

GENERAL ORDER NO. 89-24

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

NOV 01 1989

MURRAY L. MORRIS, CLERK.
BY DEPUTY.....*[Signature]*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

ORDER

IT IS HEREBY ORDERED that General Order Providing Forfeiture of Collateral in Lieu of Appearance, entered July 31, 1985, is hereby amended pursuant to the provisions therein to include:

EXHIBIT "B-3" National Park Service

This order is being entered by the undersigned as Chief Judge, with the consent of all the judges of this Court.

[Signature: William Wayne Justice]

William Wayne Justice
Chief Judge

Dated: November 1, 1989

EXHIBIT "B-3"
NATIONAL PARK SERVICE

TITLE 36 CODE OF FEDERAL REGULATIONS

PART 1. GENERAL PROVISIONS

1.5 CLOSURE OF PUBLIC USE LIMITS
f. 25.00

1.6 PERMITS
h. 100.00

PART 2. PRESERVATION OF NATURAL, CULTURAL AND
ARCHEOLOGICAL RESOURCES

2.1 A. The following are prohibited:
1. Possession, destroying, injuring, defacing, removing, digging, or disturbing from its natural state:
i. Living or dead wildlife or fish 100.00
ii. Plants or parts of plants 100.00
iii. Non-fossilized and fossilized specimens, etc. 100.00
iv. mineral resource or cave formation 100.00
2. Introducing wildlife, fish or plants into park area 100.00
3. Rock throwing, etc., in caves, down hills, into thermal features, etc., 100.00
4. Using or possessing wood from within the park 100.00
5. Walking or climbing, etc., on an archeological or cultural resource, monument or statue 100.00
6. Possessing, disturbing, etc., a structure, or cultural or archeological resource 100.00
7. Possession or use of a mineral or metal detector, etc., 100.00
B. Leaving the trail, shortcutting in restricted areas, etc., 25.00
C.

3. The following are prohibited:
i. Gathering or possessing undesignated natural products 50.00
ii. Violation of size or quantity limits of natural products 50.00
iii. Removal of natural products 100.00

- iv. Gathering natural products outside of designated areas 50.00
- v. Sale or commercial use of natural products *

2.2 WILDLIFE PROTECTION

- A. The following are prohibited:
 - 1. Taking of wildlife 200.00
 - 2. Disturbance of wildlife 100.00
 - 3. Possessing unlawfully taken wildlife 200.00
 - 4. Discharging of firearms, except where hunting is allowed 100.00
- B. 4. Hunting in accordance with Federal and State law 50.00
- D. Violation of conditions or procedures for transporting wildlife through park area 50.00
- E. Viewing wildlife with artificial light in closed areas 50.00

2.3 FISHING

- A. Non-conflicting State law adopted as part of the regulation 100.00
- D. The following are prohibited:
 - 1. Fishing in fresh water in manner other than with hook and line 50.00
 - 2. Possessing or using unauthorized bait or non-preserved roe, etc., 50.00
 - 3. Chumming, etc., not allowed 50.00
 - 4. Commercial fishing except where specifically authorized *
 - 5. Fishing by use of drugs, poisons, explosives or electricity 100.00
 - 6. Digging for bait 25.00
 - 7. Failure to return immediately to water unauthorized or unwanted fish 50.00
 - 8. Fishing from or within 200 feet of bridge or within limits or designated swimming, surfing area or public dock 25.00
- E. Fishing with spear, net or weapon shall be in accordance with State law 50.00

2.4 WEAPONS, TRAPS and NETS

- A. Possessing, using, discharging or carrying

	a weapon, trap or net	100.00
B.	Carrying or possessing a loaded weapon in a motor vehicle, vessel or other mode of transportation that is under way or being used as shooting platform	100.00
C.	Endangering person or property by use of weapon, trap or net	100.00
D.	Violation of permit to carry or possess weapon, trap or net	100.00
F.	Carrying or possessing weapon, trap or net must be in compliance with Federal and State regulations	100.00
2.5	<u>RESEARCH SPECIMENS</u>	
A.	Taking plants, fish, wildlife, rocks or minerals in accordance with permit conditions	50.00
H.	Violation of the terms and conditions of permit	50.00
2.10	<u>CAMPING AND FOOD STORAGE</u>	
B.	The following are prohibited:	
	1. Digging or leveling of ground	50.00
	2. Leaving equipment, alterations, or refuse	50.00
	3. Camping within 25 feet of hydrant, main road or within 100 feet of body of water, except as designated	50.00
	4. Creating unreasonable noise between hours of 10:00 PM - 6:00 AM	50.00
	5. Installation of permanent camping facilities	50.00
	6. Display of wildlife carcasses	50.00
	7. Connection to utility system	50.00
	8. Failure to obtain permit	50.00
	9. Violating Superintendent's established conditions	50.00
	10. Camping outside of designated sites or areas	50.00
C.	Violation of permit conditions	50.00
D.	Failure to properly store food, etc.	50.00
2.11	<u>PICNICKING</u>	
	Picnicking in closed areas or in violation of established conditions	25.00
2.12	<u>AUTO DISTURBANCES</u>	

- A. The following are prohibited:
 - 1. Operation of motorized equipment, or audio device in a manner exceeding:
 - i. Exceeds noise level of 60 decibels 50.00
 - ii. Reasonable noise 50.00
 - 2. Operating power saw without permit in developed areas 50.00
 - 3. Operating motor or engine without permit in undeveloped areas 50.00
 - 4. Operating public address system without permit 50.00
- B. Violation of terms and conditions of a permit 50.00

2.13 FIRES

- A. The following are prohibited:
 - 1. Fire in undesignated area 75.00
 - 2. Stove or lantern in undesignated area 75.00
 - 3. Stove or lantern creating public safety hazard 75.00
 - 4. Unattended fire 75.00
 - 5. Lighted or smoldering material discarded in manner to create public safety hazard 75.00
- B. Failure to extinguish fire properly 75.00

2.14 SANITATION AND REFUSE

- A. The following are prohibited:
 - 1. Disposing of refuse improperly 50.00
 - 2. Use of Government receptacles for unauthorized refuse 50.00
 - 3. Depositing refuse in plumbing or toilets 50.00
 - 4. Draining trailer or vehicle in unauthorized area 75.00
 - 5. Bathing or washing materials at public water outlets 75.00
 - 6. Polluting or contaminating park area waters 250.00
 - 7. Disposing of fish remains within 200 feet of docks, beaches, or other developed areas 50.00
 - 8. Improper disposal of human body waste in developed areas 100.00
 - 9. Disposal of human body waste within 100 feet of water, campsite, or within sight of trail in undeveloped areas 100.00

B. Violation of disposal, containerization,
or carryout conditions 50.00

2.15 PETS

A. The following are prohibited:

1. Possessing pet in closed area 50.00
2. Failure to crate, cage, or restrain
pet on leash not to exceed six feet
(failure to physically confine pet
at all times) 50.00
3. Unattended pet left tied to an object 50.00
4. Allowing pet to make unreasonable
noise 50.00
5. Failure to dispose of pet excrement
properly 50.00

B. Pets used in hunting activities must be
in accordance with Federal and State laws 100.00

E. Violation of conditions by resident 25.00

2.16 HORSES AND PACK ANIMALS

The following are prohibited:

A. Undesignated animals being used for pack
animals 25.00

B. Horses or pack animals in undesignated
areas 50.00

C. Use of horses or pack animals on park
roads 25.00

D. "Free-Trailing" or loose-herding of horses
or pack animals in undesignated areas 100.00

E. Failure to slow horse or pack animals to
walk when passing pedestrians or bicycles 50.00

F. Trail obstruction, or unreasonable noise
while horses or pack animals are passing 50.00

G. Violation of conditions established by
Superintendent 25.00

2.17 AIRCRAFT AND AIR DELIVERY

A. The following are prohibited:

1. Operating aircraft in undesignated areas 100.00
2. Operating within 500 feet of beaches,
docks, piers, ramps in designated areas 100.00
3. Delivering or retrieving a person or
object by airborne means, except in an
emergency 250.00

C.

2. Removal of down-aircraft *
- D. Use of aircraft shall be in accordance

	with FAA regulations	100.00
E.	Hovercraft is prohibited	100.00
F.	Violation of terms and conditions of a permit	100.00

2.18 SNOWMOBILES

B.	State laws shall govern equipment standards and operation	25.00
C.	Use of snowmobile prohibited, except in designated areas	25.00
D.	The following are prohibited:	
	1. Operating a snowmobile that makes excessive noise	50.00
	2. Operating without a lighted white headlamp and a red taillight, from 1/2 hour after sunset to 1/2 hour before sunrise during designated hours	50.00
	3. Operating a snowmobile with brakes not in good working order	50.00
	4. Racing or operating in excess of 45 MPH or the posted limit	50.00
E.	Except where State law prescribes, the following are prohibited:	
	1. Operation of snowmobile by person under 16 unless in line of sight by person 21 years old	50.00
	2. Operation of snowmobile by person under 12 unless accompanied on machine by person 21 years old	50.00
	3. Supervising more than 1 person under 16	50.00

2.19 WINTER ACTIVITIES

A.	Skiing or sledding on road or posted area	25.00
B.	Towing skiers or sledder in unauthorized area	25.00
C.	Failure to abide by designation or restrictions	25.00

2.20 SKATING, SKATEBOARDS, AND SIMILAR DEVICES

	Use of roller skates, skateboards, roller skis, coasting vehicles, is prohibited except in designated areas	25.00
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2.21 SMOKING

A.	Smoking not allowed in designated areas	50.00
B.	Smoking is prohibited in caves	50.00

2.22 PROPERTY

- A. The following are prohibited:
1. Abandoning property 100.00
 2. Leaving property unattended for longer than 24 hours 25.00
 3. Failure to turn in property to Superintendent 50.00

2.23 RECREATION FEES

- B. Failure to pay required fees 25.00

2.30 MISAPPROPRIATION OF PROPERTY AND SERVICES

- A. The following are prohibited:
1. Unlawful possession of another's property *
 2. Obtaining property or services without making payment 100.00
 3. Obtaining property or services by means of deception or using fraudulently obtained credit cards or non-negotiable paper *
 4. Shoplifting or paying less by deception is prohibited 100.00
 5. Acquiring or possessing stolen property *

2.31 TRESPASSING, TAMPERING AND VANDALISM

- A. The following are prohibited:
1. Trespassing on property not open to public 100.00
 2. Unlawful tampering with personal property 100.00
 3. Destroying, injuring, defacing or damaging property 100.00

2.32 INTERFERING WITH AGENCY FUNCTIONS

- A. The following are prohibited:
1. Any interference with a Government employee engaged in an official duty or on account of the performance of an official duty *
 2. Failure to obey a lawful order 50.00
 3. Giving false information
i. To authorized person investigating an accident or violation of law 50.00

ii. On application for permit	50.00
4. False report to authorized person	*
2.33 <u>REPORT OF INJURY OR DAMAGE</u>	
B. Failure to report incident resulting in injury to persons or damage to property in excess of \$300.00	50.00
2.34 <u>DISORDERLY CONDUCT</u>	
A. The following are prohibited:	
1. Fighting, threatening or violent behavior	100.00
2. Offensive or abusive utterance, gesture, or display, etc.	100.00
3. Unreasonable noise, etc.	50.00
4. Creation of hazardous or offensive condition	100.00
2.35 <u>ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES</u>	
A. Alcoholic beverages	
2. The following are prohibited:	
i. Sale or gift of alcohol to person below legal minimum age	200.00
ii. Possession of alcohol by person below legal minimum age	50.00
3. Consumption of alcohol in an area closed to drinking	50.00
B. Controlled substances	
1. Delivery of controlled substance	250.00
2. Possession of controlled substance	50.00
C. Presence in park while under the influence of alcohol or controlled substance to a degree or that may endanger persons or property	100.00
2.36 <u>GAMBLING</u>	
A. Gambling is prohibited	50.00
2.37 <u>NON-COMMERCIAL SOLICITING</u>	
Soliciting gifts, money, goods or services is prohibited	25.00
2.38 <u>EXPLOSIVES</u>	
A. Unauthorized use or possession of explosives	500.00
B. Unauthorized use or possession of	

	fireworks	75.00
C.	Violation of terms and conditions of a permit is prohibited	300.00
2.50 <u>SPECIAL EVENTS</u>		
E.	Violation of terms and conditions of a permit is prohibited	250.00
2.51 <u>PUBLIC ASSEMBLIES, MEETINGS</u>		
A.	Public spectator attraction without permit	100.00
H.	Persons engaged in activities covered under this section are prohibited from obstructing, impeding, or harassing park visitors	100.00
2.52 <u>SALE OR DISTRIBUTION OF PRINTED MATTER</u>		
A.	Sale or distribution of printed matter without a permit is prohibited	50.00
H.	Interference with traffic or harassment of park visitors	50.00
2.60 <u>LIVESTOCK USE AND AGRICULTURE</u>		
A.	The illegal or unauthorized herding, pasturing, or grazing of livestock is prohibited	50.00
B.	Violation of terms and conditions	100.00
2.61 <u>RESIDING ON FEDERAL LANDS</u>		
A.	Unauthorized residence on Federal lands	100.00
B.	Violation of permit is prohibited	100.00
2.62 <u>MEMORIALIZATION</u>		
A.	Memorialization is prohibited	50.00
B.	Scattering of human ashes is prohibited without a permit	50.00
C.	Violation of area designations and established conditions	50.00
D.	Violation of terms and conditions of a permit is prohibited	50.00
PART 3. <u>BOATING AND WATER USE ACTIVITIES</u>		
3.1 <u>APPLICABLE REGULATIONS</u>		
A.	Title 14, U.S.C., title 33 CFR, Title 46	

	CFR, Title 49 CFR, and State laws and regulations shall apply	50.00
3.2	<u>NATIONAL PARK SERVICE DISTINCTIVE IDENTIFICATION</u>	
	B. Use of NPS identifying insignia is prohibited	100.00
3.3	<u>PERMITS</u>	
	A. Failure to secure required permit	100.00
	B. Violation of terms and conditions of a permit is prohibited	100.00
3.4	<u>ACCIDENTS</u>	
	B. Failure to report incident to Superintendent	50.00
3.5	<u>INSPECTIONS</u>	
	C. Violations of directions are prohibited	50.00
3.6	<u>PROHIBITED OPERATIONS</u>	
	The following are prohibited:	
	A. Operating or allowing another to operate in a reckless or negligent manner likely to endanger person or property	50.00
	B. Operating under the influence of alcohol or controlled substance	200.00
	C. Failure to observe posted regulation	50.00
	D. Operating in excess of 5 MPH or creating a wake:	
	1. In designated area	50.00
	2. Within 100 feet of diver's marker, downed skier, or swimmer	50.00
	E. Operating motorized vessel within 500 feet of swimming beach or operating in excess of 5 MPH in areas restricted to less than 500 feet passage, or creating wake	200.00
	F. Allowing riding on gunwales, transom or over bow while operating in excess of 5MPH	100.00
	G. Attaching or interfering with navigational aid	50.00
	H. Using a trailer to launch or recover at undesignated sites	100.00
	I. Launching a motorized vessel at undesignated site	50.00
	J. Operating a propelled vessel on water not	

	directly accessible by road	50.00
K.	Launching or operating airboats	50.00
L.	Operation in excess of designated size, length or width restrictions	50.00
3.7	<u>NOISE ABATEMENT</u>	
	Operating upon inland waters so as to exceed noise level of 82 decibels	50.00
3.20	<u>WATER SKIING</u>	
A.	Towing in undesignated area	50.00
B.	The following are prohibited:	
	1. Towing between the hours of sunset and sunrise	100.00
	2. Towing without approved flotation device,	50.00
	3. Towing without having lookout, other than operator	100.00
	4. Towing within 500 feet of designated harbors, beaches, mooring areas, or within 100 feet of fisherman, swimmer, or diver's marker	100.00
3.21	<u>SWIMMING AND BATHING</u>	
A.	The following are prohibited:	
	1. Swimming or bathing in closed area	25.00
	2. Swimming or bathing in areas of designated restrictions	25.00
	3. Swimming from vessels which are underway	50.00
B.	Violation of conditions of swimming beaches	50.00
3.22	<u>SURFING</u>	
	Surfing in designated swimming beach area	50.00
3.23	<u>SCUBA AND SNORKELING</u>	
	The following are prohibited:	
A.	Scuba diving and snorkeling in swimming, docking or mooring areas	50.00
B.	Diving in waters open to vessels without a diver's flag	50.00

PART 4. VEHICLES AND TRAFFIC SAFETY

4.2 STATE LAW APPLICABLE

Unless specifically covered herein, traffic and the use of vehicles are governed by State law

Vernon's Civil Statutes - Texas

Article 6701d (Uniform Motor Vehicle Act)

Section	51	Reckless driving	50.00
	54	Improper passing - left	25.00
	55	Improper passing - right	25.00
	58	Passing in a no passing zone	25.00
	61	Following too closely	50.00
	71	Failure to yield right of way at intersection	25.00
	75	Failure to yield right of way to emergency vehicle	100.00
	107b	No child passenger safety seat	25.00
	107C	No seat belt driver/passenger	25.00
	132	Defective brakes	25.00
	134	Defective muffler	50.00

Article 6675a-3a

Section	5	Failure to display license (No tag issued)	25.00
	7	Expired license tags	25.00

Article 6687b

Section	2	No driver's license or expired license	50.00
	13	No driver's license in possession	25.00
	35	Allowing unauthorized minor to drive	50.00
	36	Allowing unauthorized person to drive	50.00

Article 6675a-5e.1

Section 10b	Violation of handicapped parking restrictions	50.00
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Article 6701h

Section 1c	No insurance	
	1st offense	75.00
	2nd offense	200.00

4.4 REPORT OF VEHICLE ACCIDENT

A.	Failure to report accident resulting in property damage, personal injury or death within 24 hours of accident	100.00
B.	Failure to notify Superintendent before towing or moving a vehicle involved in an accident, etc.	75.00

4.10 TRAVEL ON ROADS AND DESIGNATED ROUTES

A.	Operating a motor vehicle outside established park roads or parking area or in area designated for off-road motor vehicle use	100.00
C.	1. Operating a motor vehicle not equipped with pneumatic tires	25.00
	2. Operating a motor vehicle in a manner that cause unreasonable damage to the surface of a park road or route	50.00
	3. Operating a motor vehicle on a route or area designated for off-road motor vehicle use, from 1/2 hour after sunset to 1/2 hour before sunrise, without activated headlights and taillights	25.00

4.11 LOAD, WEIGHT AND SIZE LIMITS

B.	1. Operating a vehicle that exceeds load, weight or size limit	100.00
	2. Failure to obtain a permit	100.00
	3. Violating a term or condition of a permit	100.00
	4. Operating a motor vehicle with an auxiliary detachable side mirror that extends more than 10 inches, etc.	100.00

4.12 TRAFFIC CONTROL DEVICES

Failure to comply with directions of a traffic control device 50.00

4.13 OBSTRUCTING TRAFFIC

- A. Stopping or parking a vehicle upon a park road without authorization 50.00
- B. Operating a vehicle so slowly as to interfere with normal flow of traffic 50.00

4.14 OPEN CONTAINER OF ALCOHOLIC BEVERAGE

- B. Carrying or storing a bottle can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal is broken or the contents of which have been partially removed, within a motor vehicle. 50.00

4.20 RIGHT OF WAY

Failure to yield right of way to pedestrians, saddle and pack animals or vehicles drawn by animals. 50.00

4.21 SPEED LIMITS

Operating a vehicle at a speed in excess of the speed limit

- A. Speed in excess of maximum limits
 - 1. 15 MPH zone:
 - 2. 25 MPH zone:
 - 3. 45 MPH zone:
 - 1-10 miles in excess 25.00
 - 11-15 miles in excess 35.00
 - 16-20 miles in excess 50.00
 - 21 mph in excess or over 80 mph 75.00
- B. Specially posted speed limits:
 - 1-10 miles in excess 25.00
 - 11-15 miles in excess 35.00
 - 16-20 miles in excess 50.00
 - 21 mph in excess or over 80 mph 75.00

4.22 UNSAFE OPERATION

- B. 1. Operating a motor vehicle without due care or at a speed greater than that which is reasonable and prudent 50.00

2.	Operating a motor vehicle in a manner which unnecessarily causes its tires to squeal, skid or break free of the road surface	50.00
3.	Failure to maintain control of a motor vehicle	50.00
4.	Operating a motor vehicle while allowing a person to ride:	
i.	On or within any towed vehicle not specifically designated for carrying passengers	50.00
ii.	On any exterior portion of a motor vehicle not designed or intended for the use of a passenger	50.00
4.23	<u>OPERATING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS</u>	
A.	Operating or being in actual physical control of a motor vehicle while:	
i.	Under the influence of alcohol, or a drug, or drugs, or any combination thereof	*
ii.	The alcohol concentration in the operator's blood or breath is 0.10 grams or more of alcohol per 100 millimeters of blood or 0.10 grams or more of alcohol per 210 liters of breath	*
4.30	<u>BICYCLES</u>	
A.	Use of a bicycle in a prohibited area	25.00
D.	1. Possessing a bicycle in a wilderness area	25.00
	2. Operating a bicycle during periods of low visibility or while traveling through a tunnel, or between sunset and sunrise without a white light or reflector	25.00
	3. Operating a bicycle abreast of another bicycle without authorization	25.00
	4. Operating a bicycle while consuming an alcoholic beverage or carrying in hand an open container of an alcoholic beverage	25.00
4.31	<u>HITCHHIKING</u>	
	Hitchhiking or soliciting transportation in undesignated area	25.00

PART 5.	<u>COMMERCIAL AND PRIVATE OPERATIONS</u>	
5.1	<u>ADVERTISING WITHOUT PERMIT</u>	50.00
5.2	<u>ALCOHOLIC BEVERAGES; SALE OR INTOXICANTS</u>	
	A. Unlawful sale of alcohol	50.00
	B. Sale of alcohol on private lands:	50.00
5.3	<u>ENGAGING IN BUSINESS WITHOUT PERMIT</u>	100.00
5.4	<u>COMMERCIAL PASSENGER-CARRYING MOTOR VEHICLES</u>	
	A. Commercial transportation (passenger-carrying motor vehicle) of passengers without permit	50.00
	B. Oversized passenger-carrying vehicles	50.00
5.5	<u>COMMERCIAL PHOTOGRAPHY</u>	
	A. Commercial television or motion pictures without permit	200.00
	B. Commercial still photography without permit	200.00
5.6	<u>COMMERCIAL VEHICLES</u>	
	B. Prohibited commercial use of park road	100.00
5.7	<u>CONSTRUCTION OF BUILDINGS OR OTHER FACILITIES IN PARK WITHOUT PERMIT</u>	*
5.8	<u>DISCRIMINATION IN EMPLOYMENT PRACTICES</u>	
	A. Unlawful discrimination	*
	B. Failure to post required notice	25.00
5.9	<u>DISCRIMINATION IN FURNISHING PUBLIC ACCOMMODATIONS AND TRANSPORTATION SERVICES</u>	
	A. Unlawful discrimination	*
	B. Failure to post required notice	25.00
5.10	<u>EATING, DRINKING, OR LODGING ESTABLISHMENTS</u>	
	A. Failure to obtain permit for sale of food or lodging on private lands:	*
	B. Comply with Federal, State and locals laws and regulations	100.00

5.13 CREATION OF NUISANCE 100.00

5.14 UNLAWFUL PROSPECTING, MINING AND MINERAL LEASING 100.00

*MANDATORY APPEARANCE REQUIRED