant to the terms and conditions of a permit.

(a)(3) Operating any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas is prohibited, except pursuant to the terms and conditions of a permit.

(a)(4) Operating a public address system is prohibited, except in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51..

### **36 CFR §2.14 – SANITATION AND REFUSE**

**(a)(2) Using park refuse receptacles or facilities for dumping household, commercial or industrial refuse is prohibited.**

- Hamilton Grange National Memorial is a "trash free" park
- Visitors are responsible for their own trash management, collection, and removal from the park. Disposal of refuse in park restrooms is prohibited.

### **36 CFR §2.15 – PETS**

**(a)(1) Possessing pets in public buildings, public transportation vehicles, swimming beaches, and the following structures and/or areas is prohibited:**

- Pets are not allowed in any part of the public building or office except for service animals
- CFR 28 part 36: A public accommodation shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.
- A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of disability to use harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animals safe, effective

performance of work or tasks, in which case the service animal must be otherwise under the handler's control) e.g., voice control, signals or other effective means.

**(a)(5) Pet excrement must be disposed of in accordance with the following conditions:**

- Pet excrement must be removed immediately from the exterior and interior of the park

**36 CFR §2.20 – SKATING, SKATEBOARDS AND SIMILAR DEVICES**

Using roller skates, skateboards, roller skis and similar devices is prohibited.

**36 CFR §2.21 – SMOKING**

**(a) The following portions of the park, buildings, structures and/or facilities are closed to smoking as noted:**

- Smoking is prohibited anywhere within structures, and government vehicles.

*These restrictions are based on a determination that smoking must be prohibited in these structures to protect park resources, reduce the risk of fire, and protect the health of park visitors and staff.*

**36 CFR §2.22 – PROPERTY**

(b)(1) Property determined to be left unattended for any period of time may be impounded. All property must remain under the direct control of its owner at all times.

(b)(2) Unattended property that interferes with visitor safety, orderly management of the park area, or presents a threat to park resources may be impounded by the superintendent at any time. Such property will be impounded for inspection. Inspection may be destructive.

**36 CFR §2.35 – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES**

(a)(3)(i) The following areas and facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed except during special events under permit:

- All government buildings are closed to the consumption of alcoholic beverages except for special events.
- Consuming alcohol or possessing open containers of alcohol is also prohibited within 10 feet of walkways and parking lots and within 300 feet of visitor used facilities and buildings.

These conditions are not applicable during authorized special events under permit

*These closures are implemented following the determination made by the superintendent that allowing alcohol consumption and open container possession in these areas would be inappropriate. The Park's walkways, parking lots, and buildings should not be used as areas to consume or possess alcohol, rather they are for park visitors seeking to walk about and enter the Park area.*

**36 CFR §2.37 – NONCOMMERCIAL SOLICITING**

Soliciting or demanding gifts, money, goods or services is prohibited except pursuant to the terms and conditions of a permit that has been issued under §2.50, §2.51, or §2.52.

**36 CFR §2.38 – EXPLOSIVES**

(a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit.

**(b) Using, or possessing fireworks and firecrackers is prohibited, except pursuant to the terms and conditions of a permit**

### **36 CFR §2.50 – SPECIAL EVENTS**

(a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefor has been issued by the superintendent.

- Gatherings on the grounds larger than 20 persons require a permit, unless it is in the exercise of First Amendment rights when the limit shall be 25 persons before a permit is required under separate procedures

### **36 CFR §2.51 -- DEMONSTRATIONS**

**(b) Demonstrations of more than 25 people are allowed within park areas designated as available under paragraph (c)(2) when the superintendent has issued a permit for the activity.**

- Only handheld signs/placards made of cardboard, poster-board, plastic or cloth and not larger than 3 feet in width, 4 feet in length, and 1/4 inch in thickness are allowed in the park. No supports are allowed for signs or placards.

*These conditions have been established to allow park visitors to exercise their First Amendment rights while also protecting the safety of visitors and demonstrators. These conditions are designed to ensure that the park area can be safely travelled without obstructions to walkways that could result in injury and to facilitate the proper management of the park area which is located in a congested, heavily trafficked, urban setting. These conditions are necessary to achieve the Park's objectives of protecting the safety of visitors.*

**(c)(2) The following locations are designated as available for demonstrations:**

15 feet from the south entrance steps to the house

See Map Below



*NOTE: Pursuant to §2.51(c)(2) the superintendent must designate on a map, See above which must be available in the office of the superintendent and by public notice, the locations designated as available for demonstrations and the sale or distribution of printed matter.*

### **36 CFR §2.52 -- SALE OR DISTRIBUTION OF PRINTED MATTER**

(b) The sale or distribution of printed matter by more than 25 persons is allowed within park areas designated as available under §2.51(c)(2) (see above) when the superintendent has issued a permit.

### **36 CFR §2.61 – RESIDING ON FEDERAL LANDS**

(a) Residing in park areas, other than on privately owned lands, is prohibited except pursuant to the terms and conditions of a permit lease or contract.

**36 CFR §2.62 – MEMORIALIZATION**

- (a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Director is prohibited.
- (b) The scattering of human ashes from cremation is prohibited, except pursuant to the terms and conditions of a permit

*NOTE: Under §2.62(b) the superintendent may require a permit to scatter ashes, and/or designate areas where a permit is not required. Authority is included to restrict this activity as may be necessary.*

**36 CFR §4.30 – BICYCLES**

- (a) **The use of a bicycle is prohibited except on park roads, in parking areas, and on routes designated for bicycle use.**
  - o Park landscaped areas, steps, landings, and pedestrian walkways are closed to bicycle use pursuant to this section. There are no park roads, parking areas, or routes designated for bicycle use within the boundary.

**36 CFR §5.3 – BUSINESS OPERATIONS**

Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

**36 CFR §5.5 – COMMERCIAL PHOTOGRAPHY**

- (a) Before any motion picture may be filmed or any television production or sound track may be made by any person other than bona fide newsreel or news television personnel, written permission must first be obtained from the Superintendent.
- (b) Taking photographs of any vehicle or other articles of commerce or models for the purpose of commercial advertising without a written permit from the Superintendent is prohibited.

**36 CFR §5.6 – COMMERCIAL VEHICLES**

- (b) & (c) Using commercial vehicles on government roads within park areas when such use is in no way connected with the operation of the park is generally prohibited, and requires permission or a permit from the Superintendent.

**36 CFR §5.7 – CONSTRUCTION OF BUILDINGS OR OTHER FACILITIES**

Such activities are prohibited, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States.