

SUPERINTENDENT'S COMPENDIUM

COMPILATION OF REGULATIONS

Martin Luther King, Jr. National Historical Park



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In accordance with the provision of U.S.C., 3 and 36 CFR, Parts 1 through 7, the following orders are established for Martin Luther King, Jr. National Historical Park (MALU). Unless otherwise noted, these orders apply in addition to provisions contained in 36 CFR, Parts 1 through 7.

Under the provisions of 36 CFR 1.7 (b) the Superintendent is required to compile in writing all the designations, closures, permit requirements and other restrictions imposed under the discretionary authority granted by the regulations contained in Title 36 CFR Parts 1 through 7.

These regulations will provide for the maintenance of public health and safety, the protection of scenic or environmental values, the protection of natural or cultural resources, and aid in scientific or historic research. These regulations will also provide for the implementation of management responsibilities, equitable allocation and use of facilities, and reduction of conflict among visitor use activities.

Visitors may obtain additional information or permit applications by contacting: Marty Smith (404) 331-2244 or Mari Hayden (404) 331-6965.

A copy of this compendium is available for public review at the Office of the Superintendent.

Judy Forte, Superintendent

Date of Approval

The CFR is also available on the Internet at:
http://www.access.gpo.gov/nara/cfr/waisidx_05/36cfrv1_05.html

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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 provide 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

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

The National Park Service (NPS) is granted broad statutory authority under 16 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, monuments, 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 (16 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, monuments, and reservations under the jurisdiction of the National Park Service (16 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 (16 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.

16 U.S.C. Section 1c defines the National Park System as any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, 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, National Park Service, 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, as long as 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, than 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 particular 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 Law Enforcement Park Rangers enforce the requirements of the United State 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. You may receive a list of fines associated with any particular provision by contacting the Chief Ranger at the park address found below.

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.

Written comments on the Compendium may be submitted to:

Superintendent
Martin Luther King, Jr. NHP
450 Auburn Ave, NE
Atlanta, GA 30312

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.

11. Availability

Copies of the Compendium are available at:
Martin Luther King, Jr. NHP
450 Auburn Ave NE
Atlanta, GA 30312

REGULATIONS

36 CFR §1.5 – CLOSURES AND PUBLIC USE LIMITS

(a)(1) The following visiting hours, public use limits and closures are established for all or a portion of the park area to all public use or to a specific use or activity:

VISITING HOURS:

The Martin Luther King, Jr. National Historical Park (NHP) 's Visitor Center, Historic Ebenezer Baptist Church and Historic Fire Station #6 are open daily from 9:00 a.m. to 5:00 p.m. year-around.

The Martin Luther King, Jr. NHP Visitor Center, Historic Ebenezer Baptist Church and Historic Fire Station No.6 are officially closed to public visitation on the following federal holidays: Thanksgiving, Christmas, and New Year's Day.

Picnic pavilion and tennis court areas are open sunrise to sunset.

PUBLIC USE LIMITS:

National Park Service (NPS) Visitor Center:

It is prohibited to eat and/or drink in the Courage To Lead Museum, D.R.E.A.M. Gallery and the Park Theater.

It is prohibited to camp or sleep in the Courage To Lead Museum, D.R.E.A.M. Gallery, Park Theater and restrooms.

It is also prohibited to bathe in the public restrooms.

Birth Home of Dr. Martin Luther King, Jr.:

Guided Birth Home Tours: Group size will be limited to no more than 15-17.

Group size is limited for the guided King Birth Home tours due to confined spaces and the minimization of resource damage to the historic structure. The group size restriction also enables the park staff to maintain contact with all tour participants, which reduces the likelihood of separated parties, and accidents. This policy also increases the probability for a high quality visitor experience.

Open House Tours will be limited to a two-hour duration with no restriction on the number of visitors who enter and exit the home during that time period.

Extended hour walk-throughs may be offered on significant park event days, with no restriction on the number of visitors who enter and exit the home during that time period. It is prohibited to eat, drink, spit, or chew any material during a guided birth home tour while within the birth home. It is also prohibited to carry any food items or beverage containers, including water, on birth home tours. Water may be allowed for medical reasons on a case by case basis at the discretion of the tour guide.

In order to protect the historical objects within the birth home, a ban on food and/or drink is necessary. It is impractical to observe every individual to ensure that food and drink items are not disposed of or dropped by accident in the birth home.

Historic Ebenezer Baptist Church:

It is prohibited to eat, drink, spit, or chew any material while visiting Fellowship Hall and the Heritage Sanctuary of Historic Ebenezer Baptist Church.

In order to protect the historical objects within Historic Ebenezer Baptist Church, a ban on food and/or drink is necessary. It is impractical to observe every individual to ensure that food and drink items are properly disposed of or not dropped or spilled on the carpet, original pews and hardwood floors in the Sanctuary.

It is prohibited to camp or sleep in Historic Ebenezer Baptist Church. It is also prohibited to bathe in the public restrooms.

Historic Fire Station No.6:

It is prohibited to camp or sleep in Historic Fire Station No.6. It is also prohibited to bathe in the public restrooms.

CLOSURES:

The following areas are closed to public entry:

- Historic Ebenezer Baptist Church – Heritage Sanctuary
Pulpit Platform including Communion Table, Podium, Pulpit Chairs, and Table;
Choir Loft Setting including Hills-Green-Lane Pipe Organ and Baptismal Pool.
On Floor: Grand piano, Hammond organ, closed back hall spaces and the main balcony.
- Historic Fire Station No.6 – The 1927 LaFrance Fire Engine; the Fireman Desk setting, the entire second floor.
- Facility Management Compound, Ranger Stations, Eastern National’s Administrative Offices and Chamberlain Lot

- All historical residential structures that are private residences.
- These areas are closed to the public in order to protect historical artifacts and settings, protect the public from potential hazards and protect government equipment.
- Additionally, the entire park is closed to the launching, landing, or operation of unmanned aircraft including drones.

Entry into these closed areas or permission to engage in an otherwise prohibited activity requires a Special Use Permit.

(a)(2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:

Bus/Motor Coach Parking Lot:

Passenger carrying buses are subject to the following conditions/restrictions on all park roads and parking areas:

Bus engines must be shut down when not moving.

The City of Atlanta prohibits the idling of a truck or bus for more than 15 minutes on any street or public place. If the ambient temperature is less than 32 degrees Fahrenheit, idling is limited to a maximum of 25 minutes. In addition, any vehicle that uses electricity or compressed natural gas as the primary fuel source is exempt from idling limitations. For more information, see the Atlanta Code of Ordinances (Section 150-97(c)).

Personal Property:

For overall public safety and security, UNATTENDED backpacks, baggage, luggage, strollers, and any other personal belongings and/or property are prohibited within the boundaries and jurisdiction of the Martin Luther King, Jr. National Historical Park, which includes inside all park buildings and throughout the park grounds.

36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

The following activities are prohibited, unless a permit has been issued under 36 CFR §2.50 or §2.51 or §2.52:

§1.5(a) Visiting Hours, Public Use Limits, or Closures as noted above.

§2.5 Research specimens.

(a) Specimen collection:

(Take or disturb plant, fish, wildlife, rocks or minerals). Permits are subject to the requirements set forth by the Superintendent.

§2.11 Picnicking.

Picnicking is only allowed in the Park Pavilion, Peace Plaza and the Peace Amphitheatre. All spaces are subject to applicable permit requirements.

§2.12 Audio Disturbances:

(a)(1)(ii) Operating an audio device that makes noise that is unreasonable, considering the nature and purpose of the actors conduct, location, time of day or night, purpose for which the area was established, impact on park users, and other factors.

(a)(2) Operating a chainsaw in developed areas. (With the exception of use by park residents in the immediate proximity to their homes.)

(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 36 CFR §2.50 or §2.51.

§2.17 Aircraft and air delivery.

(a)(3) Delivery or retrieval of a person or object by parachute, helicopter, unmanned aircraft (e.g., MODEL AIRPLANES, QUADCOPTERS, DRONES), other airborne means.

(c)(1) Removal of a downed aircraft.

§2.37 Noncommercial soliciting.

Soliciting or demanding gifts, money goods or services.

2.38 Explosives:

(a) Use, possess, store, transport explosives, blasting agents or explosive materials.

(b) Use or possess fireworks.

§2.50 Special events.

- (a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events.

§2.51 Demonstrations.

- (a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views with groups in excess of 25 persons.

§2.52 Sale or distribution of printed matter.

- (b) Sale or distribution of printed matter that is not solely commercial advertising with groups in excess of 25 persons.

§2.60 Livestock use and agriculture.

- (c) Livestock use.

§2.61 Residing on Federal lands.

- (a) Residing in park areas.

§2.62 Memorialization.

- (a) Erection of monuments (Requires approval from Regional Director).
- (b) Scattering ashes from human cremation.

§4.11 Load, weight and size limits.

- (a) Exceeding of established vehicle load, weight and size limits.

§5.1 Advertisements.

(Display, posting or distribution).

§5.2 Alcoholic beverages; sale of intoxicants.

- (b) Sale of intoxicants in certain park areas.

§5.3 Business operations.

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 filming, still photography, and audio recording.

- (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.

§5.6 Commercial vehicles.

(c) Use of commercial vehicles on park area roads.

§5.7 Construction of buildings or other facilities.

Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.

§6.9 Permits.

(a) Operation of a solid waste disposal site.

Activities planned outside the norm of visitor use may require a permit that would be issued by the Superintendent. Applications for a permit must be submitted within designated time limits to be reviewed and processed prior to the preferred date of use. Permit approval and all fees associated with that permit must be secured prior to the event.

36 CFR- GENERAL REGULATIONS

The following activities are prohibited:

§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 archeological or cultural resource, monuments or statues.
- (a)(6) Possessing, destroying, injuring, defacing, removing, digging, or disturbing a structure or its furnishings or fixtures, other cultural or archeological resources.
- (a)(7) Possessing or using a mineral or metal detector, magnetometer, side scan sonar, other metal detecting device, or sub bottom profiler.

§2.2 Wildlife protection.

- (a)(1) The taking of wildlife.
- (a)(2) The feeding, touching, teasing, frightening or intentional disturbing of wildlife nesting, breeding or other activities.
- (a)(3) Possessing unlawfully taken wildlife or portions thereof.
- (d) Pursuant to this section, wildlife taken lawfully from outside the boundaries of Great Basin National Park may be transported through the park under the following conditions:
 - Park residents may transport legally taken wildlife from the main park entrance directly to their residence.
 - Wildlife must be properly tagged in accordance with state game laws.
 - Person transporting game must possess a license.

§2.4 Weapons, traps and nets.

As of February 22, 2010, a new federal law allows people who can legally possess firearms under applicable federal, state, and local laws to legally possess firearms in this park. While this law allows a person to legally carry a firearm on the grounds of the Martin Luther King, Jr. National Historical Park, the law prohibits the possession of a firearm or other dangerous weapon in a 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. Federal facilities at Martin Luther King, Jr. National Historical Park include; Park Headquarters/ Visitor Center, Historic Ebenezer Baptist Church, Martin Luther King, Jr. Birth Home, Historic Fire Station #6, and the maintenance facility.

In Georgia, the permit holder must have the permit together with valid identification whenever carrying a concealed handgun, and must disclose to any law enforcement officer that they have a valid permit and are in possession of a concealed handgun when contacted. The permit and proper identification must be presented to a law enforcement officer upon request.

It is the responsibility of visitors to understand and comply with all applicable state, local, and federal firearms laws before entering this park.

§2.10 Camping and food storage.

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:

There are no designated camping areas within Martin Luther King, Jr. NHP.

§2.15 Pets.

(a)(1) The following structures and/or areas are closed to the possession of pets and shall not apply to certified service animals trained to assist persons with disabilities or to guide dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing-impaired persons.

- The Martin Luther King, Jr. NHP Visitor Center
- Historic Ebenezer Baptist Church – Heritage Sanctuary
- Historic Fire Station No.6
- Martin Luther King, Jr. Birth Home

(a)(5) Pet excrement must be disposed of in accordance with the following conditions:
Pet excrement in residential areas, lawns, walkways, access roads, and around public buildings.

§2.17 Aircraft and air delivery.

(c)(1) The removal of a downed aircraft, components, or parts thereof is subject to procedures established by the Superintendent through written authorization.

§2.20 Skating, skateboards and similar devices.

The use of roller-skates, roller-blades, skateboards, roller skis, coasting vehicles, or similar devices are allowed only in the following areas:

On paved surfaces located in the park residential areas, only by park residents & their guests.

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

Uses of these devices are prohibited within the park service Peace Plaza, Promenade and Birth Home Block.

§2.21 Smoking.

(a) The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking:

- All government owned buildings and historic structures, including all restrooms. (Refer to Park Housing Policy concerning residential structures).
- All government owned, rented, or leased vehicles.
- Within 25 feet of the entrance/exit to a public building.
- All cabins, structures and ruins within the park.
- Within 50 feet of any above ground gasoline and propane dispensing or flammable storage area.

Certain areas are restricted to protect public health and to protect structures from fire danger or smoke. This prohibition is consistent with federal and state law.

§2.22 Property.

(a)(2) Leaving property unattended for longer than 24 hours, except in locations where longer time periods have been designated or in accordance with conditions established by the superintendent.

(b)(1) Impoundment of property:

- Any motor vehicle that is immobile because it is not capable of moving under its own power due to mechanical malfunction; or any vehicle which is inoperable because it cannot be operated legally on public roads because it is unlicensed or unregistered, may be impounded by the Superintendent when

it has been left unattended for more than 24 hours or it presents a hazard to or impedes normal park operations.

- Abandoned vehicles, apparently abandoned vehicles, and inoperable vehicles cause a shortage of parking spaces, create an eyesore, and may interfere with access to a building during emergencies, such as a fire. The provisions stated above are the only conditions under which persons may leave a vehicle unattended in excess of 24 hours. Otherwise, property may be impounded according to the procedures stated in 36 CFR §2.22 (b) and (c).

§2.23 Recreation Fees

- (b) Recreation fees, and/or a permit, in accordance with 36 CFR parts 71, are established for the following entrance fee areas, and/or for the use of the following specialized sites, facilities, equipment or services, or for participation in the following group activity, recreation events or specialized recreation uses:

There are no recreational fees for the Martin Luther King, Jr. NHP.

§2.35 Alcoholic Beverages and controlled substances.

- (a)(3)(i) Public use areas, portions of public use areas, and/or public facilities within the park maybe 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.

The Park regulations against the consumption of alcohol will follow compliances with 36 CFR 2.35 and the following city of Atlanta Code of Ordinance:

“Atlanta Code of Ordinance section 10-8 – 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, or while in or on the grounds of any MARTA station. Further, it shall be unlawful for any person to drink any vinous, malt or other alcoholic beverage while in any city park except during permitted outdoor festivals pursuant to the provisions of Atlanta Code of Ordinances section 110-76(a)(5) Any areas.”

§2.50 Special Events.

Permits are required for any special event utilizing park areas. Special events are defined as sports events, pageants, regattas, public spectator attractions, entertainment, ceremonies, and similar events, or any event involving an organized gathering of 25 or more people (including non-profit or charitable organizations).

- A written application for a permit must be submitted to the Superintendent up to 72 hours prior to the date desired for the event.
- Consideration will be given only to those activities that contribute to visitor understanding of the significance of the park area or where there is a meaningful association between the park area and the event.
- All Applications for Special Use Permit requesting road closure and large festival events must provide an approved City of Atlanta Permit.

A permit is required to control special events in the park that may damage park resources or conflict with the overall safety and enjoyment of the park by the majority of park visitors.

§2.51 Demonstrations.

Permits are required for any public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of opinions consisting of over 25 persons within the park. Approved locations are available by contacting the Superintendent's Office. Written applications for permits must be submitted to the Superintendent within the calendar year of the proposed event. Permits will be returned to the applying party within ten (10) days of receipt. The activity must not conflict with any scheduled NPS function or program.

Groups of 25 or less persons do not need to apply for a permit, but required to conduct activity in same area as designated below.

The designated area for First Amendment activities is the Peace Plaza Amphitheater.

Permit is necessary to control public assemblies and meetings in the park 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. Groups of 25 or less are not required to obtain a permit, though they are recommended to do so.

§ 2.52 Sale or distribution of printed matter

Permits for sale or distribution of printed matter (including free materials) will be limited to areas designated under 36 CFR § 2.51. Written application for such a permit must be submitted to the Superintendent within the calendar year of the planned distribution. Permits will be returned to the applying party within ten (10) days of receipt. Groups of 25 or less persons do not require a permit.

The distribution of printed material cannot be for commercial purposes. It is further prohibited for persons engaged in the sale or distribution of printed matter under this section to misrepresent the purposes or affiliations of those engaged in the sale or distribution, or to misrepresent whether the printed matter is available without cost or donation.

Note: The permit is similar to the permit issued for public assemblies and meetings. A map is always included. The cited CFR subsection 2.52, Sale or Distribution of Printed Matter is also included with the permit request.

A permit is necessary to control 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.

§2.61 Residing on Federal lands.

Absent a permit, lease or contract, residing in park areas on other than private land, is prohibited.

§2.62 Memorialization.

(b) A permit is required for the scattering of ashes from cremated human remains, in accordance with the following terms and conditions:

The scattering of human ashes from cremation, with a permit, is allowed under the following terms and conditions:

- The remains to be scattered must have been cremated and pulverized.
- Remains unable to be cremated (i.e. metal objects) cannot be included in the scattering.
- All containers empty of remains must be removed from the park.

The Superintendent has implemented these restrictions on the scattering of cremated human remains.

§4.10 Travel on park roads and routes.

- (a) Park roads open for travel by motor vehicle are those indicated below, and/or as indicated in the following publication or document:
- Roads designated in Attachment Park map
- (b) The sidewalks are designated for Pedestrian traffic only.

§4.21 Speed limits.

- (a) The following speed limits are established for the routes/roads indicated: 25 MPH- Speed limits are designated/posted by the City of Atlanta and State of Georgia.

§4.30 Bicycles.

- (a) The use of a bicycle is permitted on park roads and in parking areas that are otherwise open for motor vehicle use by the general public.

The use of an E-bike is allowed in Martin Luther King, Jr. National Historical Park where traditional bicycles are allowed. E-bikes are prohibited where traditional bicycles are prohibited. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.

- A person operating an e-bike is subject to the following sections of 36 CFR part 4, (Vehicles And Traffic Safety), that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23, and 4.30(h)(2)-(5).
- Except as specified in this Compendium, the use of an e-bike within Martin Luther King, Jr. National Historical Park is governed by State law, which is adopted and made a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.

The term “e-bike” means a two-or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.).

§5.5 Commercial filming, still photography, and audio recording.

The following conditions apply to commercial filming and still photography activities within the park:

- A permit is required for any commercial photography, as defined in section 1.6, and under NPS Director's Order 53.
- Persons or organizations engaged in commercial photography, motion pictures or video production must complete an application for a permit and return it to the parks Office of Special Park Uses. For information call 404-331-5190. The permit will specify whether a surety bond is required prior to the commercial operation occurring.
- NPS escorts may be required for any permitted filming event in the park. Filming in the interior of any historic building will only be permitted for documentary films or news/travel programs and will require an NPS escort. Ordinary and customary charges may be assessed to cover the cost of the park escort.

The Superintendent has determined that the issuance of a commercial photography permit is contingent on adequate protection of park resources, avoidance of unreasonable interference with public access to the park, and actions consistent with all applicable laws.

PART 7-36 CFR SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

There are no Part 7 Special Regulations pertaining to Martin Luther King, Jr. National Historical Park.

ATTACHMENT A

Applying for a Special Use Permit Martin Luther King, Jr. National Historical Park

The National Park Service may permit a special park use if the proposed activity will not:

- Cause injury or damage to park resources; or
- Be contrary to the purpose for which the park was established; or
- Unreasonably impair the atmosphere of peace and tranquility maintained in wilderness,
- Unreasonable interfere with the interpretive, visitor service, or other program activities, or with the administrative activities of the NPS; or
- Substantially impair the operation of public facilities or services of NPS concessioners or contractors or;
- Present a clear and present danger to public health and safety; or
- Result in significant conflict with other existing uses.

Permitted Activities

First Amendment activities such as public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views and opinions are managed and regulated under 36 CFR 2.51, Director's Orders#-53 and the Superintendent's Compendium of Martin Luther King, Jr. National Historical Park. Activities associated with the exercise of these rights will be reasonably regulated to protect legitimate government interests. Therefore, the Park Superintendent may regulate such aspects of First Amendment activities as the time, place and manner where they are conducted in order to protect park resources.

Special Events such as public spectator attractions, ceremonies and commemorative programs are managed and regulated under 36 CFR(Code Of Federal Regulations) 2.50, Director's Order#-53 and the Martin Luther King, Jr. National Historical Park's Superintendent's Compendium. Permits issued for special events can be valid for no more than 7 days, and may not be transferred or reassigned without the consent of the Park Superintendent.

Commercial Filming and Still Photography

Commercial filming means the film, electronic, magnetic, digital, or other recording of a moving image by a person, business, or other entity for a market audience with the intent of generating income. Examples include, but are not limited to, feature film, videography, television broadcast, documentary, or other similar projects. Commercial filming activities may include the advertisement of a product or service, or the use of actors, models, set, or props. Regulated under 43 CFR; 5.12.

Prohibited Activities

Commercial soliciting is strictly prohibited.

Noncommercial soliciting is prohibited unless prior permission has been requested and approved on the permit or through the Superintendent's Office.

The use of any device or prop that utilizes an open flame is prohibited, with the exception of catering events.

The consumption of alcoholic beverages or the possession of a receptacle containing an alcoholic beverage which is open, or whose seal is broken, is prohibited unless prior permission has been requested and approved on the permit.

Although, smoking is prohibited in park facilities, eating and drinking are permitted in specific designated areas.

Parking on the Visitor Center grounds (plaza) is prohibited. Loading and unloading are to be conducted primarily from the curb, although there may be some exceptions. Permission to use the VC plaza for transport of loads must be approved through the Superintendent Office.

Printed Matter

The sale of merchandise in the park is prohibited by 36 CFR 5.3, except for the sale of printed matter as defined in 36 CFR 2.52 (The sale or distribution of printed material is allowed within certain park areas provided that a permit to do so has been issued by the Park Superintendent, and provided further that the printed material is not solely commercial advertising.)

Printed matter will be limited to message-bearing textual printed material such as books, pamphlets, magazines and leaflets whose primary purpose is the advocacy, definition or explanation of a group's or individual's political, religious, scientific or moral beliefs. All other forms of merchandise, including posters, coffee mugs, sunglasses, audio or video tapes, T-shirts, hats, ties, shorts and other clothing articles, may not be sold under this regulation.

Permits issued for the sale or distribution of printed matter will be valid for no more than 14 consecutive days.

Audio Systems

Public address systems and sound amplification equipment shall not be allowed unless prior permission has been requested and approved on the permit. If approved, audio amplification may not interfere with visitor-use activities or surrounding park neighbors.

If an event requires electrical power, advance arrangements must be made.

The Permittee must supply cables or extension cords as well as plastic matting to cover them. All electrical connections must be inspected and approved by park personnel before the power will be turned on. Power may be turned off at any time at the discretion of the National Park Service.

Permittees may supply their own electricity through the use of a generator with prior written permission of the Park Superintendent. Generators must be grounded, accompanied by a 10 pound ABC type fire extinguisher and are subject to inspection by the Park Electrician.

The Special Use Permit

Special Park Use is a short-term event that is a benefit to an individual group or organization rather than the public at large. The Special Use Permit is only for use of the specific area and time period designated on the permit. Issuance of a permit does not guarantee exclusive use of an area or building. The area for which the permit is issued will generally remain open to the public during park business hours.

This permit is made upon the expressed condition that the United States, its agent and employees shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury, or death to any person or damage to property, whether to the person or property of the Permittee, its agents or employees, or third parties, from any cause or cases while in or upon said premises or any part thereof during the term of this permit or occasioned by any occupancy or use of said premises or any activity carried on by the Permittee in connection herewith.

A nonrefundable \$100.00 application fee is required to process the Application for Special Use Permit (NPS Form 10-930).

Blank application forms can be found at:

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

In addition to the Application Fee, other cost recoverable fees may include administrative, personnel support, utility usage, etc. (16 USC 3a).

Allow a minimum of 10 business days for permit processing. Permits requiring additional management coordination will take longer to process.

The current charge for NPS personnel to staff and monitor these special use events is \$ 40.00 per hour/per staff person.

The National Park Service reserves the right to monitor the conditions of all issued Special Use Permits. Permittees should also be aware that the NPS is committed to recovering a high percentage of the direct costs incurred as a result of issuing and managing the Special Use Permits.

The Park Superintendent's Office issues all Special Use permits.

National Park Service
450 Auburn Avenue, NE
Atlanta, Georgia 30312
Telephone (404) 331-5190
Fax: (404)730-3112

Special Park Use Coordinators:

Commercial Filming and Photography

Marty Smith@nps.gov *404.331.2244*

Special Events and First Amendment

Mari Hayden@nps.gov *404.331.6965*

Full payment for the Cost Recovery Fee applied to the Special Use Permit, to be received prior to the actual event and made payable to National Park Service.

Permittee's Responsibilities

The Permittee:

- must be on-site at all times during the event and must carry the Special Use Permit at all times during the event. The Event Manager must ensure that all event agents, attendees, and audience comply with the permit conditions, directives and instructions from NPS staff and all posted NPS regulations.
- will take special care to prevent damage to park resources.
- will be held liable for any damage to park property arising out of this permit.
- is required to comply with all applicable federal, state and local laws, ordinances, regulations, codes, permit requirements, and conditions, as well as park regulations contained in Title 36 of the Code of Federal Regulations. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Superintendent.
- is prohibited from giving false information, which will be considered a breach of conditions, and be grounds for revocation. [Re: 36 CFR 2.32(4)].

Upon abandonment, suspension, revocation, or termination of the permit, the Permittee will remove, with a reasonable time prescribed by the Park Superintendent, all equipment, property, structures and improvements, except those owned by the government or otherwise conditioned within the permit, and will restore the area.

If the Permittee fails to remove such equipment, property, structures and improvements within the prescribed time, they will become the property of the government and may be sold, destroyed or otherwise disposed of without liability to the government. However, the Permittee will remain liable for all costs associated with the removal, including costs of sale and impoundment, cleanup and restoration of the area.

The Permittee hereby covenants and agrees to indemnify, defend, save and hold harmless the United States, its agents, and employees from all liabilities, charges, expenses and costs on account of or by reason of any such injuries, deaths, liabilities, claims, suits or losses however occurring or damages growing out of the same.

**FACILITIES MANAGED BY NATIONAL PARK SERVICE (NPS)
SPECIAL USE AVAILABILITY
Martin Luther King, Jr. National Historical Park**

FACILITY	CAPACITY
<u>NPS VISITOR CENTER</u> (available for use after closing)	
450 Auburn Avenue, NE Atlanta, GA 30312	
<i>Atrium (Lobby)</i>	100
Public Address system Interactive Exhibits	
<i>Museum & Exhibit Gallery</i>	120
<i>(Consumption of Food and Beverage Prohibited)</i>	
Courage to Lead Museum (Permanent Exhibit) D.R.E.A.M. Gallery (Changing Exhibit)	
<i>Park Theater</i>	120
<i>(Consumption of Food and Beverage Prohibited)</i>	
Audio-Visual System Satellite Hook-up Microphone capability	
<i>The Canopy</i>	250
Electrical hook-up Automated lighting	
<u>PEACE PLAZA</u> (available for use during operation & after closing)	
Located near the NPS Visitor Center	
<i>International World Peace Rose Garden Plaza</i>	250
Electrical Hook-up Automated Lighting	
<i>Peace Amphitheater</i>	130
Electrical Hook-Up Automated Lighting	

HISTORIC FIRE STATION No.6

39 Boulevard, NE
Atlanta, GA 30312

Second Floor (available for use during operation and after closing) **49**

Audio-Visual System
Computer Hook-Up
Microphone Capability
Kitchen for Catering Prep

First Floor (available for use after closing) **60**

Atlanta Fire History Museum

HISTORIC EBENEZER BAPTIST CHURCH (circa 1922)

407 Auburn Avenue, NE
Atlanta, GA 30312

Fellowship Hall (available during operation and after closing) **167**

Heritage Sanctuary (available after hours of operation) **529**

CURRENT FEE FACTS

APPLICATION FEE: A *nonrefundable fee* of \$ 100.00 is a processing fee to review the Application for Special Use Permit.

****COST RECOVERY FEES:** Applied to the issuance of a Special Use Permit to offset actual costs incurred by the National Park Service.

- **ADMINISTRATIVE FEE:** \$ 40.00 per hour/per staff
- **LOCATION FEE:** Varies from \$ 0.00 to \$ 750.00 per day for Commercial Filming and Still Photography
- **UTILITY FEE:** (Water, Gas, Electric) Varies from \$ 50.00 to \$ 250.00
- **CLEAN-UP FEE:** \$ 180.00 per location/space
- **NPS PERSONNEL SUPPORT:** \$ 40.00 per hour/per staff

****Cost Recovery Fees, EXCEPT Location Fees, are subject to change .****

UTILITY OPERATION FEE SCHEDULE
Martin Luther King, Jr. National Historical Park

FACILITY	WATER	NATURAL GAS	ELECTRIC	DAILY AVERAGE
NATIONAL PARK SERVICE VISITOR CENTER	80.00	2,000.00	4,200.00	250.00
HISTORIC EBENEZER BAPTIST CHURCH	45.00	N/A	3,300.00	150.00
HISTORIC FIRE STATION No.6	47.00	N/A	779.99	50.00

ASSESSMENT WORKSHEET
Application for Special Use Permit
Martin Luther King, Jr. National Historical Park

Name of Applicant: _____ Date: _____

Park Partner? Yes ----- No -----

TYPE OF ACTIVITY:

First Amendment Yes ----- No -----

Special Event..... Yes ----- No -----

Filming..... Yes ----- No -----

RESOURCE CONSIDERATIONS:

■ Cause injury or damage to park resources. Yes ----- No -----

■ Be Contrary to the purpose for which the park was established. Yes ----- No -----

■ Unreasonably impair the atmosphere of peace and tranquility. Yes ----- No -----

■ Unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the NPS. Yes ----- No -----

■ Substantially impair the operation of public facilities or services of NPS concessioners or contractors. Yes ----- No -----

■ Present a clear and present danger to public health and safety. Yes ----- No -----

■ Result in significant conflict with other existing uses. Yes ----- No -----

■ Event to occur during park operation hours. Yes ----- No -----

■ Event to occur after closing. Yes ----- No -----

NPS COST RECOVERY ESTIMATE:

Application Fee \$ 100.00 Applied _____ Waived _____

Administrative Fee \$ 40.00 Applied _____ Waived _____

Utility Fee \$ _____ Applied _____ Waived _____

Location Fee \$ _____ Applied _____ Waived _____

Clean-up \$ 180.00(Ea. Location) Applied _____ Waived _____

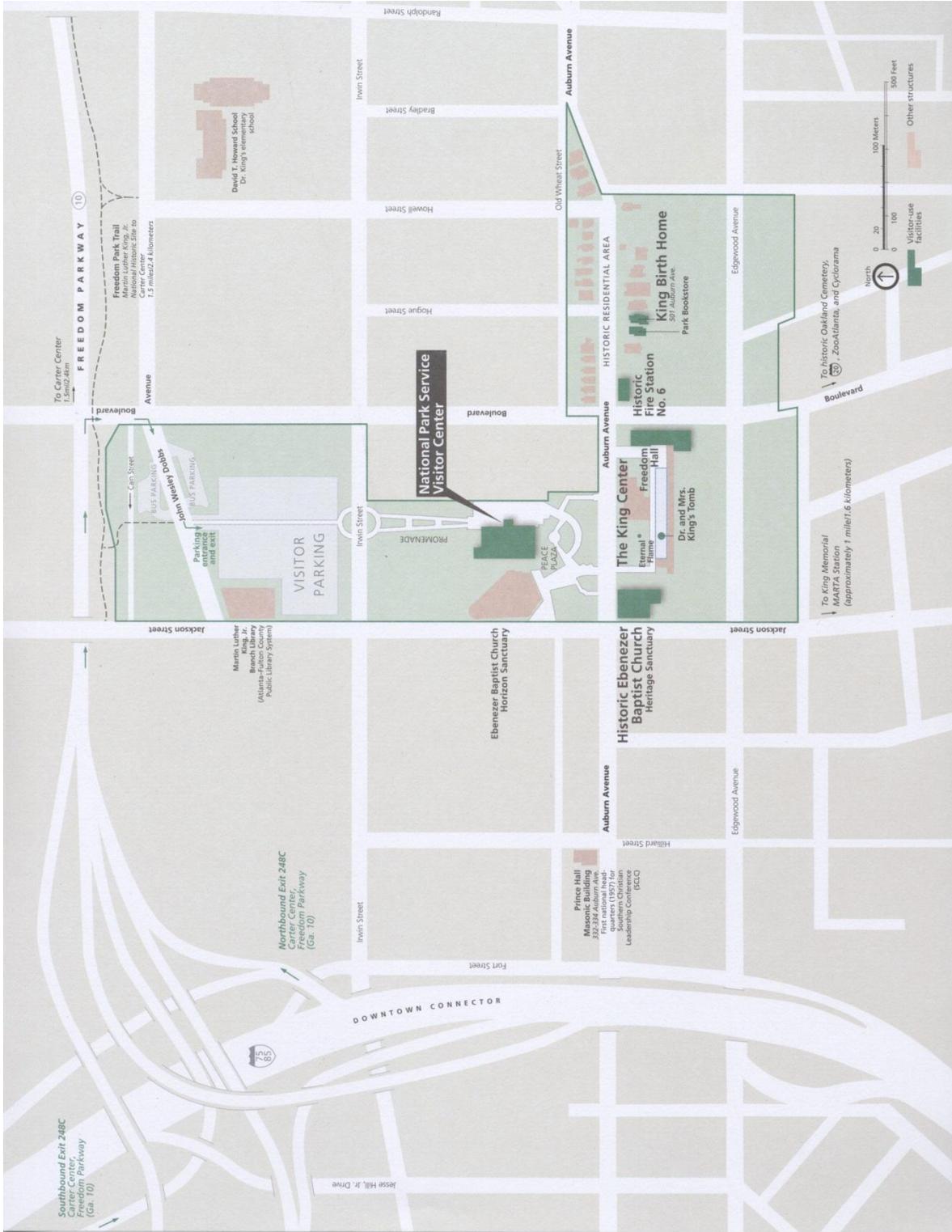
Personnel Support \$ 40.00 per staff/hour \$ _____ Applied _____ Waived _____

Application Request Approved _____

Application Request Denied _____

Follow-up with email and/or phone call regarding approval or denial of the issuance of a Special Use Permit.

ATTACHMENT B



MAP of Martin Luther King, Jr. National Historical Park