

This is an amendment to 19.5.2 NMAC, Sections, 10, 13, 16, 17, 23, 24, 27, and 28, effective 6/30/04

19.5.2.10 HOURS: The opening and closing times for every area and facility of the state parks system are established by the director or director designee. Hours are posted at the established park entrances, offices or pay stations.

[7-17-67, 12-31-96; A, 12-31-98; 19.5.2.10 NMAC - Rn, 19 NMAC 5.2.10, 12/31/02; A, 6/30/04]

19.5.2.13 USE OF FACILITIES:

A. All facilities are available on a first come, first serve basis with the exception of parks where a reservation program is established and the facility has been reserved. Campers shall not save or reserve camping spaces for other individuals even by purchasing additional permits. Campers shall not have sole and continuing possession of any picnic or shade shelter or other park facility to the exclusion of other park visitors except as provided in Sections 11 and 12 of this part unless special permission has been granted by the superintendent.

B. Persons using any park facility shall keep it in a clean and sanitary manner and shall leave it in a clean and sanitary condition.

C. Special facilities have been developed and designated for the use of individuals with disabilities. Individuals with disabilities shall have preferential use of these facilities over other persons.

D. Removing water for domestic use from the park or depositing domestic trash generated outside the park or from lease lots within a park is prohibited.

E. Advance reservations are required for the use of meeting rooms. Meeting rooms are not available at all parks. Any person who reserves a meeting room is responsible for setting up the room, cleaning the room after use and leaving the room in the same condition it was in before use. See 19.5.6 NMAC for meeting room fees.

F. The director may designate areas within the state parks system for use by reservation.

G. Advance reservations are required for the use of group shelters, group areas or reservation camp sites. All users are required to pay the appropriate day use or camping fees in addition to the reservation fee. Annual permits may ~~not~~ be accepted at ~~certain~~ reservation campsites as posted. See 19.5.6 NMAC for group shelter fees.

[7-17-67, 5-6-87, 12-31-96, 12-31-98; 19.5.2.13 NMAC - Rn & A, 19 NMAC 5.2.13, 12/31/02; A, 6/30/04]

19.5.2.16 OFF-HIGHWAY MOTOR VEHICLES: Operation of off-highway motor vehicles is prohibited except for off-highway vehicles the division uses for operation and maintenance.

A. [Reserved].

B. [Repealed].

C. [Repealed].

[7-25-72, 12-21-89, 12-31-96, 12-31-98; 19.5.2.16 NMAC - Rn, 19 NMAC 5.2.16, 12/31/02, A, 6/30/04]

19.5.2.17 SWIMMING: All swimming shall be at the swimmer's own risk. Swimming is prohibited within 150 feet of public or concession boat docks, launching ramps, ~~[dams,]~~ above or below dams, or where otherwise posted. Persons using air mattresses, inner tubes, surfboards, sail or wind, styrofoam flotation devices and other similar articles shall wear a U.S. coast guard approved personal flotation device or a flotation assist device.

[7-17-67, 12-31-96; 19.5.2.17 NMAC Rn & A, 19 NMAC 5.2.17, 12/31/02; A, 6/30/04]

19.5.2.23 CONDUCT:

A. Park visitors and campers are encouraged to enjoy all park experiences without infringing upon the ability of other visitors to enjoy the same experiences. Threatening, abusive, boisterous, insulting or indecent language and behavior are prohibited. Solicitation, gambling and illegal discrimination in any manner are prohibited.

B. Park visitors and campers shall not evade, disobey or resist any lawful order of a state park official.

C. Parents, guardians or other adults in charge are required to exercise constant direct supervision of minor children or adults who do not possess the intelligence or awareness to recognize possible danger.

D. ~~[A state park official may eject from a state park]~~ [a]Any person who violates a state law or a regulation of the department or any person who evades, disobeys or resists any lawful order of a state park official may be forcibly ejected from a state park by law enforcement officers. Based on the severity of conduct or reported incident, i.e., threatening or intimidating conduct toward park visitors or park staff, the ejection may be permanent. Permanent ejection requires ~~[an order by the superintendent or his designee]~~ a written notification by the

superintendent. To request review of a permanent ejection issued by the superintendent, an individual ejected from state parks shall submit a written request to the director within 15 days of issuance and provide written notice to the superintendent. A request shall include the reasons for requesting review. The superintendent and the ejected individual shall submit written statements to the director within 10 working days of the submission of the request for review. The director shall base his decision on the written statements unless the ejected individual or the superintendent requests the opportunity to call witnesses or make oral arguments within 10 working days of the request for review. A request for hearing shall explain the need for any witness testimony or oral argument. If the ejected individual or superintendent asks to make oral arguments or call witnesses, the director may set a hearing to be held within 10 working days of receiving that request and provide notice of the hearing date, time, and location to the superintendent and the ejected individual. Oral testimony shall be made under oath. A tape or stenographic record shall be made of any oral argument or witness testimony. The director shall issue a written final decision, including findings of fact within 10 working days after the date for submission of written statements, or a hearing if any, and send copies to the ejected individual and the superintendent.

[7-17-67, 5-6-87, 12-21-89, 12-31-96; 19.5.2.23 NMAC - Rn & A, 19 NMAC 5.2.23, 12/31/02; A, 6/30/04]

19.5.2.24 PETS:

A. Persons with dogs, cats or other domestic pets in areas of the state parks system shall be responsible for control of their pets, so as not to cause a nuisance to others. Pet owners shall ensure all pets are vaccinated in accordance with all applicable county ordinances and state laws.

B. Pet owners shall pick up after their pets and shall maintain the area in a clean and sanitary condition.

C. Owners shall restrain pets on leashes that are not more than 10 feet in length, except in areas designated by the superintendent. This rule shall not apply to pets being used in authorized activities such as field trials, retriever training or hunting.

D. Owners shall be required to prevent their pets from excessive barking, howling and loud noises, so as not to disturb others. Owners shall be required to prevent their pets from biting or attacking any person or destroying any property. Pets shall not be left unattended in vehicles or camp sites.

E. Pets are prohibited, except disability assistance dogs, with valid document that verifies the dog is an assistance dog that can be presented to the state park official at time of use, within all visitor centers and at the following parks:

(1) Rio grande nature center state park;

(2) Living desert state park; and

(3) Smokey Bear historical park.

[7-17-67, 5-6-87, 12-21-89, 12-31-96, 12-31-98; 19.5.2.24 NMAC - Rn & A, 19 NMAC 5.2.24, 12/31/02; A, 6/30/04]

19.5.2.27 FEES AND CHARGES:

A. ~~[All persons shall pay required fees, as described in 19.5.6 NMAC, upon entrance to a park.]~~ Upon entering a state park, all fees and charges shall be paid in accordance with 19.5.6 NMAC. The visitor shall display applicable permits in accordance with instructions provided with the permit. Failure to obtain a permit shall result in field collection of fees and may include an administrative fee in addition to the required fee. See 19.5.6 NMAC. Failure to pay the administrative fee may result in civil damages, [a] criminal action, ~~[and/or]~~ or eviction from the park.

B. Permits shall be displayed at all times inside any park. Nonstop highway travel through a park on numbered state highways shall not require a park use permit.

C. The superintendent may waive or reduce park fees for organized youth groups, special events, government agencies or employees of businesses working with the division or its contractors. The director may waive or reduce fees for special circumstances.

D. A state park official may issue rain checks for unused, prepaid daily camping activities or the cancellation of a group shelter reservation.

E. Fees in addition to the appropriate use fee may be charged for reservation processing and cancellation. The reservation fee shall be collected for those park sites where a reservation program has been established. See 19.5.6 NMAC. The reservation fee shall be paid in advance with all applicable fees for camping, electricity or other service for the total period of the reservation.

F. Repealed.

[5-6-87, 12-21-89, 12-31-96, 12-31-98; 19.5.2.27 NMAC - Rn & A, 19 NMAC 5.2.27, 12/31/02; A, 6/30/04]

19.5.2.28 PERMITS AND PASSES:

A. Annual Permits:

(1) Annual day-use permits: authorize the vehicle owner or individual to access and use the park at no charge during the times indicated in Section 11 of this part. Annual day-use permits are available for use at all parks, except at the ~~[rio grande nature center and]~~ living desert state park and Smokey Bear historical park.

(2) Annual overnight camping permits: authorize the vehicle owner or individual to access and use the park at no additional charge except for utility hookups during the times indicated in Section 12 of this part.

(3) Veteran's permit: authorize a New Mexico resident veteran with a permanent one hundred percent service connected disability to obtain one non-transferable annual day-use permit at no charge for personal use only. An eligible veteran desiring more than one permit shall purchase additional annual day-use permits at full price. To obtain a permit, an eligible veteran shall present to the division the following proof of disability and New Mexico residency:

(a) a photocopy of the award letter issued by the United States department of veterans affairs indicating the veteran has a one hundred percent service connected disability; and,

(b) proof of New Mexico residency, such as a New Mexico driver's license, or other state of New Mexico-issued identification.

(4) Terms and Limitations:

(a) all permits expire on December 31 of the year issued, regardless of the date issued. No refund nor proration shall be made for permits that remain in effect for less than a full calendar year;

~~[(b) annual overnight camping permits are [only] available for:~~

~~(i) New Mexico residents [62 years of age or older with acceptable identification indicating the date of birth;~~

~~(ii) New Mexico residents [with disabilities with acceptable identification documenting disability;~~

~~(iii) New Mexico residency is documented with a current New Mexico driver's license or other state of New Mexico issued identification.]~~

(b) annual overnight camping permits are available for:

(i) New Mexico residents as documented with a current New Mexico driver's license or other state of New Mexico issued photo identification.

(ii) New Mexico residents 62 years of age or older as documented with a current New Mexico driver's license or other state of New Mexico issued photo identification;

(iii) New Mexico residents with disabilities as documented shall present a New Mexico handicap motor vehicle license plate or a blue handicap placard with a placard holder identification card issued by the New Mexico motor vehicle division containing their name and placard number to verify disability;

(iv) all-out-of-state-residents including senior citizens and persons with disabilities as described in Subsection D of 19.5.6.11 NMAC.

~~(c) Permits are not accepted at concession operated [camping grounds or other areas as described in Subsection G of 19.5.2.12 NMAC.] camp grounds.~~

(d) Replacement permits and stickers may be obtained by submitting the original permit, proof of purchase or issuance in the case of a veteran's permit, or signed affidavit describing the facts of the purchase or issuance, and loss or destruction of the permit. Effective January 1, 2006 the division shall no longer replace the annual day-use permit.

B. Leaseholders and Concessionaires: The director or ~~[his/her]~~ director designee (see Subsection N of 19.5.7 NMAC) may issue a park pass to leaseholders, concessionaires, concession permittees, or their commercial contractors, suppliers and agents, for the purpose of access to and from the concession or a lease lot. Leaseholders, concessionaires, concession permittees, or their commercial contractors, suppliers and agents using the park, lake or facilities away from the concession premises or lease lot are subject to the appropriate fees.

C. Contractors: The director or ~~[his/her]~~ director designee (see Subsection N of 19.5.1.7 NMAC) may issue a park pass to contractors, suppliers or agents of the division or other persons providing services to a park for the purpose of access to the park.

D. Complimentary Park Passes: The director or ~~[his/her]~~ director designee (see Subsection N of 19.5.1.7 NMAC) may issue complimentary passes to legislators, park advisory board members, volunteers or individuals who significantly contribute to the division or in exchange for promotion of the division or advertising.

E. Gift Certificates: The division may sell gift certificates for annual day use permits and annual camping permits.

F. Special Use Permits:

(1) Short term events and activities within the state parks system, such as regattas, boat races, parades, races, fishing tournaments, exhibitions and educational activities, are authorized only by a special use permit and only after payment of associated fees. See 19.5.6 NMAC. Special use permits shall only be issued for events and activities that provide a needed service to the park and that benefit the park. Applications for special use permits shall be submitted to the park where the event is proposed at least two weeks prior to the event, or at least 30 days prior to the event if the event is a regatta, motorboat or boat race, marine parade, tournament or exhibition. A special use permit shall not be issued for a period of more than five consecutive days. The park may charge fees in addition to the ~~[minimum]~~ special use fee to cover costs of additional staff, facilities, etc. needed for the event.

(2) Special Use Restrictions: No person shall violate any condition or restriction attached to or indicated on the special use permit. Violation of this regulation may result in the immediate cancellation of the permit.

[7-17-67, 12-21-89, 12-31-96, 12-31-98, 7-1-99; 19.5.2.28 NMAC - Rn & A, 19 NMAC 5.2.28, 12/31/02; A, 6/30/04]