

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

IN THE MATTER OF THE )  
FORFEITURE OF COLLATERAL )  
IN LIEU OF APPEARANCE IN )  
CASES OF PETTY OFFENSES )

**ORDER**

The United States of America, by Timothy Q. Purdon, United States Attorney for the District of North Dakota, on behalf of the National Park Service, has submitted a revised bond schedule, amending the current schedule applicable to the Theodore Roosevelt National Park violations in the District of North Dakota.

The Court has reviewed the proposed schedule and finds:

1. That it is within a range of comparable schedules adopted in other districts, and;
2. That the proposed revisions are intended to achieve balance and fairness in the National Park Services' enforcement responsibilities.

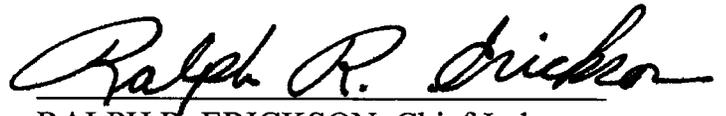
THEREFORE, IT IS ORDERED that the Standing Order of the Court in the Matter of Forfeiture of Collateral in Lieu of Appearance in Cases of Petty Offenses is amended for violations of statutes and regulations enforced by the Theodore Roosevelt National Park Service as set out in Exhibit "A" which is made a part of this Order.

IT IS FURTHER ORDERED that a copy of this Order be made a part of the record of the Central Violations Bureau pertaining to the clerical, administrative, and fiscal operation maintained on behalf of the District of North Dakota.

Dated this 11<sup>th</sup> day of April, 2011.



DANIEL L. HOVLAND, Judge  
United States District Court



RALPH R. ERICKSON, Chief Judge  
United States District Court

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

**CENTRAL VIOLATION BUREAU**

**FINE LIST**

**Prepared for use by National Park Installation**

**As of March 2011**

Exhibit A

## **FILING OF COMPLAINTS**

If an offender is charged with an offense not listed on the fine list, and the issuing officer determines a Complaint should be filed he should proceed by Complaint before the U.S. Magistrate having jurisdiction.

If circumstances warrant, a Complaint may be filed for any offense shown on this fine list in lieu of issuing a violation notice.

## **SEPARATE VIOLATION NOTICE**

Do not issue a violation notice for more than one offense. A separate violation notice must be completed for each offense.

## **ARREST OF VIOLATOR**

If circumstances warrant and you have the authority and probable cause for an arrest of the violator, and the offender may be taken without unreasonable delay before the U.S. Magistrate having jurisdiction, a Complaint will be filed forthwith.

## **MANDATORY APPEARANCE**

If the offense requires a mandatory court appearance before a U.S. Magistrate, check Box "A" on the Violation Notice. Complete the box according to the appropriate instructions for processing mandatory appearances as approved by the U.S. Magistrate having jurisdiction.

## **REQUEST FOR APPEARANCE**

If offender requests an appearance, instruct him to properly mark his cardboard copy for mailing to CVB.

## **PREPARATION OF VIOLATION NOTICE**

In preparing Violation Notices, use a ballpoint pen and all copies should be clearly legible. Check the cardboard copy

for the address of CVB in Philadelphia. After issuance nothing may be changed of the white (original) copy.

Do not issue a Violation Notice unless you are certain you have a probable case. If circumstances warrant, give an oral warning rather than issuing a Violation Notice.

All CVB files are maintained by date of issuance. Please indicate the date in MONTH-DAY-YEAR order. It must be clearly legible on all copies, including the violator's copy.

The cardboard copy of the Violation Notice may be handed to the offender at the time of arrest, placed on the offender's vehicle, or mailed to the offender by the issuing officer.

If offense requires a mandatory court appearance, do not fill in the fine box. Complete Box "A".

If a violator is charged with more than one offense, complete a separate Violation Notice for each offense charged.

For additional information consult the current CVB Operation Procedures Manual or telephone CVB in Philadelphia at 1-800-827-2982.

P.O. Box 71363  
Philadelphia, PA 19176-1363

CVB LOCATION CODES  
ARE LISTED ON THE NEXT PAGE

GUIDELINES FOR COMPLETION OF VIOLATION  
NOTICE

1. The CVB Location Code (VERY IMPORTANT).
2. Enter Officer Number here.
3. The issuing officer must sign his name in this space.
4. The date must be in month-day-year format either 3/30/00 or March 30, 00.
5. Time and Location of offense including the name of Government facility.
6. Enter applicable statute or regulation code.
7. Use this space to describe the offense.
8. The violator's name should be placed in this space with last name first.
9. Number, address, birth date and description of defendant. (NOTE: Please obtain current address verbally if possible. DO NOT rely on Driver's License solely for this information.
10. Vehicle description, Driver's Permit No., License Plate No. and State (Accurate and Legible).
11. The type of violation according to the code should be noted in this space.
12. Court appearance location, date and time if this information is given to issuing agency.
13. Mark the appropriate box.
14. Fine as indicated in fine list. (If offense requires a mandatory court appearance, DO NOT fill in fine box.)

## REGULATION VIOLATION COLLATERAL

36 CFR, Part 1-7

### 1.5 Closures and Public Use Limit

- (f) Closure, designation, restriction, condition, visiting hours, public use limit \$100

### 1.6 Permits

- (g)(1) Engaging act. w/out permit \$100  
(g)(2) Terms/ conditions of permit \$100

### 2.1 Preservation of Natural, Cultural and Archeological Resources

- (a)(1) Possession, destroying, injuring, etc.  
(i) Living or dead wildlife and fish \$250  
(ii) Plants or parts \$100  
(iii) Non-fossilized/fossilized specimens, etc. \$200  
(iv) Mineral resource/cave formation \$200
- (a)(2) Introducing wildlife, fish or plants \$100/spec  
(3) Throwing/rolling rocks \$100  
(4) Using/possessing wood \$75  
(5) Walking on, climbing, entering, etc. \$250  
(6) Possessing, disturbing, etc. a structure or cultural or archeological resource \$500  
(7) Possession or use of mineral or metal detector \$100
- (b) Shortcutting trail/walkway \$50
- (c) (3) (i) Gathering/possessing undersigned natural products \$100  
(ii) Violation of size/quantity limits of natural products \$50  
(iii) Removal of natural products \$100  
(iv) Gathering natural products outside designated area \$100  
(v) Sale or commercial use of natural products \$250

### 2.2 Wildlife Protection

- (a) (1) Taking of Wildlife \$500  
(2) Disturbing Wildlife \$200  
(3) Possessing unlawfully taken wildlife/parts \$300  
(4) Non-hunting weapon discharge \$50



(4) Unreasonable noise between 10:00pm-6:00am	\$50
(5) Permanent camps	\$100
(6) Displaying wildlife carcasses or parts	\$100
(7) Utility connections	\$50
(8) Failure to obtain permit	\$50
(9) Superintendent's designated conditions	\$50
(10) Undesignated areas	\$50
(c) Terms/conditions of permit	\$100
(d) Failure to properly store food	\$50
<u>2.11 Picnicking</u>	
Violation of established picnicking conditions	\$25
<u>2.12 Audio Disturbances</u>	
(a) (1) Operating motorized equipment, etc.	\$50
(2) Power saw w/o permit	\$50
(3) Operating motorized equipment, etc. in undeveloped areas	\$50
(4) Public address system w/o permit	\$100
(b) Terms/conditions for permit	\$100
<u>2.13 Fires</u>	
(a) (1) Fire in undesignated area	\$50
(2) Improper use of stove/lantern	\$50
(3) Stove/lantern creating hazard	\$50
(4) Unattended fire	\$200
(5) Improper disposal of lighted/smoldering matter	\$200
(b) Failure to extinguish fire	\$200
<u>2.14 Sanitation and Refuse</u>	
(a) (1) Improper disposal of refuse	\$100
(2) Unauthorized use of disposal receptacles	\$100
(3) Depositing refuse in plumbing fixtures/toilets	\$100
(4) Improper draining of refuse from vehicle/trailer	\$100
(5) Improper use of public water outlets	\$100
(6) Polluting/contaminating park water	\$250
(7) Improper disposal of fish remains	\$50
(8) Improper disposal of human body waste in developed areas	\$100
(b) Terms/conditions of permit	\$100

### 2.15 Pets

(a) (1) Pets in closed area	\$50
(2) Failure to crate, cage, restrain on leash	\$50
(3) Unattended pet	\$50
(3) Unattended pet. Within motor vehicle, which is hazardous to pet.	\$50
(4) Allowing pet to make unreasonable noise	\$50
(5) Failure to comply w/pet excrement disposal	\$50
(e) Terms/conditions of pet permit by park residents	\$100

### 2.16 Horses and Pack Animals

(a) Use of undesignated pack animals	\$50
(b) Pack animals off trails or in undesignated areas	\$100
(c) Pack animals on park roads	\$50
(d) Free-trailing/loose herding, etc. plus \$25 per animal	\$100
(e) Moving too fast near persons	\$100
(f) Obstructing, impeding, disturbing horse/pack animals	\$100
(g) Terms/conditions of permit	\$50
(g) (1) Only cert. weed free hay or proc. feed in park	\$100
(g) (2) Tying stock to any living or dead feature, which causes damage	\$100
(g)(3) Picketed stock within 100' of trails, camps or water source	\$50
(g)(4) Inappropriate use of picket pins or picket pin sites	\$50
(g)(5) Improper disbursement of stock manure	\$50
(g)(6) Failure to report lost or dead stock	\$50

### 2.17 Aircraft and Air Delivery

(a) (1) Use in undesignated areas	\$250
(2) Within 500 ft of beaches, docks, piers, etc.	\$250
(3) Delivering/retrieving by airborne means	\$250
(c) (2) Failure to comply with downed aircraft removal procedures	\$500
(d) Compliance with FAA regulations	\$250
(e) Prohibited hovercraft	\$200
(f) Terms/conditions of permit	\$200

### 2.18 Snowmobiles

(b) Assimilation of non-conflicting State  
Use Existing law State/County Collateral

(c) Use in undesignated area	\$100
(d) (1) Excessive noise	\$50
(2) No headlamp/taillight	\$50
(3) No brakes/poor condition of brakes	\$50
(4) Racing/excess of 45 mph	\$50
(e) (1) Operation under 16 years w/o adult supervision	\$50
(2) Operation under 12 years w/o adult on same machine	\$50
(3) Supervising more than one operator under 16 years of age	\$50

### 2.19 Winter Activities

(a) Skiing, snowshoeing, ice skating, sledding, etc. on park roads	\$50
(b) Towing skier, sledder, etc. behind vehicles	\$100
(c) Failure to comply with restrictions	\$50

### 2.20 Skating, Skateboards, and Similar Devices

Use of roller skates, skateboards, and roller skis, coasting  
vehicles, etc. in undesignated area

	\$50
--	------

### 2.21 Smoking

(a) Smoking in undesignated area	\$50
(b) Smoking prohibited in caves	\$50

### 2.22 Property

(a) (1) Abandoning property	\$150
(2) Unattended property over 24 hours	\$100
(3) Failure to turn in found property	\$100

### 2.23 Recreation Fees

(b) Failure to pay required fees	\$100
----------------------------------	-------

2.30 Misappropriation of Property and Services

(a) (1) Unlawful possession of another's property	\$250*
(2) Failure to pay for property of service	\$100*
(3) Fraudulently obtaining property or service	\$250*
(4) Shoplifting or paying less than purchase price	\$200*
(5) Acquiring/Possessing stolen property	\$200*

\*Options of local, state assist or arrest, based on determination of value, mandatory, contact U.S. attorney

2.31 Trespassing, Tampering and Vandalism

(a) (1) Trespassing	\$100
(2) Tampering/Attempting	\$200
(3) Vandalism	\$250

2.32 Interfering with Agency Functions

(a) (1) Interference	\$300
(2) Lawful order	\$300
(3) False information	\$300
(4) False report	\$300

2.33 Report of Injury or Damage

(b) Failure to report	\$100
-----------------------	-------

2.34 Disorderly Conduct

(a) (1) Fighting, threatening, violent behavior	\$300
(2) Offensive or abusive utterance, gesture obscene act, etc.	\$100
(3) Unreasonable noise	\$100
(4) Creation/maintains hazardous or offensive condition	\$100

2.35 Alcoholic Beverages and Controlled Substances

(a) (2) (i) Sales or gift to underage person	\$150
(ii) Possession by underage person	\$100
(iii) Open container within motor vehicle upon park road or designated parking area	\$50
(iv) Open container stored within motor vehicle upon park road or designated park area	\$50
(3) Alcoholic beverage in closed area	\$50

(b) (1) Unlawful delivery of controlled substance	\$250*
(2) Unlawful possession of controlled substance	\$250*
(c) Under the influence of alcohol/controlled substance	\$250*
*Options of local, state assist or arrest, based on determination of value, mandatory, contact U.S. attorney	
<u>2.36 Gambling</u>	
(a) Gambling in any form prohibited	\$100
<u>2.37 Noncommercial Soliciting</u>	
(a) Gambling in any form prohibited	\$100
<u>2.38 Explosives</u>	
(a) Use, possession, transporting, storing explosives, etc.	\$250
(b) Unauthorized use/possession of fireworks	\$50
(c) Terms/conditions established or of permit	\$100
<u>2.50 Special Events</u>	
(e) Terms/conditions of permit	\$250
<u>2.51 Public Assemblies, Meetings</u>	
(a) Public assemblies, meetings, gatherings, etc. without permit	\$100
(h) Permittess obstructing, impeding, harassing, etc.	\$200
(j) Terms and conditions of permit	\$250
<u>2.52 Sale or Distribution of Printed Matter</u>	
(a) Sale of distribution without permit	\$100
(h) Permittess obstructing, impeding, harassing, etc.	\$200
(j) Terms and conditions of permit	\$250
<u>2.60 Livestock Use and Agriculture</u>	
(a) Running-at-large, herding, driving across, allowing on, pasturing or grazing of livestock	\$100

plus \$10 per animal

(b) Terms and conditions of permit \$100

2.61 Residing on Federal Lands

(a) Residing on park lands w/o permit \$100

(b) Terms and conditions of permit \$50

2.62 Memorialization

(a) Commemorative installation of memorials \$100

(b) Scattering of human ashes from cremations \$100

(c) Failure to abide by area designation/conditions \$100

(d) Terms and conditions of permit \$250

3.1 Applicable boating laws and regulations

(a) Adopted applicable laws and regulations of the U.S. Coast Guard or Use Existing State Laws and regulations State/County Collateral

(b) Non-conflicting boating safety laws and regulations of the State \$100

3.2 National Park Service distinctive identification

(b) Displaying identical/resembling identifying markings \$100

3.3 Permits

(a) Failure for obtaining a Supt. permit for use of a vessel \$200

(b) Terms and conditions of permit, failure to comply with directions by authorized person \$100

3.4 Accidents

(a) Failure to allow an authorized person to stop and/or board vessel \$100

(b) Failure to comply with directions by authorized person to suspend further use until condition is corrected

3.5 Report an accident involving a vessel

(a) Inspections, Violation of order issued pursuant \$100

(b) Failure to report accidents, collisions, fire injury, or other casualty \$100

### 3.6 Operation of a Power Driven Vessel

(a) Age restrictions	\$50
(b) Differing State age requirements	state
(c) State regulations for mandatory boater education requirements	state

### 3.7 Personal Floatation Device (PFD)

(a) Title 33 CFR, part 175 related to PFDs are adopted.	\$50
(b) Superintendent requirements for PFDs to be worn or carried	\$50

### 3.8 Prohibited vessel operations

(a) (1) Launching or operating an airboat	\$100
(a)(2) Launching or recovering a vessel, except at a launch site designated	\$100
(a)(3) Operating a power-driven vessel on waters not accessible by road	\$100
(a)(4) Operating a vessel in excess of a length, width or horsepower	\$100
(b)(1) Operating a power-driven or sailing vessel within 100 feet of a divers flag	\$50
(b)(2) Failure to observe restriction(s) established by regulatory marker	\$50
(b)(3) Operating a vessel in excess of flat wake speed in designated areas	\$50
(b)(4) Operating a vessel in excess of flat wake speed within 100 feet	
(i) a downed water skier	\$100
(ii) a person swimming, wading, fishing from shore or float	\$100

(iii)a designated launch site	\$50
(iv)a manually propelled, anchored or drifting vessel	\$50
(b)(6)Operating a power-driven vessel while a person is riding in on the decking over the bow, gunwales, etc.	\$100
(b)(7)Operating a power driven vessel engine/s or generator with a person sitting, riding or hanging on to a swim platform or ladder.	\$100
(b)(8) Operating in a negligent manner	\$150
(b)(9)Operating in a vessel or knowingly allowing another person to operate in a grossly negligent manner	\$250
<u>3.9 Operation of a personal watercraft (PWC) in park waters prohibited.</u>	\$250
<u>3.10 Operation of a vessel while under the influence of alcohol and/or drugs</u>	
(a)(1) Under the influence of alcohol, a drug or drugs	\$350*
(a)(2 )Alcohol concentration in the blood/breath is 0.08 grams or more	\$350*
(b) More restrictive State limits of alcohol concentration in the operator	state
*Options of local, state assist or arrest, based on determination of value, mandatory, contact U.S. attorney	
<u>3.11 Testing for alcohol or drugs required</u>	
(a)(1) Refusal by an operator to submit to a test	\$350*
*Options of local, state assist or arrest, based on determination of value, mandatory, contact U.S. attorney	
<u>3.12 Towing a person for water skiing or other similar activities</u>	
(a) Only in designated waters	\$100
(b) Towing a person using a parasail, hang-glider or other airborne device	\$100
(c) Violation of towing conditions	

(1) Towing only between the hours of sunrise and sunset	\$100
(2) Observer in addition to the boat operator	\$50
(3) Person being towed must wear a PFD	\$50
(4) Person being towed may not endanger any person	\$100
(5) Operating a vessel that does not have the capacity	\$100
(6) Operating a power driven vessel using a tow rope under 20' in length	\$50

**3.13 Marine Sanitation Devices (MSD)**

(a) Discharging sewage	\$150
(b) Failure to lock or otherwise secure the valves or mechanism for sanitation	\$50

**3.14 Removing a sunken, grounded, or disabled vessel**

(a) Failure to remove vessel	\$250
------------------------------	-------

**3.15 Maximum noise level for the operation of a vessel**

(a)(1) Vessels underway	\$50
(a)(2) Stationary vessels	\$50
(b) Failure to submit the vessel to an on-site test	\$50

**3.16 Swimming or wading in park waters**

Violations of closures or restrictions designated by the superintendent	\$50
---	------

**3.17 Swimming areas and beaches**

(b) Use of a surfboard or similar rigid device	\$50
(c) Use or possession of flotation devices, glass containers, kites, or incompatible activities in swim areas	\$50

**3.18 Snorkeling or underwater diving in park waters**

(a) Violations of closures or restrictions designated by the superintendent	\$50
(b) Failure to prominently display a dive flag	\$50
(c) Illumination of dive flag between sunset and sunrise	\$50
(d) Diver remaining within a 100 feet of the diver flag	\$50
(e) State laws or regulations exist concerning snorkeling	state

**3.19 Operating a submersible within park waters**

Failure to obtain permit from Superintendent	\$250
--	-------



**4.15 Safety Belts**

(a) Failure to properly use seat belt or child restraint \$50

**4.20 Right of Way failure to yield to pedest, saddle horse** \$50

**4.21 Speed Limits**

(c) Speed in excess of posted speed limit 5 per mile over limit

**4.22 Unsafe Operation**

(a) Reckless driving use 4.2a

(b)(1) Without due care 100

(b)(2) Excessive acceleration 50

(b)(3) Fail to maintain control of motor vehicle 200

(b)(4) (i) Operating a motor vehicle while allowing to ride in non specifically designed trailer etc. 75

**4.23 Operating under the influence of alcohol or drugs**

(a)(1) Oper. or being in physical control of motor vehicle while \$350\*

(a)(2) Alcohol .08 grams or greater \$350\*

(c) Refusal to submit to BAC test \$350\*

\*Options of local, state assist or arrest, based on determination of value, mandatory, contact U.S. attorney

**4.30 Bicycles**

(a) Operating in a prohibited area \$50

(d)(1) Possession a bicycle in a wilderness area \$100

(d)(2) Operating during low visibility without light or reflect \$50

(d)(3) Operating abreast \$50

(d)(4) Operating while consuming/carrying alcohol \$100

Traffic regulations apply \$25

**4.31 Hitchhiking Prohibited**

Hitchhiking prohibited \$50

**Part 5 – Commercial and Private Operations**

**5.1 Advertisements**

Advertise, display, post, distribute commercial notice without permit \$50

<u>5.2 Alcoholic Beverages; Sale of Intoxicants</u>		
(a) Sale of to conform to Federal/State/ Local Existing	Use	
Laws and regulations	State/County Collateral	
(b) Sale on privately owned lands within specific parks without permit		state
<u>5.3 Business Operations</u>		
Engaging in or soliciting business without Permit, contract, etc.		\$100
<u>5.4 Commercial, Passenger Carrying Motor Vehicles</u>		
(a) Commercial transportation by motor vehicles without contract or permit in specified parks		\$200
(b) Oversized passenger carry motor vehicles		\$100
<u>5.5 Commercial Photography</u>		
(a) Motion pictures/television without permit		\$500
(b) Still photography for commercial advertising without permit		\$100
<u>5.6 Commercial Vehicles</u>		
(b) Use of park roads prohibited		\$250
<u>5.7 Construction of Building or Other Facilities</u>		
Construction or attempting to construct without permits, contract, etc.	Mandatory Appearance	
<u>5.8 Discrimination in Employment Practices</u>		
(a) Practicing discrimination		MA
(b) Failure to post notice		\$25
<u>5.9 Discrimination in Furnishing Public Accommodations and Transportation</u>		
(a) Practicing discrimination		MA
(b) Failure to post notice		\$25

5.10 Eating, Drinking or Lodging Establishments

(a) Operating without permit MA

(b) Health law violation and in accordance Use  
Existing  
with P.H.S., State and local law  
Federal/State/Local  
and regulations  
Collateral

5.13 Nuisances

Creating or maintaining a nuisance \$50

5.14 Prospecting, Mining and Mineral Leasing

Prospecting, mining and location MA