

# Superintendent's Compendium



**U.S. Department of the Interior, National Park Service**

**Martin Luther King, Jr. National Historical Park and Preservation District**

**450 Auburn Avenue, NE, Atlanta, GA 30312**

**404-331-2022 phone**

Approved: \_\_\_\_\_  
Reginald Chapple, Superintendent

2026 Superintendent's Compendium of Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority.

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 54 United States Code Section 100751\(a\)](#) the following regulatory provisions are established for the proper management, protection, government, and public use of those portions of Martin Luther King, Jr. National Historical Park (the park) under the jurisdiction of the National Park Service. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in [36 CFR, Chapter 1, Parts 1-7](#).

*NPS*

# INTRODUCTION

## 1. Superintendent's Compendium Described

The Superintendent's Compendium is the summary of park-specific rules implemented under [36 Code of Federal Regulations \(36 CFR\)](#). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of the park. The Superintendent's Compendium does not repeat regulations found in [36 CFR](#) and other United States Code and CFR Titles, which are enforced without further elaboration at the park level.

The regulations contained in [36 CFR, Parts 1-7](#), are the basic mechanism used by the National Park Service (NPS) to preserve and protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park system, and Part 7 contains special regulations specific to individual parks. Each of these Parts has many sections and subsections articulating specific provisions. Within some of these Part 1-7 sections and subsections, the Superintendent is granted discretionary authority to develop local rules to be responsive to the needs of a specific park resource or activity, park plan, program, and/or special needs of the general public.

As an example, [36 CFR 1.5\(a\) Closures and Public Use Limits](#) provides the Superintendent certain discretion in allowing or disallowing certain activities. The authority granted by the Section, however, requires the Superintendent to comply with the [Administrative Procedures Act](#) (6 USC Section 551), which requires public notice on actions with major impact on visitor use patterns, park resources or those that are highly controversial in nature.

Another example is [36 CFR 1.6 Permits](#), which allows the Superintendent to require a permit for certain uses and activities in the park. This Section, however, requires that a list of activities needing a permit (and a fee schedule for the various types of permits) be maintained by the park.

A final example is [36 CFR 2.1\(c\) \(1\) Preservation of Natural, Cultural and Archeological Resources](#), which provides the Superintendent the authority to designate certain fruits, nuts, berries or unoccupied seashells which may be gathered by hand for personal use

or consumption. This activity can occur, however, only if a written determination shows that the allowed activity does not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

This Compendium should be used in conjunction with [Title 36 CFR, Parts 1-7](#), to more fully understand the regulations governing the use and enjoyment of all the areas of the National Park System.

A copy of [Title 36 CFR](#), can be purchased from the U.S. Government Printing Office at:

Superintendent of Documents  
P.O. Box 371954  
Pittsburgh, PA 15250-7954

The CFR is also available on the Internet at:

<https://www.ecfr.gov/current/title-36>

## 2. Laws and Policies Allowing the Superintendent to Develop This Compendium

The NPS is granted broad statutory authority under [54 United States Code](#) (U.S.C.) Section 1 et.seq. (Organic Act of 1916, as amended) to “...regulate the use of the Federal areas known as national parks, parks, and reservations...by such means and measures as conform to the fundamental purposes of the said parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations” ([54 U.S.C. Section 1](#)). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to “make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, parks, and reservations under the jurisdiction of the National Park Service” ([54 U.S.C. Section 3](#)).

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970 (54 U.S.C. Sections 1a1-1a8), Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the

Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System-wide the high standard of protection defined in the original Organic Act by stating “Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States.”

In 2014, Title 54 was enacted by Congress and signed into law to be solely devoted to all laws applicable to the NPS. [54 U.S.C. Section 100501](#) states: “The [National Park] System shall include any area of land and water administered by the Secretary, acting through the Director, for park, historic, parkway, recreational, or other purposes.”

In addition to the above statutory authority, the Superintendent is guided by established NPS policy as found in the [NPS Management Policies \(2006\)](#). The Superintendent is also guided by more specific policies promulgated by the Director, NPS, in the form of [Director’s Orders](#). As stated in the Management Policies, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitor and other users, if use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. The Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a reasonable basis to believe a resource is or would become impaired, then that Superintendent is obliged to place limitations on public use.

### 3. Consistency of This Compendium with Applicable Federal Law and Requirements

The Superintendent’s Compendium is not considered a significant rule requiring review by the Office of Management and Budget under [Executive Order 12866](#). In addition, this Compendium will not have a significant economic effect on a number of small entities nor impose a significant cost on any local, state or tribal government or private

organization, and therefore does not fall under the requirements of either the Regulatory Flexibility Act or the Unfunded Mandates Reform Act..

The actions and requirements described in this Compendium are found to be categorically excluded from further compliance with the procedural requirements of the [National Environmental Policy Act](#) (NEPA) in Department of the Interior (DOI) Guidelines 516 DM 6 and as such, an Environmental Assessment will not be prepared.

## 4. Development of the Requirements of the Superintendent's Compendium

As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any National Park System area. The requirements of the Superintendent's Compendium are developed through an analysis and determination process. The decision criteria used during this process are:

Is there use or activity consistent with the NPS Organic Act and NPS policy?

Is the use or activity consistent and compatible with the park's enabling legislation, management objectives, and corresponding management plans?

Will the use or activity damage the park's protected natural and cultural resources and other protected values?

Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?

Will the use or activity conflict with or be incompatible with traditional park uses and activities?

Will the use or activity compromise employee or public safety?

## 5. Applicability of the Compendium

The rules contained in this Compendium apply to all persons entering, using, visiting or otherwise present on Federally owned lands, including submerged lands, and waters administered by the NPS within the legislative boundaries of the park. This includes all waters subject to the jurisdiction of the United States, including all navigable waters.

## 6. Enforcement of Compendium Requirements

NPS Commissioned Law Enforcement Park Rangers enforce the requirements of the United States Code, [36 CFR](#), and this Superintendent's Compendium.

## 7. Penalties for Not Adhering to the Compendium Requirements

A person who violates any provision of the regulations found in [36 CFR, Parts 1-7](#), or provisions of this Compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings.

## 8. Comments on the Compendium

The Compendium is reviewed annually and revised as necessary. The park welcomes comments about its program and activities at any time.

## 9. Effective Date of the Superintendent Compendium

The Superintendent's Compendium is effective on the approval date listed on the first page of this document and remains in effect until revised for a period up to one year.

## 10. Additional Information

Some of the terms used in this Compendium may have specific meaning defined in [36 CFR §1.4 Definitions](#).

A map of the park and a map of the parcels are attached for use with this Compendium.

Additional information is available at:

<https://www.nps.gov/malu/planyourvisit/maps.htm>

## 11. Availability

Copies of the Compendium are available upon request which can be emailed to [malu\\_superintendent@nps.gov](mailto:malu_superintendent@nps.gov) . It may also be found [HERE](#).

# I. CLOSURES AND PUBLIC USE LIMITS

## **36 CFR §1.5** - Visiting Hours, Public Use Limits, Closures, and Area Designations for Specific Use or Activities

*Note: Violations under this section should be cited under §1.5(f) but include the specific compendium section as a subheading on the citation. As always, mandatory appearance citations are an option in lieu of the collateral.*

**(a)(1)** The following visiting hours and public use limits are established for Martin Luther King, Jr. National Historical Park:

Visiting Hours:

Hours of Operation:

The city streets and sidewalks within the park's legislative jurisdiction are open to the public, without regard to the time of day.

The Main Visitor Parking Lot at 423 John Wesley Dobbs Avenue and all park lands accessible to the public are open to foot traffic daily, from dawn to dusk, excepting areas of closure noted below.

The Tennis Court and adjacent fenced area is open daily from 9:00 a.m. to 5:00 p.m.

The Historic Ebenezer Baptist Church located at 407 Auburn Avenue is open as staffing allows. Please check on the [park website](#) or at the visitor center information desk for further information.

The Park Visitor Center has been temporarily relocated to the Historic Fire Station #6 located at 39 Boulevard and is open daily from 9:00 a.m. to 5:00 p.m.

Park facilities are closed annually on the following Federal holidays...

New Year's Day

Thanksgiving Day

Christmas Day

The park may at times need to enact unscheduled closures of the park, or restrict access to areas of the park, for public safety and the protection of park resources. Unscheduled closures which do not appear in the annual Superintendent's Compendium, are enacted under the authority of the Superintendent or their designee. Public notice of such closures will be accomplished by signage at area access points, press releases, and information posted on the [park website](#).

*Determination: As the park is an open campus in a downtown urban area, it is impractical to fully close the grounds. Park facilities are secured and monitored outside of established visiting hours to prevent visitor injury and safeguard park resources.*

Road Closures and Use of Parking areas:

The following annual temporary road closures for vehicles are in effect for the following park administrative uses:

Auburn Avenue, between Jackson Street and Hogue Street on Martin Luther King, Jr. Day celebration, on the third Monday in January.

Auburn Avenue, between Jackson Street and Boulevard during the of the Assassination Remembrance Ceremony of Martin Luther King, Jr., on April 4<sup>th</sup>.

Auburn Avenue, between Jackson Street and Boulevard during the Beloved Community International Exposition, on the second Saturday in September.

*Determination: Park roads are closed to vehicle traffic during these events to allow for sanctioned activities in the roadway and provide for the safety of pedestrians.*

All gated or blocked park administrative roads, sidewalks and trails are closed to public motorized vehicular use unless authorized by the Superintendent.

*Note: Use by Federal, state and municipal government entities, public utilities and authorized park contractors is allowed subject to jurisdictional agreements, rights-of-way and agency authorization.*

*Determination: Limited administrative use consistent with necessary park operations is permitted to provide maintenance access to park, partner and government owned facilities. Some permittees and cooperators require access to areas not open to vehicular traffic to accomplish the purposes of their permit. Where authorized in the permit, such use of administrative roads is authorized. However, this use is limited to that required to accomplish the purposes of the permit, work agreement or incident response. Public bicycle use on these roads is permitted with caution.*

Facility Closures:

The following park facilities are closed to the public:

**Park Maintenance Facility** located at 412 John Wesley Dobbs Avenue, NE, Atlanta.

**Park Administrative Facilities** located at the following addresses...

450 Auburn Avenue, NE, Atlanta.

510 Auburn Avenue, NE, Atlanta.

515 Auburn Avenue, NE, Atlanta.

526 Auburn Avenue, NE, Atlanta.

530 Auburn Avenue, NE, Atlanta.

535 Auburn Avenue, NE, Atlanta.

The following areas of the **Historic Ebenezer Baptist Church** located at 407 Auburn Avenue, NE, Atlanta.

Pulpit Platform including all furniture and fixtures.

Choir Loft Setting including the pipe organ and baptismal pool.

On the main floor: Grand piano, Hammond organ, areas behind the pulpit.

The main balcony.

On the ground floor: the stage and all areas beside and behind it.

The following areas of the **Historic Fire Station #6** located at 39 Boulevard, NE, Atlanta.

The second floor of the building.

Exhibits within the building to include the 1927 LaFrance Fire Engine and the Firemen's Desk.

The following areas of the **Birth Home of Martin Luther King, Jr.** Located at 501 Auburn Avenue, NE, Atlanta.

Rear staircase and upper balcony unless part of an authorized tour.

All rooms or portions thereof that are barricaded/partitioned to limit public access.

**Eastern National Bookstore Administrative Offices** located at 497 Auburn Avenue, NE, Atlanta.

**Chamberlain Lot** located at 461 Edgewood Avenue, NE, Atlanta.

**Family Home of Martin Luther King, Jr.** Located at 234 Sunset Avenue, NW, Atlanta.

**All park owned or leased properties or portions thereof that are signed, locked or fenced to prevent public access.**

**All park owned properties that are leased for residential or commercial use**, when not a welcomed guest of the occupant or business patron. Properties include the following addresses...

474 Auburn Avenue, NE, Atlanta.

478 Auburn Avenue, NE, Atlanta.

480 Auburn Avenue, NE, Atlanta.

484 Auburn Avenue, NE, Atlanta.

488 Auburn Avenue, NE, Atlanta.

492 Auburn Avenue, NE, Atlanta.

493 Auburn Avenue, NE, Atlanta.

506 Auburn Avenue, NE, Atlanta.

509 Auburn Avenue, NE, Atlanta.

514 Auburn Avenue, NE, Atlanta.

518 Auburn Avenue, NE, Atlanta.

522 Auburn Avenue, NE, Atlanta.

540 Auburn Avenue, NE, Atlanta.

546 Auburn Avenue, NE, Atlanta.

550 Auburn Avenue, NE, Atlanta.

53 Boulevard, NE, Atlanta.

479 Old Wheat Street, NE, Atlanta.

54 Howell Street, NE, Atlanta.

445 Edgewood Avenue, NE, Atlanta.

452 Chamberlain Street, NE, Atlanta.

Except for facilities designated for visitor use, all buildings are closed to unauthorized entry. This shall not apply to persons in non-public areas who have been granted specific permission by the National Park Service (NPS); another authorized Federal agency, licensed concessionaires or their representatives, contractors, or those who are under escort of park employees.

All buildings or areas within buildings used for the storage, treatment, or transmission of electricity, gas, telephone, waste disposal, domestic water and climate control systems.

*Determination: Facility maintenance and administrative facilities are closed to the public. This closure is necessary for the protection of park property, public safety and the implementation of management responsibilities.*

*Residential and commercial areas are closed to public access to protect the privacy and security of their residents.*

*Areas closed to the general public may be entered by persons or groups only if led or directed by authorized National Park Service (NPS) employees, as approved by the Superintendent or his/her representative, if such access does not compromise security or environmental, scenic, natural or cultural values.*

*Admittance to closed areas may be necessary for the protection of natural and cultural resources, the maintenance of public safety, the implementation of management responsibilities, and as an aid to scientific research.*

Uncrewed Aircraft (Drones):

Launching, landing, or operating an uncrewed or remotely piloted aircraft from or on lands and waters administered by the National Park Service within the boundaries of Martin Luther King, Jr. National Historical Park is prohibited except as approved in writing by the superintendent.

Definition: The term "uncrewed aircraft" means a device that is 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 (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, and drones) that are used for any purpose, including for recreation or commerce.

*Determination: While park (park) managers understand the benefits of limited use of uncrewed aircraft systems (UAS) for research, for administrative use, and to provide for the public's safety and welfare, public use of UAS and remote controlled model aircraft for recreational purposes is not a compatible use based upon the purpose of the park's establishment, the protection of scenic values, noise, potential conflicts with wildlife, visitors expectation of privacy, potential conflict among visitor use activities, and intrusion on other visitor's enjoyment of the park. In cases where UAS use is determined to be less intrusive than alternatives, UAS use will be considered on a case-by-case basis. For additional information, follow this [link](#).*

36 CFR 1.5(a)(2) - Designate areas for a specific use or activity or impose conditions or restrictions on a use or activity.

Filming, still photography, and audio recording activity may require a permit, consistent with 54 U.S.C. 100905.

Filming, still photography, and audio recording activity that occurs in closed areas, requires exclusive use of a site or area, or involves a set or staging equipment other than

handheld equipment (such as a tripod, monopod, and handheld lighting equipment) requires a permit, unless the activity is affiliated with an activity or event that has been allowed under a written authorization, such as a special use permit.

Filming, still photography, and audio recording that involves more than eight individuals requires a permit, unless the NPS has specifically notified an individual or group that a permit is not required, or if the activity is affiliated with an activity or event that has been allowed under a written authorization, such as a special use permit.

If a permit is required for the reasons stated above, or if the NPS otherwise determines and then notifies an individual or group that a permit is required for a filming, still photography, or audio recording activity, then engaging in that activity without a permit is prohibited. Violating a term or condition of a permit issued by the NPS for a filming, still photography, or audio recording activity is prohibited, and may result in the suspension or revocation of the permit, in addition to any penalties that may apply under 36 CFR 1.3.

*Determination: Federal law at 54 U.S.C. 100905 states that permits and fees are not required for filming, still photography, or audio recording in park areas if certain requirements are met. These requirements address various topics, including, but not limited to, group size, location, equipment, potential impacts to resources and visitors, and the likelihood that the NPS will incur related administrative costs. If any of these requirements are not met, the law allows the Secretary of the Interior, acting through the NPS, to require a permit for the subject activity. Permit requirements are imposed by the superintendent under discretionary authority provided by 36 CFR 1.5(a)(2), which allows the superintendent to impose conditions or restrictions on a use or activity, consistent with applicable legislation, to implement management responsibilities. The general regulations for permits in 36 CFR 1.6 do not apply to permits issued for filming, still photography, and audio recording, which instead are governed by the statutory provisions in 54 U.S.C. 100905. The imposition of permit requirements, on a case-by-case basis, for filming, still photography, or audio recording does not require rulemaking under 36 CFR 1.5(b). Requiring a permit with reasonable terms and conditions in accordance with statutory requirements at 54 U.S.C. 100905 is not highly controversial, will not result in a significant alteration in the public use pattern of the System unit, will not adversely affect the System unit's natural, aesthetic, scenic or cultural values, or require a long-term or significant modification in the resource management objectives of the System unit, because the permit requirement is limited in time and scope to the specific activities authorized by the permit, which contain terms and conditions that protect the values, resources, and visitors of the System unit, and implements federal law.*

#### Commercial Bus Parking Areas:

Allowing vehicles with diesel engines or any vehicle which produces noxious exhaust to idle more than 15 minutes, except while actually loading or unloading passengers, is prohibited. This does not preclude vehicles from reasonable warm-up times away from concentrated visitor areas. If the ambient temperature is less than 32 degrees Fahrenheit, idling is limited to a maximum of 25 minutes.

*Determination: The location of commercial bus parking is on either side of John Wesley Dobbs Avenue, to the west of the entrance to the visitor parking lot. Idling diesel engines produce noise and odor that interfere with the comfort of park visitors. This restriction is also instituted to be in alignment with Atlanta Code of Ordinances (Section 150-97(c)).*

#### Special Use Permits

The following areas are closed to the issuance of Special Use Permits (excluding First Amendment permits):

The Park boundary annually during the Martin Luther King, Jr. holiday, on the third Monday of January and on the preceding Saturday and Sunday.

*Determination: This closure is necessary to maintain public health and safety at Martin Luther King, Jr. National Historical Park and to protect park resources and values during annually scheduled park special events, and increased visitation during the holiday.*

#### Electronic Cigarettes

All areas within the Park that are closed to smoking are also closed to the use of electronic cigarettes (See 36 CFR § 2.21 Smoking on page 16).

*Determination: Electronic cigarettes are relatively new, and much research is currently being done on them to assess the risk they pose to people nearby someone who is vaping. The guidance from the Office of Policy, National Park Service is to treat electronic cigarettes just as lit cigarettes. Therefore, to reduce potential risk to most visitors and minimize visitor conflict, the use of electronic cigarettes within the Park will be restricted just like lit cigarettes.*

## II.PERMITS

### 36 CFR §1.6 – Activities That Require A Permit

(f)The following is a compilation of those activities for which a permit from the Superintendent is typically required. See listed section for specific terms and conditions associated with the specific activity:

Some filming, still photography, and audio recording (depends upon the facts and circumstances; contact the park for more information). 36 CFR 1.5(a)(2) and 54 U.S.C. 100905.

§ [2.4\(e\)](#) Carry or possess a weapon, trap or net

§ [2.5\(b\)](#) Specimen collecting, research, and some science education activities

§ [2.12](#) Creating Audio Disturbance

(a)(2) Operating a chain saw in developed areas

(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](#) Noncommercial soliciting

§[2.50](#) Special Events - Special Use Permits (Events, Races, Weddings etc.)

§[2.51](#) First Amendment Activities such as public assemblies, meetings, gatherings demonstrations, parades, and public expressions of views.

§[2.52](#) Sale and distribution of printed material

§[4.11\(a\)](#) Load, weight and size limits

§[5.3](#) Business operations

§[5.5](#) Commercial filming, still photography and audio recording

§[5.6](#) Commercial vehicles (travel through park) See Section 1.5 for use limitations.

## §5.7 Construction of buildings or other facilities

*Note: If not indicated under the specific regulation, violations under this section should be cited under the appropriate CFR section or §1.6(g)(1) or (2).*

*The authority to issue Commercial Use Authorizations (CUAs) is found at [54 U.S.C. 101925 \(PL 105-391 Sec 418\(2\)\(A\)\)](#). CUAs are considered an activity that requires a permit.*

# III. GENERAL REGULATIONS

## **36 CFR §2.1** – Preservation of Natural, Cultural and Archeological Resources

(a)(5) The following conditions are in effect for walking, climbing, entering, ascending, or traversing the listed archaeological or cultural resource, monument, or statue:

No conditions have been established.

Determination: The Superintendent of the Park has not established any conditions that are in effect for any archaeological or cultural resource, monument, or statue within the Park. Therefore, walking, climbing, entering, ascending or traversing any archaeological or cultural resource, monument, or statue within the Park is prohibited.

(c)(1) & (c)(2) The following fruits, nuts, or berries may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collection sites and/or possession and consumption restrictions below:

Pecans: No more than one dry quart per person, per day, of pecan nuts may be gathered for personal use or consumption.

*Note: A “dry gallon” refers to a gallon of uncrushed fruit or berries.*

*Determination: Collecting small quantities of nuts specified above causes no adverse impact on park resources and increases the visitor experience. This activity does not adversely affect the wildlife or other resources, or the reproductive potential of a given species.*

## 36 CFR §2.2 – Wildlife Protection

### (e) Areas closed to the viewing of wildlife with an artificial light.

The entire park is closed to viewing wildlife with artificial light.

*Determination: This restriction is established for public safety. The park is located in an urban residential and commercial area. Hunting is prohibited. Use of artificial light is intrusive to the privacy of park residents and may be an indicator of criminal activity.*

## 36 CFR §2.4 – Weapons, Traps, and Nets

(h) Notwithstanding any other provision in this Chapter, a person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area in accordance with the laws of the state in which the national park area, or that portion thereof, is located, except as otherwise prohibited by applicable Federal law.

This authority does not extend to Federal facilities within the park (18 USC § 930(a)). Federal facilities include: Visitor Center, Administrative Offices, Interpretative Ranger Office, Law Enforcement Ranger Office, Maintenance Facilities, Historic Ebenezer Baptist Church, Historic Fire Station No. 6, Martin Luther King, Jr. Birth Home and Eastern National Book Store.

*Determination: Park regulation cannot be less restrictive than United States Code.*

## 36 CFR §2.10 – Camping and Food Storage

(a) The sites and areas listed below have been designated for camping activities as noted. A permit system has been established for certain campgrounds or camping activities, and conditions for camping and camping activities are in effect as noted:

The entire Park is closed to camping, which includes parking of a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy. The Park does not have any designated camping sites or areas and does not provide any accommodations for overnight occupancy.

*Determination: Camping is not in alignment with the park's enabling legislation. The park has no established facilities for camping. To protect public safety, public health and park resources overnight occupancy on park grounds and in vehicles is prohibited.*

## **36 CFR 2.11** - Picnicking

Picnicking within the park boundary is permitted at the Park Pavilion, Peace Plaza and Amphitheatre.

Determination: Picnicking at these locations has a minimal impact on park resources and visitor experiences.

## **36 CFR 2.13** – Fires

**(a)(1)** a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:

Designated Areas:

No areas designated.

Receptacles Allowed:

No receptacles designated.

Established Conditions for Fires:

Fires are prohibited within the Park boundary.

(a)(2) The following restrictions are in effect for the use of stoves or lanterns:

Charcoal grills are prohibited in the entire Park.

Use of a gas stove or lanterns in the Park is prohibited.

(b) Fires must be extinguished according to the following conditions:

Fires are prohibited within the Park boundary.

*Determination: The Superintendent has determined that these conditions are necessary and the least restrictive means to protect park resources and the public from an unintentional risk that fires pose in an urban environment.*

### **36 CFR §2.14** – Sanitation and Refuse

(a)(2) The use of government refuse receptacles or facilities for dumping household, commercial or industrial refuse, brought as such from private or municipal property is allowed under the following conditions:

The use of government refuse receptacles or facilities for dumping household, commercial or industrial refuse, brought as such from private or municipal property is prohibited at the Park.

*Determination: Allowance of government paid for disposal services for private and commercial waste materials, would violate law and constitute misuse of government resources.*

### **36 CFR §2.15** – Pets

(a)(1) The following structures and/or areas are closed to the possession of pets:

Inside of all Park facilities.

Service animals are not subject to the park's pet policies and, when accompanying an individual with a disability, they are allowed wherever visitors are allowed.

Emotional support, therapy, comfort, or companion animals are not considered service animals because they have not been trained to perform a specific job or task as described under [Policy Memorandum 18-02](#). Therefore, an emotional support animal is considered a pet under NPS policy.

*NOTE: "Pet" means dogs, cats, or any animal that has been domesticated. [36 CFR §1.4]*

*Determination: This use restriction of possessing a pet in all structures and main public use areas of the Park is necessary for the protection of cultural resources, the maintenance of public safety, the minimization of visitor conflicts, and the implementation of management responsibilities.*

(a)(3) Pets may be left unattended and tied to an object in the following areas, under the conditions noted:

Leaving a pet unattended and tied to an object is prohibited throughout the Park.

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

The pet owner is required to clean up after his/her pet. Trash receptacles are available throughout the park.

*Determination: This requirement is for the maintenance of public health and safety. Less restrictive measures will not suffice because of the potential sanitary and health threat to the public.*

(e) Pets may be kept by park residents under the following conditions:

Pets are prohibited in all park-owned, leased residences.

*Determination: Pets are prohibited to protect park resources and government property. This is identified in the park's Housing Management Plan.*

## 36 CFR 2.20 - Skating, Skateboards and Similar Devices

The use of roller skates, skateboards, roller skis, coasting vehicles, or similar devices are prohibited:

*Roller skates, skateboards, roller skis, coasting vehicles, and other such devices may create hazardous conditions when used on the same roadways as vehicles or on walkways traveled by pedestrians. They additionally cause damage to natural resources when used off pavement or other hard surfaces.*

*Determination: The use of such devices is incompatible with the park's enabling legislation and conflicts with established user group activities.*

## **36 CFR §2.21** – Smoking

The following areas, structures or facilities are closed to smoking and includes vaping or e-cigarettes:

NPS office and storage buildings, whether owned or leased.

Areas within 25 feet of buildings or government quarters.

Government-owned or leased motor vehicles.

Within 50 feet of fuel and flammable substance storage areas.

Other areas as posted and/or as designated during periods of high fire danger.

*Note: The use of electronic cigarettes and other Electronic Nicotine Delivery Systems (ENDS) are subject to the same restrictions as tobacco smoking and are treated as if they are tobacco products per the December 2010; U.S. Court of Appeals for the D.C. Circuit ruling in Soterra, Inc. v. Food and Drug Administration.*

*Determination: This prohibition will help protect park structures and ensures that visitors and employees are not involuntarily exposed to harmful cigarette smoke while at work or entering and leaving government buildings.*

## **36 CFR 2.22** - Property

(a)(2) Property may be left unattended for periods longer than 24 hours in the following areas and under the following conditions:

Property may not be left for periods longer than 24 hours anywhere throughout the Park.

Determination: Unattended property presents a threat to public safety, public health and the orderly operation of the park.

## **36 CFR 2.35** - Alcoholic Beverages and Controlled Substances

(3)(i) The superintendent may close all or a portion of a public use area or public facility within a park area to the consumption of alcoholic beverages and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or that has been opened, or whose seal is broken or the contents of which have been partially removed.

The Park is closed to the consumption of alcoholic beverages and open containers of alcohol.

Determination: The above regulation has been emplaced to not conflict with City of Atlanta, Code of Ordinance section 10-8. Drinking in Public, which states that "It shall be unlawful for any person to drink any vinous, malt or other alcoholic beverage while on any streets, sidewalks, alleyways, parking areas or other open areas operated and controlled by the city..."

## **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 36 CFR §2.50, §2.51, or §2.52.

No permit shall be issued for non-commercial solicitation inside of any park facility or within 50 feet of any entrance to such facility to prevent interference with park programs or prevent the orderly flow of persons entering and leaving facilities.

## 36 CFR §2.51 – Demonstrations

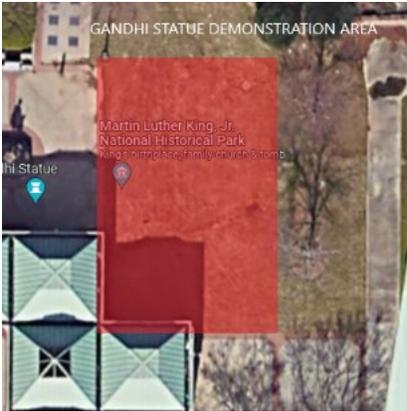
a) Demonstrations. The term “demonstrations” includes demonstrations, picketing, speechmaking, marching, holding vigils or religious services, and all other like forms of conduct that involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to attract a crowd or onlookers. This term does not include casual park use by visitors or tourists that is not reasonably likely to attract a crowd or onlookers.

The following areas are designated for demonstrations and the distribution of printed matter. Other locations will be determined on a case-by-case basis. Groups that are smaller than 25 people do not need a permit to use a designated area for demonstrations or distribution of printed matter if they are not using sound amplification, soliciting donations, or using stages, platforms or other structures.

Peace Plaza Amphitheater: An area located the northwest corner of the intersection of Auburn Avenue and Jackson Street, in the semi-circle concrete amphitheater, including the approaching sidewalks. The area is generally centered on the following geographic coordinates: 33°45'20.7"N 84°22'26.5"W. The area is approximately 3600 square feet and can hold approximately 276 persons.



Gandhi Statue: An area in the grass to the east of the Gandhi statue. The area is generally centered on the following geographic coordinates: 33°45'24.1"N 84°22'23.3"W. The area is approximately 2100 square feet and can hold approximately 162 persons.



Rose Garden: An area directly south of the Rose Garden, along the concrete walkway, from the east to west terminus of the Rose Garden. The area is generally centered on the following geographic coordinates: 33°45'20.7"N 84°22'24.3"W. The area is approximately 3640 square feet and can hold approximately 280 persons.



*A permit is necessary to manage demonstrations, public assemblies and meetings in the park larger than 25 persons that may damage park resources or conflict with the overall safety and enjoyment of the park by the majority of park visitors, while allowing for First Amendment rights.*

## **36 CFR §2.52** – Sale of Printed Matter and the Distribution of Printed Matter and Other Message-Bearing Items

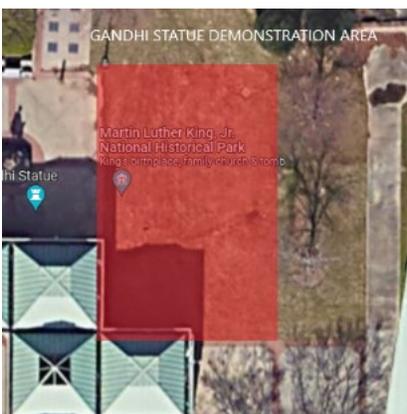
a) Printed matter and other message-bearing items. The term “printed matter” means message-bearing textual printed material such as books, pamphlets, magazines, and

leaflets, provided that it is not solely commercial advertising. The term "other message-bearing items means a message-bearing item that is not "printed matter" and is not solely commercial advertising. Other message-bearing items include, but are not limited to: Readable electronic media such as CDs, DVDs, and flash drives; clothing and accessories such as hats and key chains; buttons; pins; and bumper stickers.

Peace Plaza Amphitheater: An area located the northwest corner of the intersection of Auburn Avenue and Jackson Street, in the semi-circle concrete amphitheater, including the approaching sidewalks. The area is generally centered on the following geographic coordinates: 33°45'20.7"N 84°22'26.5"W. The area is approximately 3600 square feet and can hold approximately 276 persons.



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Rose Garden: An area directly south of the Rose Garden, along the concrete walkway, from the east to west terminus of the Rose Garden. The area is generally centered on the following geographic

coordinates: 33°45'20.7"N 84°22'24.3"W. The area is approximately 3640 square feet and can hold approximately 280 persons.



*A permit is necessary to manage sale or distribution of printed matter since such activities may conflict with the overall safety of visitors and employees, the right of park visitors to have free and unencumbered passage throughout park facilities, the right of park visitors to enjoy park values without non-value related intrusions, and basic operational needs.*

**End of Compendium for Martin Luther King, Jr. National Historical Park  
-NPS-**