

GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT

36 CODE OF FEDERAL REGULATIONS COMPENDIUM

November 2001

Submitted by: 
David E. Hall
Law Enforcement Park Ranger

11/13/01
Date

Recommended by: 
Lawrence P. Trombello
Chief Ranger

11/16/01
Date

Approved by: 
Vidal Martinez
Superintendent

11/21/01
Date

36 CFR Compendium

Under the provisions of 16 U.S.C., Section 3, and Title 36, Code of Federal Regulations, Chapter I, Parts 1-7, the following designation, closures, permit requirements and other restrictions imposed under discretionary authority of the Superintendent are established for George Washington Birthplace National Monument. Unless otherwise noted, these orders apply in addition to the provisions contained in Parts 1-7 of Title 36 CFR.

§1.5(a) CLOSURES AND PUBLIC USE LIMITS

The park is closed to the public 1/2 hour after sunset to 1/2 hour before sunrise unless otherwise posted.

The Historic Area, Visitor Center, and Visitor Center Parking Lot are closed to the public between 5:00 p.m. and 9:00 a.m.

The Park Shorelines along the Potomac River and Pope's Creek are closed to landing and launching of boats/watercraft and all public entry by water year round.

Fishing is allowed along the Potomac River Beach and at the Pope's Creek Designated Fishing Area. The remainder of the Pope's Creek bank is closed to fishing.

The park Picnic Grounds and Potomac Beach/Burial Ground Area are closed between 5:00 p.m. and 7:00 a.m., November 1st through March 1st, unless otherwise posted.

The following restrictions are imposed on recreational activity:

In accordance with the Policy for Non-Traditional Uses attached as Appendix A, most recreational activities are prohibited, including but not limited to:

- Organized group sport activities: e.g. baseball, football, horseshoe pitching, etc.
- Other recreational activities including but not limited to kite flying, ball playing, Frisbee throwing, car washing or waxing
- The throwing of objects including but not limited to water-balloons.
- Radios, loudspeakers, or any sound amplification devices are not permitted in the Park

§1.6, 2.50, & 2.51 PERMITS/SPECIAL EVENTS/PUBLIC ASSEMBLY MEETINGS/SALE OR DISTRIBUTION OF PRINTED MATTER

Bike-a-thons, meetings and other special events are permitted only in certain areas and are governed by special conditions as outlined in the Policy for Non-Traditional Uses attached as Appendix A.

Kinds of permits and their uses:

- Special Use Permit
 - Bike-a-thon
 - Meetings
 - Farming, etc.
- Commercial Use Permit
 - Tour Services, etc.
- Commercial Filming Permit
 - Advertising
 - Motion Pictures, etc.

A Special Use Permit is required for organized group use of the Picnic Area Shelter.

§2.1 PRESERVATION OF NATURAL, CULTURAL, AND ARCHEOLOGICAL RESOURCES

Possessing, collecting, or digging of shark's teeth, shells, feathers, pottery shards, driftwood or other natural, cultural, or archeological resources is prohibited.

Possessing or using a metal detector is prohibited.

§2.2(e) WILDLIFE PROTECTION

Viewing of wildlife by means of an artificial light (spotlighting) is prohibited.

§2.3(a) FISHING

Fishing is allowed along the Potomac River Beach and at the Pope's Creek Designated Fishing Area.

§2.4 (a) WEAPONS

Possessing, carrying, or using a weapon is prohibited unless such implement is rendered temporarily inoperable or is packed, cased, or stored in a manner that will prevent ready use. (VA concealed weapons permit is not valid within the park)

§2.10(a) CAMPING AND FOOD STORAGE

Camping is prohibited in the park year round except to service organizations as provided in §2.50.

§2.11 PICNICKING

Picnicking is prohibited in all areas except the Visitor Center Area, the Pope's Creek designated area, and the area adjacent to the Potomac River Beach parking lot. See "Picnicking", Appendix A.

Special Use Permits are required for any organized group use of the Picnic Shelter.

§2.13(a) FIRES

Fires are permitted in government provided grills or designated sites in Pope's Creek Picnic Area only. The use of containerized fuels is allowed in picnic areas.

§2.15(a) PETS

Pets are prohibited in the following areas:

- Nature Trail
- Historic Area
- Visitor Center complex
- Burial grounds
- Buildings

Pets may be tied to an object and left unattended at the Visitor Center Picnic Area

§2.16(b) HORSES AND PACK ANIMALS

Horses and pack animals are prohibited in the park except on and within 5 feet of the pavement. Horses and pack animals are prohibited on the beach. Stock trailers will be parked in the Pope's Creek Conference Center lot, unless otherwise directed.

§2.20 SKATING, SKATEBOARDS, AND OTHER SIMILAR DEVICES

The use of skates, including "rollerblades" or skateboards is prohibited.

§2.21(a) SMOKING

Smoking is prohibited in all buildings.

§2.22 PROPERTY

Property may not be left unattended longer than 24 hours unless specific permission is given by the Superintendent.

§2.35(a)(3)(i) ALCOHOLIC BEVERAGES

The consumption of alcoholic beverages is prohibited in the park in adherence to the Code of Virginia, Title 4, Chapter 1, Section 308. (VA sec. 4.1-308)

§2.50, 2.51, & 2.52 SPECIAL EVENTS/PUBLIC ASSEMBLY/MEETINGS/SALE OR DISTRIBUTION OF PRINTED MATTER

See §1.6

§3.21(a)(1) SWIMMING

Swimming or bathing is prohibited in all areas.

§4.30(a) BICYCLES

Bicycles must stay on established public roads and parking areas.

§4.21(b) SPEED LIMITS

The speed limit is set at 15 miles per hour on the Picnic Road.

The speed limit is set at 25 miles per hour on the Beach Road.

§5.5 COMMERCIAL PHOTOGRAPHY

See §1.6

APPENDIX A

GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT

POLICY FOR NON-TRADITIONAL USES

INTRODUCTION

Request for use of George Washington Birthplace National Monument grounds or facilities for events or activities that are not related to the purpose of the park will be reviewed and approved or disapproved based upon the following policy.

POLICY

The Service encourages park uses that draw meaning from their association with and direct relationship to, park resources. Conversely, the Service discourages those uses not consistent with the preservation and /or protection of park resources, visitors, and/or values. Request for uses considered "non-traditional" may be provided for in certain areas of the park under careful regulation and control as outlined below.

Certain outdoor recreational activities not necessarily dependent upon park resources for their realization, and/or not constituting traditional or customary park uses, may be permitted when they do not:

- interfere with normal park usage;
- constitute a consumptive form of use;
- compromise the historic or natural scene; or
- present a danger to public welfare and safety, including safety of the participants.
- oppose the purposes for which the park was established

The time and place for such activities shall be controlled by permit to avoid:

- infringement upon the enjoyment and rights of other park visitors;
- traffic congestion;
- injury to non-participants and damage to property;
- unwarranted risk to participants due to inadequate equipment, lack of qualifications, weather, or other factors.

The use of park lands or facilities for organized athletic events or competitive recreational events characterized as public spectator attractions is not permitted. Pageants, anniversaries, and other observances are permitted when the observance contributes to visitor understanding of the significance of the park; and when the event can be staged without undue impact on the park's resources. Ample opportunities for hiking, jogging, bicycling, bird watching, etc., are provided and encouraged.

The primary purpose of the park, as articulated by Congress in 1930 when the park was established, is for the preservation of the historical associations of the premises and structures (associated with the birthplace of George Washington). By way of that legislative mandate, all special events, picnicking, etc., will be allowed only in those areas designated by the Superintendent or his/her representative.

The following guidelines are provided to facilitate smooth operation of the park and allow permitted events to be held. Please read the guidelines carefully in order to fully understand the park's policy and to avoid any misunderstanding which may delay or interfere with your proposed event. Please remember that additional conditions may be added to individual request when received and considered.

All applications for special uses of park property, facilities, etc., must be received at least 30 days prior to the event to allow time for administrative review, permit preparation, and scheduling. Failure to provide necessary review time will be considered grounds for disallowing a requested activity.

SPECIAL EVENTS
GENERAL CONDITIONS

For the purpose of holding a special event, permission to use the park area outlined in red on the enclosed map is subject to the following conditions and in accordance with park regulations (Code of Federal Regulations, Title 36 § 2.50)

1. This agreement is made upon the express condition that the United States, its agents, and employees shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury, injuries, or death to any person or property of the permittee, its agents or employees, or third parties, from any cause or causes whatsoever while in or upon said premises or any part thereof during the term of this agreement or occasioned by any occupancy or use of said premises or any activity carried on by the Permittee in connection herewith, and the Permittee hereby covenants and agrees to indemnify, save, and hold harmless the United States, its agents, and employees from all liabilities, charges, expenses, and cost on account of or by reason of any such injuries, deaths, liabilities, claims, suits, or losses however occurring or damages growing out of same.
2. No personal monetary gain will be derived from the use of this permit, and the setting up of concession stands for the selling of food, souvenirs, etc., is prohibited.
3. Good order and proper decorum shall be maintained by those conducting and/or participating in the event, and public safety and general welfare will not be endangered.
4. Special care will be taken not to damage any historic, interpretive, or natural object, feature, structure, etc. whatsoever.
5. This permit is issued only for the use of the area designated on the enclosed map and must conclude by 12:00 noon unless otherwise agreed upon in writing by the Superintendent.
6. The area will be left in the same condition as prior to the event, and all litter, trash, and equipment will be removed from the park property by the permittee on the day of the event.
7. Any loudspeaker or other sound enhancing devices, being used will be so adjusted as to accommodate only those people in the immediate area of the event.
8. At no time will this event interfere with a visitor's enjoyment of the park.
9. The group will comply with any instructions from an official representative of the park.

10. No alcoholic beverages are permitted in the park, and all participants will be so notified prior to the event.
11. The number of participants in any event will be limited to the pre-agreed upon number set by the representative of the National Park Service and the permittee.
12. All news releases must be submitted to the Park Superintendent for review prior to release.
13. There will be no commercialization of the event by the permittee, and the event will not be primarily for the benefit of spectators.
14. Events permitted will be open to all people and no discrimination against any entrant because of race, color, religion, sex, age, or national origin will be permitted.
15. All traffic direction and other functions of this nature are solely the responsibility of National Park Service Rangers. Reimbursement of any expenses incurred by the National Park Service in relation to this event may be required if so determined by the Superintendent.
16. All emergency vehicles and operations will be under the direction of Park Rangers. All vehicles violating the motor vehicle laws will be subject to enforcement action by Park Rangers.
17. Parking within the park is restricted to the designated parking areas that will be established by the National Park Service before the event.
18. The permittee shall designate one person to coordinate all activities with the park's representative, and they will meet before the event to go over all pertinent matter.

Park Representative: _____

Telephone Number: _____

Permittee Representative: _____

Telephone Number: _____

19. A performance bond and/or and insurance policy naming the U. S. Government as co-insured may be required. A determination will be made on a case-by-case basis depending on the nature of the event, size, resources used, etc.

20. A bond (cash, cashier's check, money order) in an amount determined necessary to cover cleanup, property damage, and other cost that may be incurred by the National Park Service may be required to be posted seven (7) calendar days before the proposed date of the event.
21. All participants will be notified in advance of these conditions.
22. The National Park Service reserves the right to immediately rescind this permit at any time should any of the above conditions be violated or in the event it conflicts with any park sponsored program.

WALK-A-THONS/BIKE-A-THONS, ETC.

Fund raising activities of a non-commercial nature will be permitted at certain times and will be dealt with on a case-by-case basis. Conditions for holding an event of this type shall be enumerated under the General Conditions section of this policy along with any other special conditions that may be determined necessary by the nature of the event.

MARATHONS/ORGANIZED SPORTING EVENTS, ETC.

The National Park Service does not allow the use of park facilities for organized athletic activities that are primarily designed as spectator attractions.

WEDDINGS

George Washington Birthplace National Monument does not allow the use of park facilities for weddings.

PICNICKING

Picnicking is an approved use of this area and it is provided as a place for visitors touring the park to stop and enjoy a picnic lunch. This area is not designed for organized group activities, and group use is therefore discouraged.

The following guidelines have been developed for use of the park picnic area:

- Picnicking is on a first-come, first-serve basis only.
- Groups larger than eight (8) are restricted to use of one-fourth (1/4) of the available tables.
- Organized group activities; e.g. baseball, football, volleyball, horseshoe pitching, etc. are not permitted.
- The throwing of objects including but not limited to water-balloons is not permitted.
- Radios, loudspeakers, or any sound amplification devices are not permitted
- Grills, where not provided, are allowed but great care must be taken in disposing of hot ashes. All fires in grills must be extinguished before leaving the site.
- A Special Use Permit is required for organized group use of the Picnic Area Shelter.

In addition, recreational activities including but not limited to: kite flying, ball playing, Frisbee throwing, car washing or waxing are not permitted in the park.

Areas of the park where picnicking is allowed are as follows:

- Visitor Center tables adjacent to Pope's Creek
- Pope's Creek Picnic Area and Shelter
- Area adjacent to the parking for the Potomac River Beach

PUBLIC ASSEMBLY

In accordance with 36 CFR §2.51, public assemblies, meetings, demonstrations, parades, and other public expressions of views are allowed within the park provided a permit has been issued by the Superintendent.

The following areas have been designated by the Superintendent for this activity;

George Washington Birthplace National Monument

Visitor Center - The grass area adjacent to the south side of the parking lot.

Picnic Area - The center of the traffic circle, across from the Pope's Creek Conference Center

All other areas of the park are closed to this function as they may unreasonably impair the atmosphere of peace and tranquility maintained in the historic zone, and/or unreasonably interfere with interpretive, visitor service, or other program activities, or with administrative activities of the National Park Service.

The General Conditions will serve as the basic conditions of the permit, but may not be all inclusive.

SALE AND DISTRIBUTION OF PRINTED MATTER

According to 36 CFR §2.52, and the established park policy on same, the sale or distribution of printed matter is allowed within the park. Subject park policy will govern the issuance of a permit. The designated areas for sale/distribution of printed matter are the same as for public assembly.

PHOTOGRAPHY/FILMING

Non-commercial

Notification of the park is required, upon which a determination will be made as to if a permit is required.

Permits are generally not required when:

- The photographer only goes where members of the public are generally allowed to go without a permit.
- The photographer is only doing what members of the public are generally allowed to do without a permit.

-The activity is bona fide news gathering event and the two conditions above are met.

Permits are required when:

-The activity involves the use of models, sets, actors, etc.

-The activity would result in damage to park resources or significant disruption of normal visitor use.

-Access is needed to areas otherwise closed or restricted to the visiting public.

If a permit is deemed necessary, it shall be in accordance with the established General Conditions, modified as necessary.

Fees shall only be charged in instances that require the park to expend unbudgeted funds.

Commercial

Commercial Filming permits are handled in the same manner as other Special Use Events.

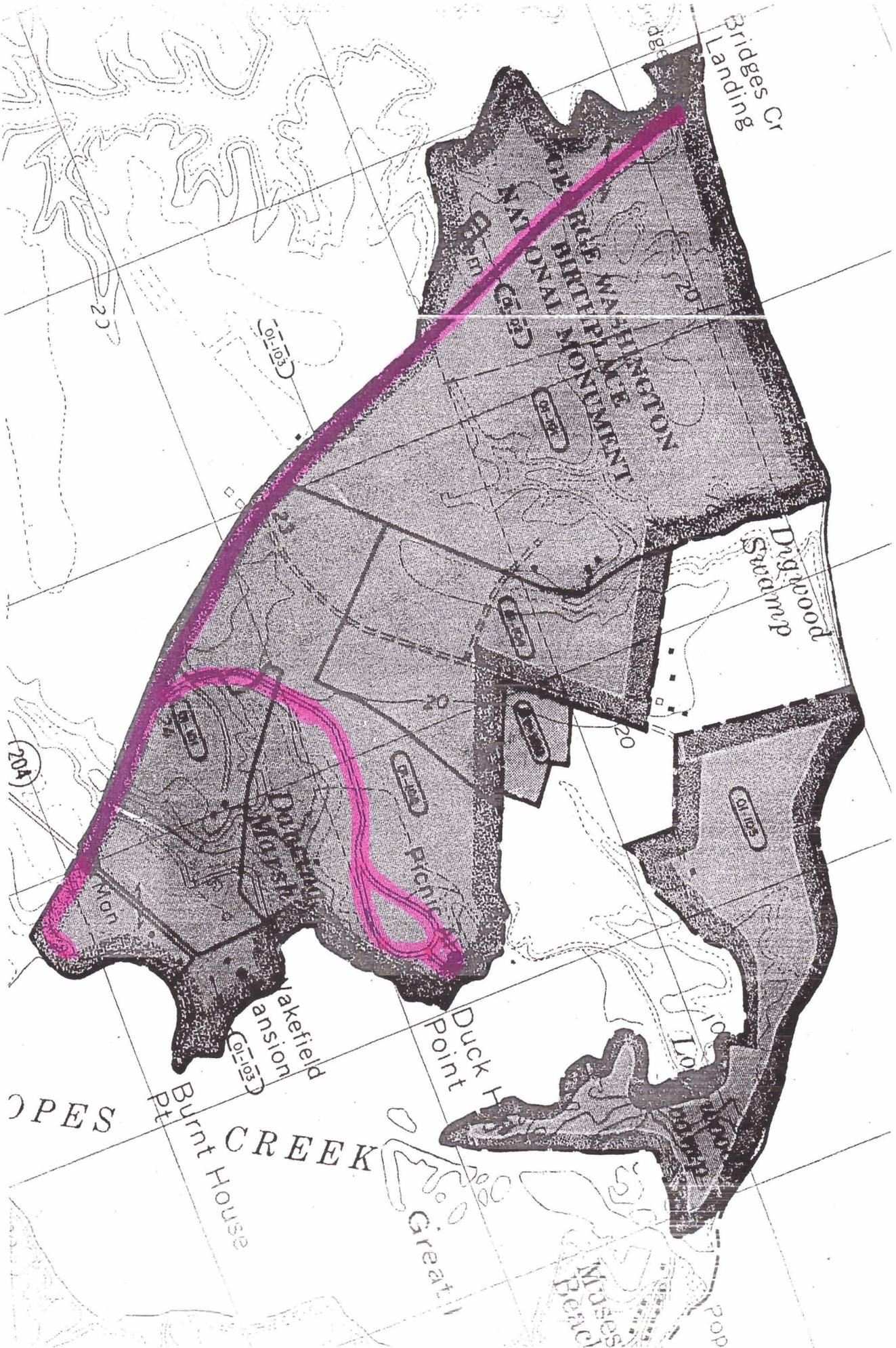
An applicant will be required to fill out form 10-753, "Application for Permission to Film for Commercial Purposes" and make application to the park for a Special Use Permit. The standard permit will be issued if approved.

The General Conditions for special Events shall be placed on the filming, modified as determined necessary by the superintendent to protect park resources and mission.

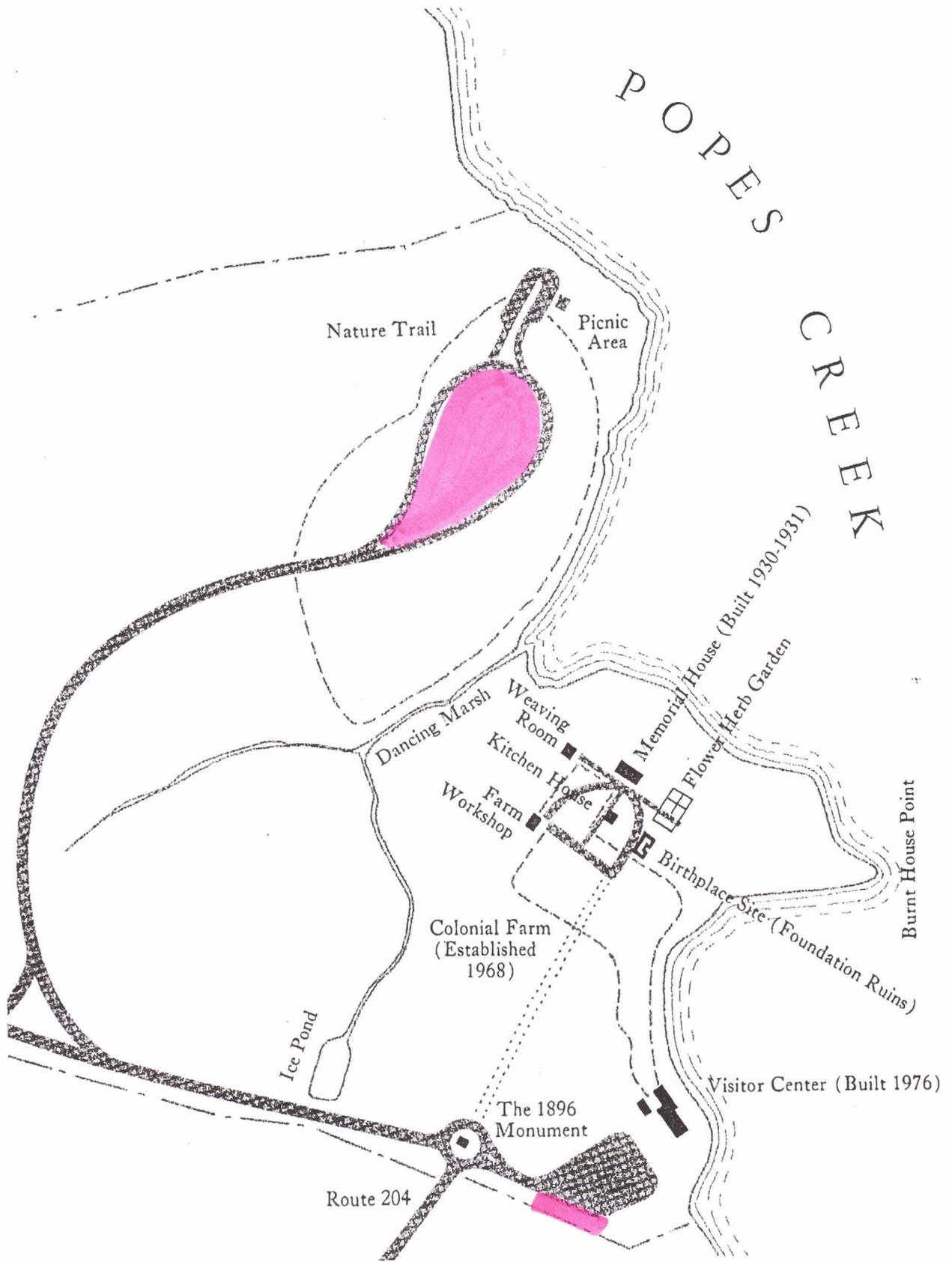
A \$50.00 non-refundable fee will be charged to process/prepare the permit. Any unbudgeted cost incurred by the park for overtime, maintenance, monitoring of the event, etc. will be billed to the permittee and paid at the conclusion of the event.

Reimbursement to the park for the Fair Market Value Use and occupancy of National Park Service lands or resources will be determined by the scope/size of the event.

George Washington Birthplace National Monument
2.16(b) Horses and Pack Animals



George Washington Birthplace National Monument



Public Assembly Area