



Rules of
Department of Natural Resources
Division 90—State Parks
Chapter 2—State Parks Administration

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

Division 90—State Parks

Chapter 2—State Parks Administration

10 CSR 90-2.010 Definitions

PURPOSE: For the purpose of these rules, the following definitions shall apply.

(1) General Definitions.

(A) Animals.

1. Dangerous animal means an animal, domestic or wild, not under restraint, even temporarily, that has, without provocation, approached in a threatening, menacing, or terrorizing manner any person or domestic animal.

2. Quarantine means to keep an animal in a pen, building, or other secure enclosure from which the animal cannot escape and that keeps the animal from coming into contact with humans or other animals outside the area of confinement.

3. Vicious animal means an animal, domestic or wild, which has without provocation bitten, inflicted injury, assaulted, or otherwise attacked or endangered the safety of a human being or domestic animal.

(B) Designated swim areas are water areas provided for the enjoyment of swimmers, bathers and sunbathers. Designated swim areas include swimming pools, the fenced area surrounding swimming pools, lakes in which an area is marked or enclosed dedicating its use to swimming, bathing or sunbathing, and beaches adjacent to any lake's enclosed swimming area.

(C) Director, as used in these rules, shall refer to the director of the Division of State Parks.

(D) Division, as used in these rules, shall refer to the Division of State Parks.

(E) Facility manager. The person directing the overall management, safety and operation of a state park or historic site. Normally, that person's title will be park superintendent or historic site administrator, but other persons may be assigned in the absence of such personnel.

(F) Nonprofit group is any group that has been incorporated (not-for-profit) in the state of Missouri.

(G) Off-road vehicle (ORV) area is a designated area where ATVs and motorcycles may be operated off of park roads and thoroughfares.

(H) Park rangers. Peace officers assigned to manage the law enforcement needs of state parks and historic sites, who are appointed under authority of 253.065, RSMo, to enforce laws and provide law enforcement

services on all lands and waters under the control of the Department of Natural Resources and all roadways within said boundaries.

(I) Park staff is any person employed either full or part time by the Division of State Parks or any person volunteering services under the supervision of full-time park employees, but not prison laborers or court-appointed laborers. In areas of state parks or historic sites that are under the control of a concessionaire, the concessionaire or his/her employees are also considered park staff for the enforcement of these rules.

(J) Person. The word "person" wherever used in these rules shall be construed to mean any person (including a minor), partnership, joint-stock company, corporation, unincorporated association or society or municipal or other corporation of any character whatsoever.

(K) Persons with a disability. Those people, as defined in the Americans with Disabilities Act.

(L) Special management regulations are special rules enacted at one or more parks designed to improve management, protect resources, or assist with our mission for providing a safe, pleasant, recreational experience. Such rules may apply to campgrounds, picnic areas, shelter houses, and other recreational/management zones. Special management regulations shall be posted in the park/site area where they apply.

(M) Trails are recognizable routes intentionally developed and designated for certain modes of travel and are signed indicating their appropriate use.

(N) Vehicles (Non-Licensed).

1. All terrain vehicle (ATV) is a motorized vehicle having a maximum width of 50 inches and a maximum weight of 600 pounds designed to be operated off-road, with handlebar steering and a seat that is straddled by the operator. An ATV may be equipped with two, three, or more tires. This definition includes motorcycles designed for off-road operation.

2. Electrically-assisted pedal-powered vehicle. Any of the above self-propelled vehicles containing an electric motor designed to assist or supplement pedaling, and which shall not exceed a speed of 20 miles per hour.

3. Pedal-powered vehicle. A vehicle consisting of a tubular metal frame mounted on one, two, or three wire-spoked wheels equipped with handlebars and a saddlelike seat, and propelled by foot pedals, more commonly known as a unicycle, bicycle, or tricycle.

4. Powered-mobility vehicle. An electrically powered vehicle or device designed to

accommodate or transport persons with disabilities, which includes wheelchairs and scooters, but does not include electric golf carts or utility vehicles.

(2) Camping Definitions.

(A) Basic Campsite. A basic campsite is one that includes a parking pad, fire grill, picnic table and lantern post.

(B) Camping is a recreational activity in which temporary outdoor living can be experienced.

(C) Camping day is any portion of a 24-hour period beginning at 3:00 p.m. that a camper occupied a campsite. Campers arriving prior to 3:00 a.m. shall be required to pay the camping fee.

(D) Camping fee is the fee charged campers for each camping day they occupy a site, which is based on available utilities.

(E) Designated campsites are those which are designated by numbered posts.

(F) Electric campsite. An electric campsite is one that includes an electric power supply in addition to the items listed for a basic campsite.

(G) Equestrian camps are areas designated to accommodate campers with horses, donkeys and mules.

(H) Overflow camping areas are designated to accommodate campers who arrive after all designated campsites are full. This is normally an unimproved area such as an open field.

(I) Sewer/electric campsite. A sewer/electric campsite is one that includes a sewer connection in addition to the items listed for an electric campsite.

(J) Travel camp refers to organized travel camping groups. Campsites for use by such groups are administered through special management regulations.

(K) Youth camp area. A youth camp area is usually an area with minimal development designed specifically for use by scouts and other nonprofit youth organizations.

(3) Group Camping Definitions.

(A) Camp director. The person from the using group designated as the authority responsible for the entire camping program.

(B) New group. For the purpose of group camping applications, a new group is considered to be any group that did not use the requested group camp in the prior year, requested additional or new camp dates, or failed to respond during the preferred application period.

(C) Group camp swim areas are:

1. A swimming pool, which is an engineered structure whose primary use is for swimming; or



2. Any beach or water facility located on a lake and dedicated solely for use by group campers.

(4) Jacob L. Babler Organized Group Center Definitions.

(A) Center in the following text always refers to the Jacob L. Babler Organized Group Center located in Dr. Edmund A. Babler Memorial State Park, Wildwood, Missouri. The primary mission of the center is to serve disabled or inclusionary groups.

(B) Center administrator. This person is the special organized group center administrator as set forth by the Missouri state merit system. The center administrator is the employee responsible for the operation of the center.

AUTHORITY: section 253.035, RSMo 2000. This version filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed June 10, 1981, effective Sept. 11, 1981. Amended: Filed March 18, 1987, effective July 23, 1987. Emergency amendment filed April 10, 1987, effective April 20, 1987, expired July 15, 1987. Rescinded and readopted: Filed Oct. 26, 2000, effective June 30, 2001.*

**Original authority: 253.035, RSMo 1961, amended 1967, 1983, 1993, 1995.*

10 CSR 90-2.020 Park Management

PURPOSE: This rule is established for controlled management of the natural resources within state parks and for the safety and welfare of the visiting public, thus permitting every individual a pleasant experience.

(1) Animals. No person shall molest, harm, frighten, kill, trap, hunt, chase, capture, shoot or throw missiles at any animal; nor shall any person remove or have in their possession the young of any animal; nor shall any person collect, remove, have in their possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen, alive or dead, any animal; nor shall any person, agency, or organization purposefully release any animal that was obtained outside state park boundaries within any state park or historic site without written permission from the director. Animals may be collected or used for scientific purposes only by holders of a current Scientific Research Permit that was issued according to division policy: Scientific Research Permit Process. Exceptions include: animals used for interpretive or educational purposes under the guidance of division employees in accordance with that policy; insects, ticks, chiggers caus-

ing or about to cause harm to any person; and the taking of animals as provided for by holders of a fishing license under the applicable provisions of the Wildlife Code and as otherwise posted.

(2) Public Sales. Public sales shall not be permitted in, or on, property owned or operated by the division without proper authorization. This applies to all public sales and includes the property of an employee whether employed, terminated, resigned or retired, and also includes concessionaires whose contracts have been broken or terminated.

(3) Fireworks. Possessing, exploding, discharging or burning within, or bringing into any state park or historic site firecrackers, torpedoes, rockets or other fireworks or explosives of flammable material or any other substance, compound, mixture or article that in conjunction with other substances or compounds would be explosive or flammable or discharging or throwing fireworks or other explosive or flammable materials into the park area from lands adjacent thereto is prohibited without written permission from the director.

(4) Public Speeches, Gatherings, Performances, etc. Organized activities are permitted providing the person(s) or representatives of the requested activity meet minimum management and operational criteria of the respective state park or historic site. Such activities include but are not limited to: any political party, social club or society, office aspirant, religious sect, circus or theatrical group, or other public exhibition, debate, drill or parade, musicians, weddings, public speeches, and performance of any act or ceremony. Such activities require the written permission of the facility manager. Procedures for requesting permission, defining the scope and nature of the activity, limits and restrictions, and approval/disapproval notification are specified in the division's policy manual.

(5) Contributions. No person shall solicit contributions for any purpose, whether public or private, in any state park or historic site without the written consent of the director or designee.

(6) Vending, Peddling, etc. No person shall sell or offer for sale, hire, lease or let out any other thing or engage in any business or erect any building, booth, tent, stall or any other structure whatsoever whether temporary or permanent within any state park or historic site, without written permission from the director. Exception is made to any regularly

licensed concessionaire acting by and under authority and regulation of the Department of Natural Resources and providing food, goods and services for the benefit of the public. Any licensed concessionaire may waive, in writing, their exclusive privilege to provide food, goods, and services.

(7) Signs.

(A) Official Signs. Any sign, posted by park staff necessary for the safety of visitors or maintenance of the facility, in any state park or historic site which requires or prohibits certain conduct of persons or vehicles shall be obeyed.

(B) Other Signs. No sign, notice or advertisement of any nature shall be erected without permission from the facility manager or designee.

(8) Broadcasts. No musical instrument, radio, tape recording, television or sound track shall be operated or any noise made for the purpose of attracting attention to any person, political party, religious institution or meetings or assemblies thereof, or for the purpose of demonstrating, advertising or calling attention to any article or service for sale or hire within a state park or historic site, without proper authorization.

(9) Disorderly Conduct. No person shall disobey a reasonable order of a facility manager, ranger, caretaker or other authorized park staff; commit a nuisance, use abusive language or unreasonably disturb or annoy others within a state park or historic site. An example of an unreasonable disturbance or annoyance is the operation of any music making or noise-making device at a volume determined by authorized personnel to be excessive.

(10) Refuse and Trash. No person shall deposit in any part of any state park or historic site any garbage, sewage, refuse, waste, fruit, vegetables, foodstuffs, boxes, cans, bottles, jars, paper, or other litter, waste materials or obnoxious materials, except in containers or places designated for these purposes. Any material so disposed of shall have been generated at that state park or historic site and shall not have been brought into the area only for disposal. The facility manager shall have the authority to establish a disposal fee, by written policy, for sewage disposal at approved locations and by approved methods. The fee shall be waived for campers using the facilities campground.

(11) Pollution of Waters. No person shall throw, discharge or otherwise place or cause



to be placed in the waters of any pool, fountain, pond, lake, stream or other body of water in or adjacent to any state park or historic site, or any tributary, stream, storm sewer or drain flowing into the waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of waters. No person shall dump or deposit any bottles, broken glass, ashes, papers, boxes, cans, waste, garbage or other trash in any waters in or contiguous to any state park or historic site.

(12) Pets and Animals at Large.

(A) No person shall allow any domestic or other animal under his/her control or ownership to range within any state park or historic site unless restrained by a leash not longer than ten feet held by a person capable of restraining a pet or firmly affixed to some stationary object so as to prevent the animal from ranging at large. Controlling an animal by using an electric collar does not meet the requirements of this rule or state law. Except for dogs assisting persons with disabilities, no domestic household or other animal shall be allowed inside any state park or historic site building under the control of either the division or a concessionaire licensed by the Department of Natural Resources unless permission is granted by the director. Park staff are authorized to capture and take any animals running at large to a local veterinarian, animal shelter, or animal impound. If the owner can be identified, the owner is responsible for all necessary fees involving the capture and impounding of the animal.

(B) Park staff, and specifically when possible park rangers, shall investigate all animal bites or attacks and recommend a classification of the incident and a determination concerning each reported animal bite or attack.

1. The investigating staff member shall determine if the bite/attack was accidental or non-accidental. If non-accidental, the animal shall be determined to be dangerous or vicious. No animal is considered dangerous or vicious if the approach, injury, or damage was sustained by a person who was tormenting, abusing, or assaulting the animal; or was committing or attempting to commit a crime or intentional tort which would warrant immediate defense of person or property.

2. All animals involved in bites or attacks are subject to immediate impoundment by the investigating park personnel. Park staff or peace officers are authorized to use lethal force to apprehend animals involved in a bite or attack. Such lethal force shall be in compliance with such agency's policies and procedures.

3. Owners of animals are subject to fines, penalties, and any necessary capture, disease tests, impound, quarantine fees, and medical bills incurred by park staff for the animal's removal. Owners are required to report bites or attacks to park personnel.

(13) Traffic.

(A) All applicable provisions of state laws and rules regulating the equipment and operation of motor vehicles on Missouri highways will be strictly enforced in the parks and historic sites. Motorized self-propelled vehicles or equipment may be operated only on park roads and thoroughfares unless otherwise permitted by park staff. No person shall drive a vehicle in a Missouri state park or historic site in excess of 20 miles per hour, unless otherwise posted. Powered-mobility vehicles used to transport persons with disabilities are permitted on park/site trails, boardwalks, and other accesses where suitably designed.

(B) Those sections in Chapter 300, RSMo, as may hereafter be amended, not inconsistent with sections 253.150 to 253.170, RSMo are hereby adopted by reference for Missouri state parks and historic sites. The penalties for violations of these sections are described in 253.170, RSMo.

(14) Park Rangers, Appointment, Powers as Peace Officers. Park Rangers and commissioned facility managers, employed as peace officers by the division under the authority of 253.065, RSMo, are empowered to enforce the provisions of 10 CSR 90-2.010 through 10 CSR 90-2.060 and all applicable state laws.

(15) Parking.

(A) Parking areas are designed and developed within state parks and historic sites specifically for the use of state park and historic site visitors only; and shall accommodate only those vehicles driven or chartered by park or historic site visitors. Open containers of intoxicating liquor and/or non-intoxicating beer are prohibited in parking areas or other areas as designated by the division director.

(B) The division hereby establishes parking spaces for persons with disabilities when their vehicles display a license or placard as defined in 301.071 or 301.142, RSMo. Said spaces shall be marked as indicated in 301.143, RSMo. Misuse of these spaces are a violation of state law and are punishable under state law.

(16) Enforcement. It is the responsibility of the facility manager and all other park staff as assigned to administer, enforce and encour-

age compliance with all the provisions of 10 CSR 90-2.010 through 10 CSR 90-2.060, all other rules, division policies, and state statutes as they apply to state parks in general.

(17) Discharging Weapons. The discharging of any device which propels an object, including, but not limited to rifles, pistols, shotguns, BB guns, paintball guns, bow and arrows, sling shots, or any devices which use burning powder, explosives, compressed gases is prohibited, except in areas designated by the director. This does not apply to acts of self-defense or to peace officers or park staff acting in the line of duty.

(18) Cabins and Other Lodgings. The division or a concessionaire may administer policies governing the use and rental of cabins and other lodgings designed to improve management, protect the resources, or assist with our mission for providing a safe, pleasant, recreational experience based on the needs of a facility. There shall be minimum rules for all cabins and other lodging which shall include check-in and checkout times, prohibitions against disorderly conduct, and hours to maintain quiet. Such rules shall be approved by the director and posted in each rental unit.

AUTHORITY: section 253.035, RSMo 2000. Original rule filed May 17, 1954, effective May 27, 1954. Amended: Filed Nov. 24, 1959, effective Dec. 3, 1959. Amended: Filed Jan. 16, 1963, effective Jan. 26, 1963. Amended: Filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 23, 1977, effective Oct. 13, 1977. Amended: Filed June 10, 1981, effective Sept. 11, 1981. Amended: Filed Dec. 14, 1983, effective March 12, 1984. Amended: Filed March 18, 1987, effective July 23, 1987. Emergency amendment filed April 10, 1987, effective April 20, 1987, expired July 15, 1987. Emergency amendment filed Aug. 5, 1987, effective Aug. 15, 1987, expired Dec. 15, 1987. Amended: Filed Aug. 5, 1987, effective Dec. 12, 1987. Rescinded and readopted: Filed Oct. 26, 2000, effective June 30, 2001.*

**Original authority: 253.035, RSMo 1961, amended 1967, 1983, 1993, 1995.*

State ex rel. Taylor v. Anderson, 242 SW2d 66 (1951). The State Park Board is a state agency, expressly given the power to make and promulgate all rules and regulations as it



may deem necessary for the proper maintenance, improvement, acquisition and preservation of all state parks. Therefore, letter granting defendant permission to operate sight-seeing boat tours within state park, written 10 years prior, could constitute no more than a bare license, or permit, subject to withdrawal or cancellation at the pleasure of the State Park Board.

10 CSR 90-2.030 Camping and Recreational Activities

PURPOSE: This rule is established as a means of informing the public of the availability, restrictions and proper usage of the various recreational activities and facilities provided in state parks.

(1) Any violation of the general rules, regulations, division policies, and state statutes occurring in a campground in any state park or historic site shall also be a violation of our campground management rules.

(2) **Camping Fee.** A separate camping fee shall be charged for each camping day a designated campsite, overflow or other camping area is occupied. The fee is charged on the basis of available utilities, whether used or not. Methods of collection (site to site, office, fee booth, etc.) for each campground shall be posted as public information. Camping permits once issued and paid for are non-transferable.

(3) **Camping Areas.** Camping areas are for overnight camping only. Camping is permitted only on designated campsites, overflow camping areas, and other camping areas, unless otherwise authorized by the director or his designee.

(4) **Campsite Capacities.**

(A) The allowable and acceptable occupancy on one campsite is as follows: Two sleeping units, only one of which can be wheeled, and one additional non-sleeping mode of transportation vehicle; or two tents and two non-sleeping modes of transportation vehicles. The facility manager must approve this and any other exceptions to the campsite capacity limits.

(B) Six people is the maximum number allowed per campsite, unless the group is defined as indivisible.

1. **Indivisible.** A group of persons, campers, tents and vehicles that cannot be reasonably divided to occupy more than one site. Examples: Parent(s) or guardian(s) with minor children or dependents; or a single motorized camper with its occupants.

(C) **Vehicles and Trailer Wheels.** All wheeled vehicles and trailers (boat, etc.) must be confined to the campsite parking pads or other designated parking areas. Unless otherwise provided under the special management regulations, no wheeled vehicles or trailers shall be allowed to park on the grass or along campground roads.

(D) Capacities may be limited by campsite design.

(E) Only one electric plug-in is allowed at each campsite.

(5) **Campsite Availability.** Campsites are available on a "first-come first-served" basis except those which have been reserved under the formal reservation system or as provided for under other regulations. A campsite is considered unavailable and occupied when it has posted a valid camping permit and contains substantial personal property (i.e., dining fly, trailer, tent, licensed vehicle), or a valid camping permit and an official marker/sign as provided specifically by the state park or historic site. The valid camping permit shall take priority as evidence and first right of occupancy for the standard camping day in the event the campsite is inadvertently occupied by anyone other than the original holder of the camping permit.

(6) **Quiet Hours.** Campground quiet hours are between 10:00 p.m. and 6:00 a.m. All non-campers must leave the campground by 10:00 p.m. This regulation prohibits any excessive or disruptive noises that are defined as noise emanating from radios, stereo systems, televisions, electric generators, loud conversations, etc., which can be heard by other persons not on the same campsite or same general area. The use of excessive or disruptive noises applies elsewhere and is not permitted between the hours of 6:00 a.m. and 10:00 p.m. also, unless otherwise allowed by the facility manager.

(7) **Camping Limits.** Camping is limited to any 15 days within a 30 consecutive day period at one park, unless otherwise provided by special management regulations. This limit applies to any individual, group and/or camping unit.

(8) **Unattended Property.** Campers shall not be allowed to leave personal property unattended on a campsite for more than 24 hours without written permission from the facility manager or his/her designee. Such permission shall be given only in special circumstances such as medical emergencies or equipment failure.

(9) **Holding or Reserving a Campsite.**

(A) In addition to a camper's own campsite, one additional campsite may be held for another camper anticipated to arrive later that same day, providing substantial personal property is placed on the campsite. The fee for the additional campsite must be paid and the permit posted.

(B) Reservable campsites shall not be occupied without a reservation, or directions from the park staff. Paid-for reservation campsites will be held vacant for the payer until 3:00 p.m. on the last day paid for.

(10) **Camping Services.** The facility manager will post in plain view of arriving campers an enumerated list of camping services and the inclusive dates and times those services are offered.

(11) **Bug Lights.** The use of electronic insect killing devices is prohibited.

(12) **Campsites Designated for Persons with Disabilities.** A campsite designed for persons with disabilities may be sold to campers without disabilities when all of the particular types (basic, electric, sewer/electric) of campsite have been sold. A camper without disabilities may occupy the campsite for persons with disabilities for the duration of his/her camping stay on a day-by-day basis if a similar campsite is not available. Should a camper with disabilities arrive prior to 6:00 p.m., the camper without disabilities shall be required to move to a similar campsite if available.

(13) **Overflow Camping.** Overflow camping areas to accommodate special circumstances may be established by the facility manager with the approval of the district office. The duration of use and location of overflow camping areas will be determined by the facility management to provide limited overnight campsites within the capabilities of the facility and its resources.

(14) **Special Use Camp Areas.**

(A) Special use camp areas are assigned on a "first-come first-served" basis or may be reserved by phone or mail.

(B) Camping fees shall be determined by the director.

(15) **Equestrian Camping.**

(A) Equestrian campers must camp in designated equestrian camping areas.

(B) Animals are the responsibility of their owners and must comply with all health and safety laws and regulations.

(16) **Camping Along Trails.**



(A) Camping shall be permitted only along certain designated bicycle, equestrian and backpacking trails.

(B) Trail campers shall register before using the trail.

(C) Trail camping shall be restricted to appointed areas along the trail unless otherwise posted. When allowed in other than appointed areas, all camping shall take place at least 100 feet from the designated trail, at least 200 feet from any public use area facilities.

(17) General Camping Rules.

(A) No sewage or treated water, commonly referred to as “grey water,” shall be discharged from tents, campers or recreational vehicles except at designated locations.

(B) Fires shall be attended to at all times and restricted to fire pits, barbecue grills, where provided, or at locations approved by the facility manager. Fires may be prohibited throughout the park by special order of the facility manager when fire conditions warrant.

(C) Lanterns shall not be hung on trees or shrubs.

(D) Trenching around tent camps for protection against water or wind damage shall not be permitted.

(E) At Finger Lakes State Park intoxicating liquor and/or non-intoxicating beer may be possessed only in designated camping areas and only by persons who have paid the appropriate camping fee.

(18) Swimming.

(A) No person shall swim, bathe or otherwise enter any waters owned by, leased to, or under the control of the division, including designated swimming areas, unless otherwise posted or as directed by the facility manager or designee. Special warnings and restrictions may apply.

(B) No person shall dress or undress on any beach, state building, or other place in any state park area, except in bath houses, personal camping units, or structures provided and maintained for that purpose. Swimmers and bathers shall be dressed at all times in proper attire that conforms to commonly accepted social standards.

(C) No person shall throw, cast, lay or deposit any glass, crockery, or any part thereof, or any metallic substance in any swimming area in any state park or historic site.

(D) No person, dogs or pets shall wash or be washed with or without soap or other cleansers in swimming areas or any waters under the control of the director. Dogs and pets are not allowed in designated swimming beaches, or as otherwise posted.

(E) Swimming beaches and pools may be closed to the public and bathing therein be prohibited at any time when, in the opinion of the facility manager or concessionaire, bathing is dangerous or otherwise inadvisable.

(F) Possession of intoxicating liquor and/or non-intoxicating beer is prohibited in any designated swimming area or adjacent parking lots, or other areas as posted.

(G) Every person shall comply with posted rules at designated swim areas.

(H) Fishing and boating are permitted only outside designated swim areas.

(19) Picnic Areas and Use. Areas are designated for picnicking to include such amenities as parking, picnic tables, fire grills, and restrooms. Picnicking is permitted in any state park or historic site in areas set apart and designated for that purpose. No fires are permitted except in personal campstoves or grills provided by the park or site for outdoor cooking. Picnicking is not permitted in designated campgrounds, except with permission of the facility manager or designee.

(A) Use of grills, tables and benches generally follows the rule of first-come first-served, but no person or group shall use any picnic area, shelter or facility to the exclusion of other persons for an unreasonable time if facilities are crowded, except as allowed by 10 CSR 90-2.030(28). Determination of what is unreasonable shall be at the discretion of the facility manager.

(B) To maintain cleanliness and reduce fire hazard, each picnic party shall see that its fire is completely extinguished before the area is vacated, unless it is to be used by others and that all trash, such as boxes, cans, papers, bottles, garbage and other refuse is placed in receptacles provided for that purpose.

(20) Horses, donkeys and mules are permitted only in designated areas within state parks and historic sites and are not permitted in camping areas, picnic areas, or other public use areas. Horses, donkeys and mules shall have a rider on them or they shall be tied in a designated area. Horses, donkeys and mules shall not be ridden on foot trails, through streams, off designated trails, or tied to trees without the permission of the facility manager. In those facilities that require a rider's permit or that seasonally close riding trails or areas, it is the responsibility of the rider to obtain the proper permit.

(A) Equestrian owners or riders must show proof of current negative Coggins test (equine infectious anemia) upon request by appropriate park personnel and can be denied access

to the facilities if such proof cannot be provided.

(B) In those undeveloped areas where horseback riding is permitted at random, horses, donkeys and mules shall be properly restrained, ridden with due care and shall not be permitted to graze unattended.

(21) Hunting. Rules relating to hunting in Missouri state parks and historic sites are governed by Chapter 252 and 253.200, RSMo and the Wildlife Code of Missouri, as hereafter amended. Hunting, trapping or the pursuit of wildlife is forbidden at all times in all parks and historic sites. Spotlighting wildlife by flashlight, floodlight, or vehicle headlights is prohibited unless under the guidance of a park employee. No individual shall use or discharge weapons of any type in any state park or historic site, without written permission of the director with the following exception:

(A) Hunting shall be permitted in designated areas of Missouri's state parks only during periods of special hunts, which shall be sponsored jointly by the Department of Natural Resources' Division of State Parks and the Department of Conservation to control or prevent animal overpopulation or to control or prevent problems related to overpopulation such as damage to natural resources, property damage or public health hazards. Due to the changing locations of these hunts and conditions for hunting, the policies governing them shall be developed and announced jointly by the division and the Missouri Department of Conservation prior to the designated hunts.

(22) Fishing. Fishing shall be permitted in waters of state parks and historic sites under applicable provisions of the Missouri Wildlife Code.

(A) All state fishing laws and boating laws shall be obeyed; commercial fishing or the buying or selling of fish caught in park waters is forbidden.

(B) Fishing may be prohibited in certain areas as designated by the director and upon the proper posting of these areas.

(C) In addition to applicable provisions of the Missouri Wildlife Code, the director may establish special fishing regulations for waters owned or under the jurisdiction of the Department of Natural Resources.

(23) Boating. Unless otherwise prohibited boating is allowed in state park waters in accordance with state and federal rules and regulations. State park waters fall under the jurisdiction of various state and federal agencies. The Missouri Water Patrol, Missouri



Coast Guard, U.S. Army Corps of Engineers and/or Missouri Department of Conservation promulgates the regulations pertaining to boating. Specific regulations regarding boating generally are posted at points of access.

(A) Boating of any kind in a designated swim area shall be prohibited except for official boating as is necessary to keep the areas properly protected and policed.

(B) No watercraft shall be launched into or removed from any park waters, tied to trees or land objects, except at places that are designated for this use. No privately owned boat or watercraft of any kind shall be left by its owner in park waters (waters totally owned by the Department of Natural Resources) in excess of 24 hours without written permission of the facility manager or designee.

(C) No person other than a concessionaire or employee of the division shall be permitted to rent, hire, or operate for charge any kind of boat or watercraft, whether powered or not, on any park waters.

(D) The director may establish limits for the horsepower of outboard motors that may be operated in park waters.

(E) On waters managed under agreement with the Department of Conservation, special regulations specified in 3 CSR 10-4.116 also apply and may be enforced by park staff.

(F) Those sections in Chapter 306, RSMo, as may hereafter be amended, not inconsistent with this code are hereby adopted by reference for Missouri state parks and historic sites and may be enforced by park staff.

(24) State Park and Historic Site Concessions.

(A) Cabins and Other Lodgings. The normal operating season, days, and times for state park cabins, motels, and other lodgings shall be established by the director when the division operates as the concessionaire or by contract between the department and a facility's concessionaire.

(B) Reservations. Requests for lodging reservations shall be made with the park concessionaire. Reservations shall be confirmed upon payment of a deposit in the amount of the first night's lodging. The lodging policy for concessions operating motels, cabins, duplexes, suites, or any type of lodging, meeting, conference space, shall be reviewed by the division director or his/her representative for approval on an annual basis at the same time price changes are reviewed.

(C) Cabins, motels, and other lodgings shall not be guaranteed for occupancy before 3:00 p.m. and check-out time is 11:00 a.m.

(D) Dining Lodges. The normal operating season for state park dining lodges is established by the director when the division oper-

ates as the concessionaire or by contract between the department and a facility's concessionaire.

(E) Marinas. The normal operating days and seasons for state park marinas are established by the director when the division operates as the concessionaire or by contract between the department and a facility's concessionaire.

(F) Swimming Pools and Beaches. The normal operating days and seasons for state park swimming pools and beaches are established by the director when the division operates as the concessionaire or by contract between the department and a facility's concessionaire. Swimming pools and beaches may be closed due to hazardous conditions or in the event of inclement weather.

(G) Other concessions shall be open as approved by the director.

(H) Concessionaires shall provide the director with an annual pricing review, comparing concession prices with those of direct competitors for equivalent goods and services, i.e., for lodging, watercraft slips and rentals, etc.

(25) Shelter Houses. Open shelters and/or enclosed shelters may be provided in the day use areas of Missouri's state parks and historic sites. These shelters may be reserved for guarantee of use by contacting the facility manager of the park or historic site concerned. Requests for reservations shall be accompanied by a cashier's check, money order, personal check, cash, or credit card equal in amount to the fee for use of the facility. Reservations canceled less than seven days prior to the day of the reservation will cause forfeiture of the reservation fee.

(A) The open shelters, when not reserved, shall be available for free use on a first-come first-served basis.

(B) Fees for the guarantee of use of the open and enclosed shelters shall be established by the division and posted within the park or historic site.

(C) Open and enclosed shelters must be vacated by 10:00 p.m. daily or earlier if the shelter is located in an area that closes before 10:00 p.m.

(D) An individual from the reserving group of an enclosed shelter shall contact the park or historic site personnel to arrange that the building is unlocked prior to the agreed upon time of use and locked after the use of the building.

(26) Historic Structures. Fees charged for entrance to historic sites, their associated structures, museums or features shall be

established by the director of the Department of Natural Resources and shall be posted at the historic sites alongside the hours of operations. The following rules shall apply to all state historic sites or buildings:

(A) Smoking is not permitted in any state historic building, structure or museum except in areas so designated for the public or upon permission of the facility manager or director; and

(B) Consumption or introduction of foods or drinks in any state historic building is prohibited unless in areas so designated for the public or upon permission of the facility manager or the director.

(27) Off-Road Vehicle (ORV) Areas.

(A) ORV areas are located in Finger Lakes and St. Joe state parks.

(B) Only ATVs and motorcycles may be operated in ORV areas, except that the operation of other vehicles be permitted with the proper authorization. Other motorized vehicles are specifically prohibited on wooded trails at St. Joe State Park, except for maintenance and rescue operations.

(C) Passengers are not permitted on ATVs or motorcycles. Where permitted, other motorized vehicles may carry as many passengers as there are seat positions provided that all passengers are seatbelted.

(D) Operators of ATVs and motorcycles must wear protective helmets that meet United States Department of Transportation or ANSI Z90.1 certification. Operators and passengers of other motorized vehicles without fully enclosed metal cabs must also wear such protective helmets.

(E) Motorized vehicles, except motorcycles, must be equipped with a flexible mast, minimum of 72 inches in length, with a day-glow orange or yellow flag measuring at least 72 square inches displayed at the top of the mast.

(F) All ATVs and motorcycles must be equipped with a spark arrestor, functioning brakes and muffler designed so that the noise level does not exceed 86 dbA.

(G) Before entering the off-road vehicle (ORV) area, each off-road vehicle may be inspected by park staff for compliance with the safety equipment requirements.

(H) The speed limit within the staging area or the entrance road to the ORV area shall be five miles per hour. No exhibition driving will be allowed within these areas. The speed limit in the designated buffer area between the staging area and the ORV riding area shall be 20 miles per hour.

(I) Operators under 16 years of age and/or unlicensed operators must have direct supervision of a licensed adult while operating a



motorcycle or ATV. Persons under 12 years of age may not operate three-wheeled ATVs.

(J) Use of or being under the influence of alcohol or drugs while operating an ATV or motorcycle is prohibited.

(K) Persons under 16 years of age should not operate any ATV that the manufacturer recommends be operated only by an adult.

(L) Access to the lakes in the ORV area at St. Joe State Park shall be provided to persons for the purpose of fishing only. Vehicle access requires a pass to be obtained from park staff. The pass may be revoked for unauthorized conduct.

(M) Open or closed containers of intoxicating liquor and/or non-intoxicating beer are prohibited in ORV areas, staging areas, entrance roads, and other areas designated for ORV operation.

(N) At St. Joe and Finger Lakes state parks, a use permit will be required for each ORV operated in the ORV area. The director shall establish the types of permits and the permit fee.

(O) ATVs and motorcycles shall be unloaded and loaded only on designated locations within the ORV areas. ATVs and motorcycles are prohibited on the beaches, beach access trails and paved roads.

(P) Areas within the ORV area may be posted as closed to vehicle traffic for emergencies or due to other management practices.

(28) Use of Pedal-Powered or Electric-Assisted Vehicles. To facilitate accessibility to the public, the use of pedal-powered and electrically assisted pedal-powered vehicles is permitted on all trails designated for bicycle use. Powered-mobility vehicles are permitted on all trails designated for pedestrians. Permitted use does not infer that trails meet standards in accordance with the Americans With Disabilities Act unless they are so designated. Pedal-cycles or other vehicles which use gasoline or other hydrocarbon fuels are specifically prohibited from operation on such trails, unless being used by park staff or emergency response personnel for maintenance or public safety concerns.

(29) Other Recreational Activities.

(A) State parks and historic sites provide opportunities for our visitors to engage in varied recreational activities. However, the division maintains the right to prohibit or otherwise restrict recreational activities that are not in keeping with the mission and objectives of the Department of Natural Resources, that may damage property, that require special safety measures, or that conflict with other uses of an area. Such prohibitions or

restrictions shall be determined by the director, who may establish policy or procedures to regulate conduct.

(B) Specific recreational activities that are restricted by policy include using metal detectors, caving, rock climbing and rappelling, diving, and conducting special events and activities.

(C) Additional recreational activities may be restricted by policies established after the effective date of this provision and/or by signage.

AUTHORITY: section 253.035, RSMo 2000. This version of rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed Jan. 16, 1978, effective May 11, 1978. Amended: Filed May 29, 1981, effective Sept. 11, 1981. Amended: Filed June 10, 1981, effective Sept. 11, 1981. Amended: Filed March 31, 1982, effective Aug. 12, 1982. Amended: Filed Dec. 14, 1983, effective March 12, 1984. Amended: Filed Jan. 11, 1984, effective May 11, 1984. Amended: Filed April 5, 1985, effective June 27, 1985. Amended: Filed March 18, 1987, effective July 23, 1987. Emergency amendment filed April 10, 1987, effective April 20, 1987, expired July 15, 1987. Rescinded and readopted: Filed Oct. 26, 2000, effective June 30, 2001.*

**Original authority: 253.035, RSMo 1961, amended 1967, 1983, 1993, 1995.*

10 CSR 90-2.040 Park Property

PURPOSE: This rule is established to ensure the care and protection of all natural and manmade resources within state parks and historic sites.

(1) Buildings, Signs and Other Property. No person shall in any manner willfully mark, deface or injure in any way, or displace, remove or tamper with any state park or historic site buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, park signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures, equipment or facilities, without written permission from the director. Requests for removal of buildings and structures shall follow procedures as outlined in the division's policy regarding care and treatment of cultural resources.

(2) Unauthorized Use or Removal of Park Property. No person shall dig, move, mar, deface or remove from any state park or his-

toric site area any beach sand, gravel or minerals, whether submerged or not, or any soil, rock, artifacts, relics, stones, trees, shrubs or plants, down-timber or other wood materials, or make any excavation by tool, equipment, blasting or other means or agency, or construct or erect any building or structure of whatever kind whether permanent or temporary in character or run or string any public service utility into, upon or across the lands, without written permission from the director.

(3) Climbing on Property. No person shall climb, clamber on or over any buildings, structures, forts or ruins in any state park or historic site unless s/he is conducted by the facility manager or his/her authorized representative.

(4) Trees, Shrubbery, Lawns, etc. No person shall cut, carve or injure the bark, or break off limbs or branches or mutilate in any way, or pick the flowers of any plant species within any state park or historic site. Persons may collect for personal consumption within the state park or historic site small quantities of wild edible fruit, berries, seeds, and nuts (excluding below-ground plant parts) in quantities not to exceed a one-gallon container. Any such edible fruit, etc. so collected shall not be transported outside the state park or historic site. Every person is permitted to collect by hand edible mushrooms for personal consumption outside the state park or historic site providing that the quantity collected does not exceed that which fills a two-gallon container. No person shall dig in or otherwise disturb or destroy grass areas, or lawns, pile debris or material of any kind on park grounds or attach any rope, wire or other contrivance thereto. No person shall plant or remove any vegetation and/or propagules (seeds, roots, etc.), or collect or remove flowers or other plant parts without the written permission from the director.

(5) Caves. Any person desiring to enter a natural cave in any state park or historic site shall comply with the requirements posted at the cave entrance. If no sign is posted at the cave entrance, then the facility manager or designee must be contacted to determine access requirements. This same person shall check out with the facility manager or his/her representative prior to leaving the park. The following conditions will be met for those caves in which a permit is issued. Failure to comply shall be cause for revocation of the permit.



(A) Any person under eighteen (18) years of age shall have the signature of his/her parent or guardian or be in the company of his/her parent or guardian.

(B) All persons will be familiar with the state park rules and shall agree not to litter, remove, injure, disfigure, deface or destroy any living organism, object or portion of the cave.

(C) Each person shall have three individual sources of light.

(D) Each person shall wear a hard hat.

(E) Each person shall carry plastic bags for removal of trash and solid human waste and to keep spent carbide in.

(F) Each group shall carry one (1) first-aid kit in the cave with them.

(G) Overnight camping is not permitted in caves or mines.

(6) Limited Access Areas. Certain areas within state parks and historic sites possessing unusual natural significance and being vulnerable to damage resulting from public access shall be designated as limited access areas by the director. Areas so designated shall be properly posted. Entrance to limited access areas shall require the permission of the facility manager.

(7) Natural Resource Management. The Division of State Parks is authorized to expend funds and allocate resources as appropriate for the purpose of managing natural resources on state parks and historic sites. These activities may include prescribed burns, removal or control of native and exotic plant species, tree thinning or removal; or other manipulations of native plants and wildlife deemed necessary to protect and sustain natural ecosystems. No such actions shall be engaged upon without the written permission from the director, either specifically for that project or as part of an approved management plan for a state park or historic site.

(8) Bridge Load Limits. Certain bridges owned and maintained by the Department of Natural Resources will be posted with load limit and speed limit signs as required to ensure the safety of the motorists and to preserve the integrity of the bridge structures. These limits shall conform to recommendations resulting from engineering studies or Missouri Department of Transportation evaluations.

AUTHORITY: section 253.035, RSMo 2000. Original rule filed May 17, 1954, effective May 27, 1954. Amended: Filed Nov. 24, 1959, effective Dec. 3, 1959. Amended: Filed Jan. 16, 1963, effective Jan. 26, 1963.*

Amended: Filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed Jan. 16, 1978, effective July 13, 1978. Amended: Filed March 25, 1981, effective Aug. 13, 1981. Amended: Filed June 10, 1981, effective Sept. 11, 1981. Amended: Filed Nov. 2, 1983, effective Feb. 11, 1984. Amended: Filed March 18, 1987, effective July 23, 1987. Amended: Filed Oct. 26, 2000, effective June 30, 2001.

**Original authority: 253.035, RSMo 1961, amended 1967, 1983, 1993, 1995.*

10 CSR 90-2.050 Organized Group Camps

PURPOSE: This rule is established to provide an orderly procedure in making the facilities available to the public and guaranteeing their safety and welfare while using these facilities.

(1) Application Procedure.

(A) Group camps shall be available for use from April 15 through October 15 each year.

(B) Any group may apply to reserve a group camp by requesting an application from the facility manager of the park it wishes to visit or by contacting the Division of State Parks, PO Box 176, Jefferson City, MO 65102.

(C) Applications for reservations may be taken up to eleven months in advance of the day of arrival and must be submitted by mail only. All applications for the next calendar year open season are due by October 16. Those groups applying after that date will be offered remaining dates. The reserving party must also indicate a second and third priority stay period. Rental priorities shall be given to nonprofit, youth organizations, and/or applications with the earliest postmark.

(D) The camp schedule shall be set not later than November 15. In the event of duplicate requests, the facility manager has the right to consider second and third priorities in preparing the schedule. If after considering priorities, a conflict still exists between the requests of two groups, a drawing may be prepared.

(E) Cancellation of reservations shall be made 45 days prior to the arrival date as listed on the permit or with the prior approval of the facility manager. Cancellation of reservations without prior approval or within 45 days of the arrival date shall result in the forfeiture of the deposit.

(2) Fees.

(A) A deposit fee shall be made payable to the Missouri Department of Natural Resources upon confirmation of the reservation. The director shall establish the deposit fee.

(B) The director of the Department of Natural Resources shall approve fee schedules for the use of group camps and facilities.

(3) Check-In and Checkout Procedures.

(A) Groups shall check into camp no later than 3:00 p.m. on the date of arrival stated on the letter of confirmation. Groups shall check out of the camp no later than 3:00 p.m. on the date of departure stated on the letter of confirmation. Groups arriving after the time indicated on the group camp confirmation letter may be charged an hourly rate for each hour they are late. Groups checking out of camp after the time indicated on the confirmation permit may be charged for an additional day. Group camp minimums and appropriate utility fees will be charged for late checkouts. Exceptions shall not be made without prior approval from the facility manager.

(B) At the time of check-in, the camp director shall have in their possession a copy of the confirmation permit and group camp policy manual.

(C) The camp director shall arrive at the park prior to the group. The camp director shall check in with the designated park representative at the park office. Together they shall make an inventory of the facilities. The inventory shall be signed by the camp director and kept in the park office. Campers shall not be permitted to move into the cabins until the inventory is completed.

(D) The camp director and park representative shall make an inventory of the camp after all campers have vacated the buildings. Any damages or shortages shall be checked against the inventory made at check-in. The rental group shall be charged for any damages or shortages occurring during their stay at camp.

(E) Charges for damages or shortages and the rental charges, less deposit, shall be paid at the time of departure. Checks shall be made payable to the Missouri Department of Natural Resources. Rental groups shall be charged for the amount of utilities used. Prior arrangements for delayed payment may be made with the facility manager, when approved by the district supervisor, not to exceed 30 days from time of departure.

(4) Staffing.

(A) The using organization shall provide minimum supervision consisting of a camp director and a ratio of counselors to campers that conforms to minimum standards established by the American Camping Association, as well as necessary qualified personnel for all phases of the camp program.



(B) Campers shall be supervised at all times.

(5) General Policy.

(A) The division shall close a camp and cancel a group's reservation at the time that use of the facilities is found to be detrimental to the health and safety of the campers. A camp shall be closed at the discretion of the division director if the group's program is not in keeping with the mission and objectives of the Department of Natural Resources or the group refuses to abide by the rules established by the Division of State Parks. In these cases, all deposits shall be forfeited and all fees incurred to date shall be paid upon departure.

(B) User groups shall maintain the facilities assigned, including grounds, during their stay at camp and shall leave them clean. The camp director shall ensure they are clean and hazard free. S/he shall report any facility in need of repair to the facility manager.

(C) Representatives of the division shall inspect the kitchen as often as necessary. Groups shall be required to meet the laws and regulations governing food services as set forth by the Missouri Department of Health. If the using group fails to comply with the standards set forth by the Department of Health, the division shall close that facility.

(D) Intoxicating beverages and/or non-intoxicating beer shall not be allowed without written authorization from the facility manager.

(E) Outdoor fires shall be permitted only by approval and as designated by the facility manager. No other fires shall be started except in fireplaces provided for that purpose. No fires shall be left unattended.

(F) Groups wishing to have a rifle or archery range activity within the park shall request written permission from the facility manager.

(G) No alterations, changes, or additions shall be made to existing facilities. No building shall be constructed; no tents erected; or house or travel trailers parked within the camp area without written permission from the facility manager.

(H) All users of group camp swimming pools shall require the presence of a lifeguard who holds an American Red Cross LifeGuard Certificate or equivalent.

(I) Regulations governing the use of a group camp swim area are as follows:

1. All registered youth groups must have a lifeguard, who holds a senior or instructor's lifesaving certificate or equivalent, present during any use of the designated swim area;

2. Registered adult groups may swim without a lifeguard present;

3. Children accompanying a registered adult group must have an adult present when swimming; and

4. All users must comply with posted rules and regulations.

(J) All buses and cars are to be driven only on the entrance road and parked in the lots provided. Only in case of emergency will they be allowed on service roads or within cabin areas.

(K) The camp director shall have transportation available at all times.

(L) Permittee waives and releases all claims against the state of Missouri for any damage to person or property arising from the exercise of the privileges granted by the facility permit.

*AUTHORITY: section 253.035, RSMo 2000. * This version filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed June 10, 1981, effective Sept. 11, 1981. Amended: Filed Dec. 14, 1983, effective March 12, 1984. Amended: Filed March 18, 1987, effective July 23, 1987. Rescinded and readopted: Filed Oct. 26, 2000, effective June 30, 2001.*

**Original authority: 253.035, RSMo 1961 amended 1967, 1983, 1993, 1995.*

10 CSR 90-2.060 Outdoor Education Center

(Rescinded August 30, 2018)

AUTHORITY: section 253.035, RSMo 2000. This version filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed June 10, 1981, effective Sept. 11, 1981. Amended: Filed March 18, 1987, effective July 23, 1987. Rescinded and readopted: Filed Oct. 26, 2000, effective June 30, 2001. Rescinded: Filed Dec. 29, 2017, effective Aug. 30, 2018.

10 CSR 90-2.070 Fencing on Park-Owned Property

PURPOSE: This rule is established to provide procedures and guidelines in considering requests by adjacent landowners to fence common boundaries for purposes of preventing intrusion from livestock or commercial game.

(1) Fencing on Park-Owned Property. The division director shall have the authority to fence any state park or historic site or parts thereof when fencing is essential for the use, care and preservation of the park or park

lands in question.

(2) The division may participate in fencing park and historic site boundaries for the purpose of preventing intrusion from livestock or commercial game in accordance with Chapter 272, RSMo. Fencing requests shall be submitted in writing and approved by the director or his/her designee. The division's procedures for participating in fencing of park and historic site boundaries for this purpose are as follows:

(A) All fencing requests shall be directed to the Missouri Department of Natural Resources, Division of State Parks, PO Box 176, Jefferson City, MO 65102, (800) 334-6946.

(B) A "Fencing Request Form" shall be completed by the landowner and submitted to the address above.

(C) Division personnel shall conduct an on-site inspection to determine need, natural and cultural resource impacts, fencing materials as defined in Chapter 272, RSMo, and reasonable cost of the fencing materials. The division shall also assess the accuracy of the fence location along the boundary based on survey information and by consulting with the division's survey crew. If the accuracy of the boundary is in question, the division may require a boundary survey, the cost of which shall be equally shared by the department and the landowner requesting the fence.

(D) The landowner shall receive written notification of approval or denial of their request from the division within 60 days of receipt of the Fencing Request Form at the above division address.

1. If approved, the landowner shall be responsible for fence construction and to utilize fence construction methods that do not damage trees, structures, soil, wetlands, habitat for sensitive species, geologic, cultural, historic, and other resources that occur within the park or historic site boundary. Fence construction methods shall not employ modification of soil or debris elevations that drain wetlands or cause the impoundment of water on property owned by the department. The fence must be located on the precise boundary line to the extent that the line can be identified or verified. The district supervisor in consultation with the Operations and Resource Management Program shall approve in writing any variances to these requirements.

2. The division, at its own expense, will provide all fence construction materials to the landowner and shall monitor the construction activities to ensure compliance with this section. The cost of fence material shall constitute the department's share of costs to provide



an enclosure as provided for in 272.020 and 272.060, RSMo.

3. The landowner and its successors are responsible for maintaining the fence, which shall include removing brush, vines, woody regrowth or resprouting of approved cut trees on state park property at no greater a distance than three feet inside the park boundary. The landowner is not permitted to access park property with brushhogs, tractors, heavy equipment, ATVs, motorcycles, or any other vehicle of any kind without permission from the park or historic site facility manager. The landowner is not permitted to apply any herbicides for purposes of killing or controlling vegetation on the park side of the boundary, or which may drift onto park vegetation without permission of the park facility manager. The landowner is permitted to trim back overhanging branches at the point immediately above the park boundary line and to a height of eight feet above the ground.

4. No fencing constructed under this section shall be removed without the written consent of the division, except to temporarily make repairs to said fence.

(3) The division shall not participate in fencing saltpeter works, cotton gins, or lands upon which poisonous crops are planted; nor shall the division incur costs when other applicable laws or judgments require an individual landowner to fence their own land.

(4) Landowners who attempt to fence department-owned land by moving fencing onto department-owned property without the consent of the division thereby deny public use of such fenced-in lands or incur damage to park property and/or natural and cultural resources.

AUTHORITY: section 253.035, RSMo 2000.
Original rule filed Oct. 26, 2000, effective
June 30, 2001.*

**Original authority: 253.035, RSMo 1961, amended 1967
1983, 1993, 1995.*