

## TITLE 12. NATURAL RESOURCES

## CHAPTER 8. ARIZONA STATE PARKS BOARD

Authority: A.R.S. § 41-511 et seq.

*Editor's Note: The Office of the Secretary of State publishes all Code Chapters on white paper (Supp. 01-4).*

*Editor's Note: Sections in this Chapter were adopted and amended under an exemption from the provisions of the Arizona Administrative Procedure Act, pursuant to A.R.S. § 41-1005(A)(21). Exemption from this Act means that this Section was not reviewed or approved by the Governor's Regulatory Review Council; notice of this rule was not submitted to the Office of the Secretary of State for publication in the Arizona Administrative Register; and no public comment period or public hearings were required to be held on this rule. Because this Chapter contains rules which were adopted under a rulemaking exemption, the Chapter is printed on blue paper.*

## ARTICLE 1. GENERAL PROVISIONS

Section	
R12-8-101.	Definitions
R12-8-102.	Permission to Enter or Remain in a State Park
R12-8-103.	Vandalism
R12-8-104.	Hours of Use; Closure
R12-8-105.	Repealed
R12-8-106.	Limited Services on Christmas
R12-8-107.	Litter and Waste
R12-8-108.	Payment of Fees
R12-8-109.	Fees and Permits
R12-8-110.	Fee Waivers
R12-8-111.	Camping
R12-8-112.	Campfires
R12-8-113.	Vehicles, Speed Limits, and Parking
R12-8-114.	Watercraft; Launching and Mooring
R12-8-115.	Pets
R12-8-116.	Glass Containers
R12-8-117.	Reserved
R12-8-118.	Reserved
R12-8-119.	Weapons
R12-8-120.	Fireworks and Explosives
R12-8-121.	Reserved
R12-8-122.	Commercial Use of a State Park
R12-8-123.	Reserved
R12-8-124.	Disorderly Conduct
R12-8-125.	Special Use Permits
R12-8-126.	Violation; Classification
Exhibit A.	January 1, 2008 Regular Fee Schedule

## ARTICLE 2. OPERATION OF THE BOARD

Section	
R12-8-201.	Meetings
R12-8-202.	Organization of the Board
R12-8-203.	Committees
R12-8-204.	Procedures at Meetings
R12-8-205.	Repeal
R12-8-206.	Repeal
R12-8-207.	Board Concession Approval Policy

## ARTICLE 3. STATE HISTORIC PRESERVATION OFFICE PROGRAMS

Section	
R12-8-301.	Definitions
R12-8-302.	Criteria for Evaluation
R12-8-303.	Processes of Registration
R12-8-304.	Factors for Determining Certification Eligibility
R12-8-305.	Verification of Eligibility for Property Tax Reclassification
R12-8-306.	Minimum Maintenance; Restoration Standards
R12-8-307.	Documentation Requirements, Reports, and Inspections

## ARTICLE 1. GENERAL PROVISIONS

## R12-8-101. Definitions

In this Chapter:

"Board" means the Arizona State Parks Board.

"Cabana site" means a camping unit with a shelter and electricity available.

"Camp or camping" means overnight use of a camping unit.

"Camping unit" means a defined space within an area designated for overnight use in a state park.

"Commercial activity" means soliciting funds, offering to sell a good or service, advertising, receiving money or another thing of value in exchange for a good, service, or activity, or conducting a business or a portion of a business, whether for profit or on behalf of a non-profit entity, on property managed by the Board. Commercial activity does not include distributing written material that describes how to make a donation at a location that is not on property managed by the Board.

"Concession" means a contract issued by the Board for the use of land managed by the Board to provide goods, services, or facilities to the public.

"Day-use area" means a space within a state park that is closed to camping but open to the public during established hours.

"Director" means the Executive Director of the Board or a representative of the Executive Director.

"Disorderly conduct" has the same meaning as prescribed in A.R.S. § 13-2904.

"Fee area" means a space in a state park for which a fee is charged to use, occupy, or enter.

"Hook-up site" means a camping unit with a connection for water, sewer, or electricity.

"Interpretive program" means a scheduled program conducted by an employee or volunteer of the Board at a state park, to inform, educate, or interpret resources for the public.

"Park Officer" means an employee of the Board who is appointed under A.R.S. § 41-511.09 as a park ranger law enforcement officer with the authority and power of a peace officer.

"Park Ranger" means an employee of the Board responsible for protecting and preserving the property at a state park and providing information services to park visitors.

"Person" means an individual, corporation, firm, partnership, club, or association.

"Service animal" has the same meaning as prescribed in A.R.S. § 11-1024.

"Special use" means the following categories of use of property managed by the Board:

Private special event: A non-public use that requires exclusion of the general public;

Public special event: A commercial activity that is not conducted under a concession or commercial rental or retail permit;

Festival special event: An exhibition, performance, or competition, whether for profit or non-profit, that is open

to the public and for which a special entrance fee is charged; and

Commercial photography use: Taking photographs for any medium or making a motion picture or video.

“State-park annual pass” means a document authorizing the holder to enter, remain in, and use state parks multiple times during one year, subject to some restrictions.

“State Park System” or “state park” means the lands, waters, monuments, historical sites, state recreation areas, and any other areas managed by the Board.

“Wildlife” has the same meaning as prescribed in A.R.S. § 17-101.

#### Historical Note

Former Rule 1; Former Section R12-8-01 repealed, new Section R12-8-01 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-02 renumbered and amended as Section R12-8-101 effective November 1, 1981 (Supp. 81-5). Amended effective March 7, 1991 (Supp. 91-1). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

#### R12-8-102. Permission to Enter or Remain in a State Park

- A. A person who enters, remains in, or uses a state park shall comply with state law, including this Chapter.
- B. A person who violates state law, including this Chapter, while in a state park shall leave the state park upon order of a Park Ranger or Park Officer.
- C. A person who leaves a state park under subsection (B) shall not reenter the state park for at least 72 hours.

#### Historical Note

Former Rule 2; Former Section R12-8-02 repealed, new Section R12-8-02 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-01 renumbered and amended as Section R12-8-102 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

#### R12-8-103. Vandalism

Within a state park, a person shall not deface, injure, destroy, remove, or use, without authority, any:

1. Public facility or property;
2. Wildlife, plant, or animal; or
3. Archaeological, geological, or historical object.

#### Historical Note

Former Rule 3; Former Section R12-8-03 repealed, new Section R12-8-03 adopted effective January 28, 1976 (Supp. 76-1). Former Sections R12-8-03 and R12-8-06 renumbered and amended as Section R12-8-103 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

#### R12-8-104. Hours of Use; Closure

- A. Camping areas are open to public use at all hours. Historic sites are open to the public from 8:00 a.m. to 5:00 p.m. Day use areas are governed by R12-8-105.
- B. Day-use areas are open to the public during the hours posted.
- C. The Director may temporarily restrict the hours of public use or close all or a portion of a state park in the interest of public safety or to protect the property.
- D. The Director may modify the hours of use on a temporary basis to accommodate unusual or seasonal circumstances. The

Director shall post any exception to usual hours of public use at the entrance to the state park.

#### Historical Note

Former Rule 4; Former Section R12-8-04 repealed, new Section R12-8-04 adopted effective January 28, 1976 (Supp. 76-1). Former Sections R12-8-04 and R12-8-05 renumbered and amended as Section R12-8-104 effective November 1, 1981 (Supp. 81-5). Amended subsections (A) and (C) effective July 12, 1984 (Supp. 84-4). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

#### R12-8-105. Repealed

#### Historical Note

Former Rule 5; Former Section R12-8-05 repealed, new Section R12-8-05 adopted effective January 28, 1976 (Supp. 76-1). Amended effective June 29, 1979 (Supp. 79-3). Former Section R12-8-05 renumbered and amended as Section R12-8-105 effective November 1, 1981 (Supp. 81-5). Amended effective March 23, 1990 (Supp. 90-1). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Section repealed by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

#### R12-8-106. Limited Services on Christmas

State park facilities are not staffed on Christmas except in an emergency. On Christmas, caves, museums, contact stations, and visitor centers are closed. Other state park areas are open for public use as posted.

#### Historical Note

Former Rule 6; Former Section R12-8-06 repealed, new Section R12-8-06 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-05 renumbered and amended as Section R12-8-106 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

#### R12-8-107. Litter and Waste

- A. Within a state park, a person shall not leave or discard trash, garbage, or human or animal waste unless the person:
  1. Confines the trash, garbage, or human or animal waste in a sanitary manner; and
  2. Deposits the trash, garbage, or human or animal waste in a facility specifically designated to receive it.
- B. Within a state park, a person shall not deposit trash, garbage, or human or animal waste collected from a private residence, business, or other place outside the state park.

#### Historical Note

Former Rule 7; Former Section R12-8-07 repealed, new Section R12-8-07 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-14 renumbered and amended as Section R12-8-107 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

#### R12-8-108. Payment of Fees

- A. Before entering, remaining in, or using a fee area, a person shall:
  1. Pay the required fee,
  2. Purchase a current state-park annual pass, or
  3. Obtain permission from the Director.

## Arizona State Parks Board

- B. A fee paid under subsection (A)(1) to enter, remain in, or use one state park does not authorize entering, remaining in, or using another state park.

**Historical Note**

Former Rule 8; Former Section R12-8-08 repealed, new Section R12-8-08 adopted effective February 1, 1976 (Supp. 76-1). Amended effective June 30, 1978 (Supp. 78-3). Former Section R12-8-07 renumbered and amended as Section R12-8-108 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

*Editor's Note: The Arizona State Parks Board amended this Section effective March 2, 1998, under an exemption from the Arizona Administrative Procedure Act. Exemption from this Act means this Section was not submitted to the Office of the Secretary of State for publication as a proposed rule in the Arizona Administrative Register; no public comment period or public hearings were required to be held on this rule; and the rule was not reviewed or approved by the Governor's Regulatory Review Council (Supp. 98-1).*

*Editor's Note: The Arizona State Parks Board amended this Section effective January 1, 1998, under an exemption from the Arizona Administrative Procedure Act. Exemption from this Act means this Section was not submitted to the Office of the Secretary of State for publication as a proposed rule in the Arizona Administrative Register; no public comment period or public hearings were required to be held on this rule; and the rule was not reviewed or approved by the Governor's Regulatory Review Council (Supp. 97-4).*

*Editor's Note: The Arizona State Parks Board repealed the old Section text as specified in the following Editor's Note, effective January 12, 1996, under an exemption from the Arizona Administrative Procedure Act. Exemption from this Act means that this Section was not submitted to the Office of the Secretary of State for publication as a proposed rule in the Arizona Administrative Register; no public comment period or public hearings were required to be held on this rule; and the rule was not reviewed or approved by the Governor's Regulatory Review Council (Supp. 96-1).*

*Editor's Note: The Arizona State Parks Board adopted a new R12-8-109 under an exemption from the provisions of the Arizona Administrative Procedure Act but did not repeal the old rule. Therefore the text of both the old Section and the new Section appear here, with the old Section appearing first and the new Section appearing second. The agency will repeal the old text in January 1996.*

*Editor's Note: The following Section was amended under an exemption from the provisions of the Arizona Administrative Procedure Act. Exemption from this Act means that this Section was not reviewed by the Governor's Regulatory Review Council or the Attorney General; notice of this rule was not submitted to the Office of the Secretary of State for publication in the Arizona Administrative Register; and no public comment period or public hearings were required to be held on this rule.*

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act.*

**R12-8-109. Fees and Permits**

- A. Annual fee review. The Board shall annually review and set fees for entrance, camping, and overnight parking at a state

park. The Board shall base the fees upon an analysis of the following criteria:

1. Fee and permit charges of state park agencies in the 11 western states,
  2. Fee and permit charges of entities with similar facilities within Arizona,
  3. Operational and developmental costs of the Board,
  4. Public demand for services, and
  5. Public-use impacts upon park resources.
- B. The Board shall ensure that fees for entrance, camping, and overnight parking are posted at each state park and printed in state-park literature intended for public information.
- C. Fee schedule. Entrance, camping, and overnight parking fees for each state park are listed in Exhibit A.
- D. Special use fees. The Director shall negotiate a fee for a special use if the Director determines that a fee greater than the fee listed in Exhibit A is justified based upon analysis of the following criteria:
1. Board expenses resulting from the special use,
  2. Loss of revenue resulting from the special use,
  3. Impacts upon park resources and visitors as a result of the special use, and
  4. The goodwill produced for sponsors of the special use.
- E. Interpretive program fees. The Director may establish a special fee for or waive the usual state park entrance fee during an interpretive program. The Director shall determine whether to assess a special fee or waive the usual state park entrance fee for an interpretive program using the criteria specified in subsection (D). If the Director establishes a special fee for an interpretive program, the Director shall ensure that the special fee is posted and printed in state-park literature in advance of the interpretive program.
- F. Commercial permit. A person that intends to enter a state park to conduct any portion of a business that is not covered by a concession or special use permit shall obtain either a commercial retail or commercial rental permit from the Board before entering the state park. A commercial permit authorizes one commercial vehicle carrying no more than four individuals to enter the state park for which the commercial permit is issued.

**Historical Note**

Former Rule 9; Former Section R12-8-09 repealed, new Section R12-8-09 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-08 renumbered and amended as Section R12-8-109, subsections (A), (B) and (D), effective November 1, 1981, subsection (C) effective January 1, 1982 (Supp. 81-5). Amended by adding subsection (E) effective July 12, 1984 (Supp. 84-4). Amended subsections (B) and (D) and added subsection (F) effective January 1, 1985 (Supp. 84-6). Amended effective April 22, 1988 (Supp. 88-2). Repealed due to legislative exemption which was amended into the Arizona Administrative Procedure Act. New Section adopted effective January 1, 1994, under an exemption from the provisions of the Arizona Administrative Procedure Act; filed in the Office of the Secretary of State December 28, 1993 (Supp. 93-4). Amended effective January 1, 1995, under an exemption from A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 41-1005(A)(21); filed in the Office of the Secretary of State December 23, 1994 (Supp. 95-3). New Section adopted effective January 1, 1996, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-1005(A)(21); filed in the Office of the Secretary of State December 22, 1995 (Supp. 95-4). Text of Section in effect before January 1, 1996, repealed effective January 11, 1996, pursuant to an exemption from A.R.S. Title 41, Chapter 6, specified in

A.R.S. § 41-1005(A)(21) (Supp. 96-1). Amended effective January 1, 1997, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State December 9, 1996 (Supp. 96-4). Amended effective January 1, 1998, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State December 11, 1997 (Supp. 97-4). Amended effective March 2, 1998, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State February 13, 1998 (Supp. 98-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

*Editor's Note: The Arizona State Parks Board amended this Section effective January 1, 1998, under an exemption from the Arizona Administrative Procedure Act. Exemption from this Act means this Section was not submitted to the Office of the Secretary of State for publication as a proposed rule in the Arizona Administrative Register; no public comment period or public hearings were required to be held on this rule; and the rule was not reviewed or approved by the Governor's Regulatory Review Council (Supp. 97-4).*

*Editor's Note: The Arizona State Parks Board repealed the old Section text as specified in the following Editor's Note, effective January 12, 1996, under an exemption from the Arizona Administrative Procedure Act. Exemption from this Act means that this Section was not submitted to the Office of the Secretary of State for publication as a proposed rule in the Arizona Administrative Register; no public comment period or public hearings were required to be held on this rule; and the rule was not reviewed or approved by the Governor's Regulatory Review Council. (Supp. 96-1).*

*Editor's Note: The Arizona State Parks Board adopted a new R12-8-109 under an exemption from the provisions of the Arizona Administrative Procedure Act but did not repeal the old rule. Therefore the text of both the old Section and the new Section appear here, with the old Section appearing first and the new Section appearing second. The agency will be repealing the old text soon.*

*Editor's Note: The following Section was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act. Exemption from this Act means that this Section was not reviewed by the Governor's Regulatory Review Council; notice of this rule was not submitted to the Office of the Secretary of State for publication in the Arizona Administrative Register; no public comment period or public hearings were required to be held on this rule; and the Attorney General has not certified this rule.*

#### **R12-8-110. Fee Waivers**

- A. The Director may waive the entrance fee listed in Exhibit A for the following groups. If the Director does not waive the entrance fee, members of the group shall pay the entrance fee listed in Exhibit A:
1. A preschool or K-12 school group and accompanying chaperons;
  2. A group of professional individuals participating in a parks and recreation, historic, or interpretive seminar or conference tour; and
  3. A group of disabled individuals affiliated with an organization or agency established to care for, rehabilitate, train, or serve the disabled individuals. For the purpose of this subsection, disabled means blind or visually impaired,

deaf or hard of hearing, mobility impaired, or developmentally impaired.

- B. An individual who serves as a volunteer and has a signed volunteer agreement with the Board is exempt from entrance fees listed in Exhibit A.
- C. The Director may modify any fee prescribed under R12-8-109 to grant a discount or promotional rate.

#### **Historical Note**

Adopted effective July 12, 1984 (Supp. 84-4). Repealed due to legislative exemption which was amended into the Arizona Administrative Procedure Act. New Section adopted effective January 1, 1994, under an exemption from the provisions of the Arizona Administrative Procedure Act; filed in the Office of the Secretary of State December 28, 1993 (Supp. 93-4). Adopted effective January 1, 1996, under an exemption from the provisions of the Arizona Administrative Procedure Act; filed in the Office of the Secretary of State December 22, 1995 (Supp. 95-4). Text of Section in effect before January 1, 1996, repealed effective January 11, 1996, pursuant to an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-1005(A)(21) (Supp. 96-1). Amended effective January 1, 1998, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State December 11, 1997 (Supp. 97-4). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

#### **R12-8-111. Camping**

- A. Camping is permitted only in a designated camping unit.
- B. Except when camping at a Board-approved concession area within a state park, a person using a camping unit shall not:
1. Camp in a state park for more than 15 days within a 30-day period unless authorized by the Director;
  2. Camp in a state park for more than 29 days within a 45-day period that is posted as a long-term stay period unless authorized by the Director;
  3. Leave an occupied camping unit unattended overnight without written permission from the Director; or
  4. Allow the number of persons occupying a camping unit or the number of vehicles in the camping unit to exceed the limits posted at the entrance to the state park or camping unit.
- C. A camping unit is considered occupied after the use fee is paid and the camper establishes a conspicuous presence. A person shall not occupy a camping unit in violation of instructions from the Director or if there is reason to believe that the camping unit is occupied by another camper.
- D. A Park Ranger shall allow the occupants of a single vehicle to register for more than one camping unit only if the number of occupants exceeds the posted occupancy limit for the camping unit.
- E. A person shall pay the fee for a permit to use a camping unit on a per-day basis. Payment authorizes use of the camping unit until 2:00 p.m. on the day the permit expires.
- F. A person shall remove all personal property from a camping unit by 2:00 p.m. on the day that a permit expires or purchase an additional permit if eligible under subsection (B).

#### **Historical Note**

Former Rule 11; Former Section R12-8-11 repealed, new Section R12-8-11 adopted effective January 28, 1976 (Supp. 76-1). Former Sections R12-8-09 and R12-8-10 renumbered and amended as Section R12-8-111 effective November 1, 1981 (Supp. 81-5). Amended subsection (A), Paragraph (1) effective November 27, 1987 (Supp. 87-4). Amended by final rulemaking at 7 A.A.R. 1010,

## Arizona State Parks Board

effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-112. Campfires**

- A. A person shall ignite an outdoor fire only in a camping unit or day-use area specifically designated for an outdoor fire.
- B. A person who ignites an outdoor fire shall ensure that the fire is confined to a grill, fire ring, or other facility provided by the state park.
- C. A person shall not ignite or maintain a fire when a high wind is blowing or when open burning is prohibited by order of the Director.
- D. A person who ignites an outdoor fire shall ensure that the fire is attended and controlled at all times.

**Historical Note**

Former Rule 12; Former Section R12-8-12 repealed, new Section R12-8-12 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-11 renumbered and amended as Section R12-8-112 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-113. Vehicles, Speed Limits, and Parking**

- A. The operator of a motor vehicle within a state park shall drive the motor vehicle only on a maintained roadway, parking area, or other area designated by signs for motor vehicle use.
- B. The operator of a motor vehicle within a state park shall comply with all state law regarding operation of a motor vehicle and shall not drive the motor vehicle at a speed greater than is reasonable and prudent under the circumstances and conditions or in excess of a posted limit.
- C. The operator of a motor vehicle within a state park shall not park or leave the motor vehicle unattended except in a designated parking area or parking zone. The Director may remove an unattended motor vehicle that is illegally parked or left standing upon a roadway or in a park area in a manner that may obstruct traffic or impair normal activities of the state park.

**Historical Note**

Former Rule 29; Former Section R12-8-13 repealed, new Section R12-8-13 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-12 renumbered and amended as Section R12-8-113 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-114. Watercraft; Launching and Mooring**

A person shall not moor or launch a watercraft from a shore within a state park if the Director has determined that it is in the best interest of the state park to prohibit mooring or launching of watercraft and has posted notice of the prohibition at the shore.

**Historical Note**

Former Rule 14; Former Section R12-8-14 repealed, new Section R12-8-14 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-13 renumbered and amended as Section R12-8-114 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-115. Pets**

- A. Except as provided in subsection (B), a person shall keep a dog, cat, or other pet on a leash that does not exceed six feet or otherwise restrain the animal while in a state park.
- B. The restraint requirement in subsection (A) does not apply to a dog in an area open to hunting or field trials if the dog is participating in these activities.
- C. A person shall not take a pet into a state park building, cabana site, developed beach, or other area that the Director has determined is environmentally or ecologically sensitive. This restriction does not apply to a service animal.

**Historical Note**

Former Rule 15; Former Section R12-8-15 repealed, new Section R12-8-15 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-15 renumbered and amended as Section R12-8-115 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-116. Glass Containers**

A person shall not possess a glass or ceramic container in a state park area that is designated as a public beach or swimming area, or posted "No Glass Containers."

**Historical Note**

Adopted effective January 3, 1989 (Supp. 89-1). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-117. Reserved****R12-8-118. Reserved****R12-8-119. Weapons**

- A. The following definitions apply to this Section:
  1. "Improved recreation area" means a camping unit, roadway, amphitheater, boat launching ramp, developed picnic area, developed swimming beach, and any other area within a state park that is designated by the Director and reserved for an assembly or other temporary gathering of persons.
  2. "Prohibited weapon" means a firearm as defined by A.R.S. § 13-3101, including a BB or pellet gun, bow, or slingshot.
- B. A peace officer or private security guard employed by the holder of a park concession is authorized to carry a firearm in a state park if:
  1. The peace officer is certified under state law, or
  2. The holder of the park concession complies with A.R.S. § 32-2606(3) regarding private security guards.
- C. Unless authorized under subsection (B), a person shall not enter or remain in an improved recreation area while carrying a prohibited weapon after a reasonable request from a park ranger to remove it. A request to remove a prohibited weapon is reasonable if a park ranger believes that the person carrying the prohibited weapon poses a danger or threat to others lawfully present. If, after a reasonable request is made, a person carrying a prohibited weapon within an improved recreation area chooses to remain in the improved recreation area, the person shall place the weapon in the custody of a park ranger until the person leaves the improved recreation area.
- D. A firearm may be transported or stored in a vehicle on any state park area as allowed by A.R.S. § 13-3102(F).

- E. A hunter who holds a current license issued by the Arizona Game and Fish Department may carry a lawful hunting weapon in any state park area designated for hunting and may carry the hunting weapon through the state park to reach the state park area designated for hunting.

**Historical Note**

Adopted effective July 12, 1984 (Supp. 84-4). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-120. Fireworks and Explosives**

A person shall not discharge fireworks or any other explosive device within a state park without first obtaining from the Director a special use permit that authorizes the discharge of fireworks or any other explosive device.

**Historical Note**

Former Rule 20. Former Section R12-8-20 repealed, new Section R12-8-20 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-20 renumbered and amended as Section R12-8-120 adopted effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-121. Reserved**

**R12-8-122. Commercial Use of a State Park**

- A. A person shall not engage in a commercial activity within a state park unless the commercial activity is authorized by:
1. A special use permit issued under R12-8-125,
  2. A concession, or
  3. A commercial rental or retail permit.
- B. Subsection (A) does not apply to an individual who enters a state park in a commercially marked vehicle if the individual intends to, provide service to the holder of a special use permit, concession, or commercial rental or retail permit, or respond to an emergency.

**Historical Note**

Former Rule 22. Former Section R12-8-22 repealed, new Section R12-8-22 adopted effective January 28, 1976 (Supp. 76-1). Former Sections R12-8-22 and R12-8-23 renumbered and amended as Section R12-8-122 effective November 1, 1981 (Supp. 81-5). Amended subsection (A) effective July 12, 1984 (Supp. 84-4). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-123. Reserved**

**R12-8-124. Disorderly Conduct**

- A. A person shall not engage in disorderly conduct within a state park.
- B. Within a state park, a person shall not knowingly disturb the peace of an area or another person, make unreasonable noise, engage in violent behavior, use provocative language or gestures, or recklessly handle, display, or discharge a deadly weapon or dangerous instrument.
- C. A person shall not use a loudspeaker in a state park without first obtaining from the Director a special use permit that authorizes the use of a loudspeaker.

**Historical Note**

Former Rule 24. Former Section R12-8-24 repealed, new Section R12-8-24 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-24 renumbered and amended as Section R12-8-124 effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-125. Special Use Permits**

- A. Special use permit required. Within a state park, a person shall obtain a special use permit from the Board before:
1. Engaging in an activity that is prohibited by this Chapter without a permit;
  2. Excluding the general public from an area or facility within the state park;
  3. Engaging in a commercial activity not covered by a concession or commercial rental or retail permit;
  4. Engaging in a spectator event designed to attract a large crowd;
  5. Engaging in an activity that requires a permit from another entity such as the Coast Guard, Arizona Game and Fish Department, or a city, county, or municipality;
  6. Engaging in an activity that requires a reservation outside an area designated for use by reservation; or
  7. Using a state park area for a purpose different from that for which the area is designated.
- B. General terms and conditions. The Board shall issue a special use permit only subject to the following general terms and conditions:
1. An application for the special use permit is submitted less than one year before the planned special use;
  2. The special use permit may be revoked if the Board determines that the permit holder fails to comply with state park statutes, this Chapter, and all Board policies that are terms of the special use permit;
  3. The special use permit does not conflict with a concession without written approval from the concession holder;
  4. The special use permit is issued to the first person that applies for a special use permit for a particular day at a particular location;
  5. The special use permit is issued only after the applicant complies with any indemnity and insurance requirements that the Board determines are necessary to protect the state;
  6. The special use permit is issued only after the applicant pays required fees or obtains a fee waiver under R12-8-110;
  7. The special use does not conflict with the Board's management goals for the state park; and
  8. The special use does not create a safety hazard to participants, spectators, or the general public.
- C. Private special event. The Board shall issue a special use permit for a private special event only subject to the following specific terms and conditions:
1. The person requesting a special use permit for a private special event requests the special use permit for no more than seven consecutive days of use and no more than 14 days of use in a calendar year;
  2. The private special event does not significantly interfere with the public's use of the state park; and
  3. The person holding a special use permit for a private special event does not engage in commercial activity within a state park.
- D. Public special event. The Board shall issue a special use permit for a public special event only subject to the following specific terms and conditions:
1. The person requesting a special use permit for a public special event requests the special use permit for no more than four consecutive days of use in a calendar quarter and no more than 16 days of use in a calendar year at a particular state park; and
  2. No more than two special use permits for a public special event are issued per day per state park.

## Arizona State Parks Board

- E. Festival special event. The Board shall issue a special use permit for a festival special event only subject to the following specific terms and conditions:
1. The person requesting a special use permit for a festival special event requests the special use permit at least 120 days before the festival special event if no more than 1,500 people are expected to attend each day of the festival special event or at least 180 days before the festival special event if more than 1,500 people are expected to attend each day;
  2. The person requesting a special use permit for a festival special event requests no more than seven consecutive days of use and no more than 14 days of use in a calendar year at a particular state park;
  3. No more than one special use permit for a festival special event is issued per day per state park;
  4. The person requesting a special use permit for a festival special event provides to the Board a detailed plan regarding security, sanitary facilities, medical services, parking, food and drink facilities, booths, and sponsorships at least 90 days before the festival special event; and
  5. The person requesting a special use permit for a festival special event obtains all permits required by other entities such as a city, county, municipality, or agency and submits a copy of all permits to the Board at least 30 days before the festival special event.
- F. Commercial photography special use. The Board shall issue a special use permit for commercial photography only subject to the following specific terms and conditions:
1. The person requesting a special use permit for commercial photography requests the special use permit at least 30 days before the commercial photography event;
  2. The person requesting a special use permit for commercial photography requests no more than seven consecutive days of use and no more than 14 days of use in a calendar year at a particular state park; and
  3. The person holding a commercial photography special use permit does not engage in commercial activity within a state park.

**Historical Note**

Former Rule 25; Former Section R12-8-25 repealed, new Section R12-8-25 adopted effective January 28, 1976 (Supp. 76-1). Former Section R12-8-25 renumbered and amended as Section R12-8-125 effective November 1, 1981 (Supp. 81-5). Amended subsections (A) and (C) effective November 27, 1987 (Supp. 87-4). Amended effective January 1, 1997, under an exemption from A.R.S. Title 41, Chapter 6; filed in the Office of the Secretary of State December 9, 1996 (Supp. 96-4). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-126. Violation; Classification**

Under A.R.S. § 41-511.13, an individual who violates a provision of this Chapter commits a class 2 misdemeanor.

**Historical Note**

Adopted effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

Exhibit A. January 1, 2008 Regular Fee Schedule

ARIZONA STATE PARKS FEE SCHEDULE  
EFFECTIVE January 1, 2008

- 1: Adult is defined as an individual 14 years of age and older.
- 2: Camping fees reflect a "Range" dependent upon specific site location and seasonality. Call individual Park facility for current information.
- 4: Over-sized Parking is an additional fee for those vehicles or vehicle/trailer units that exceed 55' in total length.
- 5: Additional Program Fees may apply, see "OTHER FEES."
- 6: For Cabins & Yurts an additional overnight fee of \$5.00 per pet per night will be assessed.
- 7: Camping by Reservation only. Contact the Park Facility directly for availability and details.

These fees are charged on a "per vehicle" basis that includes up to 4 Adults per vehicle. Additional fees for vehicles containing more than 4 Adults will be assessed.  
50% discount off regular entrance fee for Regular Military, Reserve, National Guard, and state militia troops and their families.

PARK NAME	DAILY ENTRANCE			NIGHTLY CAMPING <sup>2</sup>				
	Per Vehicle 1-4 Adults <sup>1</sup>	Individual/ Bicycle	Over-Size Parking <sup>4</sup>	Non-Electric Campsite	Electric Site	Cabana or Boat Site	Cabin <sup>6</sup>	Yurt <sup>6</sup>
ALAMO*	5.00	2.00		10-12.00	19-25.00		50.00 - 75.00	
BOYCE THOMPSON	(Separate Fee Schedule)							
BUCKSKIN MOUNTAIN	8.00	2.00			19-30.00	19-25.00		
BUCKSKIN RIVER ISLAND	8.00	2.00		14-16.00	19-30.00			
CATALINA	6.00	2.00		12-15.00	19-30.00			
Friday before Memorial Day through the end of Labor Day	3.00	2.00		10.00	15.00			
CATTAIL COVE	10.00	2.00	15.00		19-30.00	10 -16.00		
DEAD HORSE RANCH	6.00	2.00		12-15.00	19-30.00		50.00 - 75.00	
FOOL HOLLOW	6.00	2.00		12-15.00	19-30.00			
Oct.16 - March 14	3.00	2.00						
HOMOLOVI RUINS	5.00	1.00		10-12.00	14-20.00			
LAKE HAVASU*	10.00	2.00	15.00	14-16.00	19-30.00			
LOST DUTCHMAN	5.00	2.00		12-15.00	19-30.00			
Friday before Memorial Day through the end of Labor Day	3.00	2.00						
LYMAN LAKE	5.00	2.00		12-15.00	19-22.00		50.00 - 75.00	35.00 - 50.00
ORACLE <sup>5</sup>	6.00	2.00						
Friday before Memorial Day through the end of Labor Day	5.00	2.00						
PATAGONIA LAKE	7.00	2.00		12-15.00	19-30.00	15-20.00		
Holidays & weekends	8.00	2.00						
Friday before Memorial Day through the end of Labor Day								
PICACHO PEAK <sup>5</sup>	6.00	2.00		12-15.00	19-22.00			
Friday before Memorial Day through the end of Labor Day	3.00	2.00		10.00	15.00			
RED ROCK <sup>5</sup>	6.00	2.00		(educational groups only: \$12.00 /group of 1-6 persons)				
ROPER LAKE	5.00	2.00		10-12.00	16-20.00		35.00 - 50.00	
Friday before Memorial Day through the end of Labor Day	3.00	2.00			15.00			
SLIDE ROCK <sup>5</sup>	8.00	2.00						
Friday before Memorial Day through the end of Labor Day	10.00	2.00						
SONOITA CREEK <sup>7</sup>				11.00				

\*Electric Campsites / Cabins are under development and are not yet available.

Children ages 0-13, when accompanied by a paying adult age 18 years or older, will be admitted free as long as the child is not part of an organized group. Group discounts may be available where listed. A group is 15 persons or more with prearranged arrival. All persons in a group, regardless of age, apply toward a group's number. Group discounts do not apply to Program Fees.

PARK NAME	DAILY ENTRANCE FEES		GROUP FEES Ages 14 & up
	Ages 0-13	Ages 14 & up	
FORT VERDE <sup>5</sup>	free	2.00	1.60
JEROME <sup>5</sup>	free	3.00	2.40
MCFARLAND <sup>5</sup>	free	3.00	2.40
TOMBSTONE <sup>5</sup>	free	4.00	3.20
Friday before Memorial Day through the end of Labor Day	free	3.00	
TONTO NATURAL BRIDGE	free	3.00	2.40
TUBAC PRESIDIO <sup>5</sup>	free	3.00	2.40

Arizona State Parks Board

Friday before Memorial Day through the end of Labor Day	free	2.00	
YUMA QUARTER MASTER DEPOT <sup>5</sup>	free	3.00	2.40
YUMA TERRITORIAL PRISON <sup>5</sup>	free	4.00	3.20

Group discounts are available where listed. A group is 15 persons or more with prearranged arrival. All persons in a group, regardless of age, apply toward a group's number.

PARK NAME	DAILY ENTRANCE FEES			GROUP FEES	
	Ages 0-6	Ages 7-13	Ages 14 & up	Ages 7-13	Ages 14 & up
RIORDAN MANSION <sup>5</sup>	free	2.50	6.00	2.00	4.80

KARTCHNER CAVERNS						
TOURS	Ages	Ages	Ages	DAILY ENTRANCE		
				50% discount off regular entrance fee for Regular Military, Reserve, National Guard, and state militia troops and their families.		
<b>Reservation Fee not included</b>	0 - 6	7 - 13	14 & Up	(Fee is waived for reserved tour ticket holders)		
Rotunda Tour	free	6.95	15.95	Per Vehicle 1-2 Adults	Each Additional Adult / Vehicle	Individual/ Bicycle
*Seasonal Rate Rotunda Tour	free	5.95	13.95			
*August & September				5.00	2.00	2.00
Big Room Tour	N/A	9.95	19.95	<b>CAMPING Hook-Up Site ONLY</b>		
<b>"WALK-UP" Non-Reservation</b>	0 - 6	7 - 13	14 & Up	Nightly Rate		19-30.00
Rotunda Tour	free	9.95	18.95	Seasonal/Conditional Rate		110.00
*Seasonal Rate Rotunda Tour	free	8.95	16.95			
*August & September						
Big Room Tour	N/A	12.95	22.95			

COMMERCIAL GROUP TOURS*: 20% discount off individual tour tickets.	Ages	Ages	Ages
<b>Reservation Fee not Included</b>	0 - 6	7 - 13	14 & Up
Rotunda Tour	free	5.56	12.76
*Seasonal Rate Rotunda Tour	free	4.76	12.76
*August & September			
Big Room Tour	N/A	7.96	15.96

\* A commercial tour is pre-arranged by a commercial tour operator who organizes tours in a package with transportation and a destination or tour for one price. A group tour for Kartchner Caverns cave tour is defined as 12 persons or more.

OTHER FEES

Pet Fee for Cabins & Yurts	\$5.00	per pet per night.
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Overnight Parking	\$5.00	Overnight Parking is described as: "A legally parked, unattended and unoccupied vehicle not in a designated campsite, remaining on the park throughout the night." The overnight parking fee is to be charged in addition to the regular Entrance Fee.
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PASSES

Arizona State Parks <b>Premium</b> Annual Entrance Pass	\$125.00	"Valid at all State Parks for day-use activities only. Additional Program and Special Event Fees may apply."
Arizona State Parks <b>Standard</b> Annual Entrance Pass	\$50.00	"Valid at all Arizona State Parks facilities for day-use activities only, except at Buckskin Mountain/River Island, Cattail Cove and Lake Havasu State Parks on Fridays, Saturdays, Sundays, and recognized State Holidays. Additional Program and Special Event Fees may apply."

PROGRAM FEES (per person or vehicle)

Students Program:	\$1.00
Event Program Fees:	\$1.00 - \$5.00
Instructional:	Variable
Dump Station Use	10.00-15.00

RESERVATIONS

Kartchner Tours:	\$3.00
Camping, Cabin, Yurt Reservation:	\$5.00
Group Day-Use Reservation:	\$25.00 (minimum)
Group Camping Reservation:	\$25.00 (minimum)

SPECIAL USE FEES

Non-Commercial:	\$25.00 (minimum)
Commercial:	\$25.00 (minimum)
Damage Deposit:	\$25.00 (minimum)

Use of a park's dump station without being a registered camper will be equal to one night's camping (low end of the individual Park's range).

PERMITS

Commercial Retail Permit:	\$300.00	<p><b>CONDITIONS OF USE</b></p> <ul style="list-style-type: none"> <li>• Pass is valid only for customers entering the park in the commercial vehicle.</li> <li>• Individual pass must be presented each time the commercial vehicle enters the park with passengers.</li> <li>• Pass does not permit any private vehicle to enter the park.</li> <li>• Pass is valid through the calendar year in which it was purchased.</li> <li>• Pass must be used in conjunction with commercial business pass.</li> <li>• One voucher permits up to 4 adults in the same commercial vehicle.</li> <li>• Violation of Conditions of Use may result in revocation of all commercial privileges.</li> <li>• All Commercial Vehicle Access Permits expire December 31 of the year for which they were issued.</li> <li>• Permittee clientele will be responsible for all applicable daily entrance fees when entering the park in a separate vehicle from the permittee. However, a discounted Clientele Voucher is available for all permittee clientele who enter the park in the permittee's vehicle and do not occupy a parking space.</li> </ul>
Commercial Rental Permit:	\$350.00	
2nd Commercial Permit:	\$125.00	
Clientele Voucher:	\$5.00	

**Historical Note**

Adopted effective January 1, 1997, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State December 9, 1996 (Supp. 96-4). Amended effective January 1, 1998, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State December 11, 1997 (Supp. 97-4). Amended effective March 2, 1998, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State February 13, 1998 (Supp. 98-1). Amended effective March 2, 1998, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State February 23, 1998 (Supp. 98-1). Amended effective January 1, 1999, under an exemption from A.R.S. Title 41, Chapter 6, specified in A.R.S. § 41-511.05(8); filed in the Office of the Secretary of State November 24, 1998 (Supp. 98-4). Amended by exempt rulemaking at 5 A.A.R. 2173, effective July 1, 1999 (Supp. 99-2). Amended by exempt rulemaking at 7 A.A.R. 5712, effective January 1, 2002 (Supp. 01-4). Amended by exempt rulemaking at 8 A.A.R. 3657, effective July 31, 2002 (Supp. 02-3). Amended by exempt rulemaking at 9 A.A.R. 3828, effective August 6, 2003 (Supp. 03-3). Amended by exempt rulemaking at 10 A.A.R. 569, effective March 1, 2004 (Supp. 04-1). Amended by exempt rulemaking at 10 A.A.R. 1889, effective April 13, 2004 (Supp. 04-2). Amended by exempt rulemaking at 10 A.A.R. 2602, effective June 1, 2004 (Supp. 04-2). Amended by exempt rulemaking at 10 A.A.R. 4186, effective October 1, 2004 (Supp. 04-3). Amended by exempt rulemaking at 12 A.A.R. 1700, effective March 1, 2006 (Supp. 06-2). Amended by exempt rulemaking at 14 A.A.R. 422, effective January 1, 2008 (Supp. 08-1).

**ARTICLE 2. OPERATION OF THE BOARD**

**R12-8-201. Meetings**

- A. There shall be a minimum of one meeting of the Arizona State Parks Board during each calendar year quarter.
- B. The time and place of a meeting shall be designated seven days before the meeting date by either:
  - 1. The Chairman verbally informing the Director or,
  - 2. Any four members informing the Director in writing, except that in the case of an emergency, the Director may be verbally informed.
- C. The Director, upon being informed of the time and place of a meeting shall:
  - 1. Inform each member of the time and place of the meeting at least five days before the meeting date.
  - 2. Prepare a written agenda consisting of the time and place of the meeting and an outline of the business to be considered. The agenda shall be verbally accepted by the Chairman or the members who set the meeting before it is distributed.
  - 3. Transmit the agenda to each Board Member and post the agenda in the administrative headquarters of the Board and at the headquarters area of each operational State Park at least two days before the meeting date.
  - 4. Prepare explanatory material concerning the business contained on the agenda and transmit the material to each Board Member.
- D. In the case of an emergency, the time requirements of subsections (B) and (C) above may be adjusted to the circumstances.

**Historical Note**

Adopted effective August 8, 1977 (Supp. 77-4). Former Section R12-8-50 renumbered as Section R12-8-201 without change effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-202. Organization of the Board**

- A. Selection of Officers
  - 1. At the first meeting following January 1 of each year, the members present shall select by majority vote a Chairman and a Vice Chairman to serve through the first meeting following January 1 of the year following.
  - 2. If a vacancy in either the Chairman or Vice Chairman office of the Board occurs, the members present at the first meeting following the occurrence of the vacancy shall select a member by majority vote to fill the unexpired term of the officer.
  - 3. If the Chairman and Vice Chairman are absent from a meeting of the Board held in accordance with these rules, a Presiding Officer shall be selected by majority vote of the members present.
- B. Duties of the officers are as follows:
  - 1. The Chairman shall preside over all meetings and functions of the Board.
  - 2. The Vice Chairman shall take over the duties of the Chairman if the Chairman is absent.
  - 3. The Presiding Officer shall take over the duties as Chairman if the Chairman and Vice Chairman are absent.

**Historical Note**

Adopted effective August 8, 1977 (Supp. 77-4). Former Section R12-8-51 renumbered as Section R12-8-202 without change effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-203. Committees**

- A. There shall be no standing committees.
- B. Special committees may be appointed by the Chairman to make reports to the Board concerning matters of interest to the Board.

**Historical Note**

Adopted effective August 8, 1977 (Supp. 77-4). Former Section R12-8-52 renumbered as Section R12-8-203 without change effective November 1, 1981 (Supp. 81-5).

**R12-8-204. Procedures at Meetings**

- A. All actions of the Board shall be by majority vote of the membership present.
- B. Board meetings shall be conducted under Roberts Rules of Order.

**Historical Note**

Adopted effective August 8, 1977 (Supp. 77-4). Former Section R12-8-53 renumbered as Section R12-8-204 without change effective November 1, 1981 (Supp. 81-5). Amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-205. Repealed****Historical Note**

Adopted effective June 29, 1979 (Supp. 79-3). Former Section R12-8-54 renumbered as Section R12-8-205 without change effective November 1, 1981 (Supp. 81-5). Section repealed by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-206. Repealed****Historical Note**

Adopted effective August 26, 1983 (Supp. 83-4).

**R12-8-207. Board Concession Approval Policy**

- A. The Board may enter into agreement with a private or public entity for the operation and development of a concession in an area under the jurisdiction of the Board subject to the following conditions:
  1. The proposed concession activity shall be consistent with a Board-approved master plan for development and operation of the park in which the concession is to be located. The plan shall include any amendments or other Board activity.
  2. The proposed concession activity shall be consistent with the purposes of the Board as defined by statute.
  3. The Board determines that there is a need for the proposed type of concession operation and that the proposed concession activity is in the best interest of the state.
  4. The Board issues a formal request for proposals from persons interested in operating a concession.
  5. The Board determines that the concession operator selected is most advantageous to the state according to the criteria identified in the request for proposals.
- B. The Board shall publish notice of a request for proposals for a concession in accordance with A.R.S. § 41-2533(C). In addition, the Board shall provide notice of a request for proposals at the last known address of each person who has, within the last year, expressed in writing to the Board an interest in operating a concession of the particular nature being noticed.
- C. A copy of this rule shall be provided by the Board to each person who submits a concession proposal without prior issuance by the Board of a formal request for proposals for a concession.
- D. The Board may exempt an existing concession renewal, consent agreement, vending agreement, or agreement with a nonprofit organization or a local historical society from the procedures contained in this rule.

**Historical Note**

Adopted effective July 12, 1984 (Supp. 84-4). Amended by final rulemaking at 7 A.A.R. 1010, effective February

8, 2001 (Supp. 01-1).

**ARTICLE 3. STATE HISTORIC PRESERVATION OFFICE PROGRAMS****R12-8-301. Definitions**

In this Article, unless the context otherwise requires:

1. "State Historic Preservation Officer" or "Officer" means an employee of the Board who has professional competence and expertise in the field of historic preservation and administers the State Historic Preservation Program.
2. "Arizona Register of Historic Places," "Arizona Register," or "Register" means the state's list of Arizona's historic properties worthy of preservation that serves as an official record of Arizona's historic districts, sites, buildings, structures, and objects of national, state, or local significance in the fields of history, architecture, archaeology, engineering, or culture. Properties listed on or eligible for the Arizona Register of Historic Places may also be eligible for listing on the National Register of Historic Places.
3. "National Register of Historic Places" means the official national list of historic districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, or culture.
4. "Historic Sites Review Committee" or "HSRC" means a standing committee of the Arizona Historical Advisory Commission, which is appointed by the State Historic Preservation Officer under A.R.S. § 41-1352 to review nominations of properties for listing on the National or Arizona Register of Historic Places.
5. "Historic property" means a building, site, district, object, or structure evaluated by the HSRC as historically significant.
6. "State Historic Preservation Office" or "SHPO" means the program staff that work under the supervision of the Officer.

**Historical Note**

Adopted effective June 30, 1978 (Supp. 78-3). Former Section R12-8-60 renumbered as Section R12-8-301 without change effective November 1, 1981 (Supp. 81-5). Amended effective August 26, 1983 (Supp. 83-4). Former Section R12-8-301 renumbered to R12-8-304; new Section R12-8-301 adopted by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-302. Criteria for Evaluation**

- A. Before listing a property in the Register, the State Historic Preservation Office (SHPO), with the advice of the HSRC, will apply the following criteria for evaluating the property:
  1. The property conveys significance in one or more of the following contexts: national, state or local history, architecture, archaeology, engineering, or culture;
  2. The property is classified as one of the following types: district, site, building, structure, or object;
  3. The property possesses integrity of location, design, setting, materials, workmanship, feeling, or association; and
  4. The property:
    - a. Is associated with an event that made a significant contribution to the broad pattern of history;
    - b. Is associated with the life of a historically significant person;
    - c. Embodies a distinctive characteristic of a type, period, or method of construction, represents the work of a master, possesses high artistic value, or

represents a significant and distinguishable entity whose components may lack individual distinction; or

- d. Has yielded or is likely to yield important pre-historical or historical information.

- B. The SHPO shall not consider eligible for the Register any property that has achieved significance within the past 50 years unless the property is an integral contributing element of a district that meets the criteria in subsection (A) or the property demonstrates exceptional individual importance.

**Historical Note**

Adopted effective June 30, 1978 (Supp. 78-3). Former Section R12-8-61 renumbered as Section R12-8-302 without change effective November 1, 1981 (Supp. 81-5).

Amended effective August 26, 1983 (Supp. 83-4).

Former Section R12-8-302 renumbered to R12-8-305; new Section R12-8-302 adopted by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-303. Processes of Registration**

- A. The State Historic Preservation Officer shall serve as the keeper of the Register.
- B. Before listing a property in the Register, the SHPO requires the following:
1. The Historic Property Inventory (HPI) form must be completed by the proponent or owner to determine whether the property is eligible for listing;
  2. The Recommendation of Eligibility form must be completed by the SHPO Officer after receiving the HPI;
  3. If a property is recommended as eligible, the National Register of Historic Places Registration Form or the National Register of Historic Places Multiple Property Documentation Form must be completed by the owner;
  4. The SHPO Officer shall give the owner at least 30 calendar days prior notification of the nomination's review by the HSRC;
  5. The SHPO Officer shall forward the National Register Registration Form to the HSRC; and
  6. The HSRC shall:
    - a. Review the Registration Form, documentation, and any comments concerning the property's significance and integrity,
    - b. Recommend to the SHPO whether the property should be listed in the Arizona Register and forwarded to the keeper of the National Register; and
    - c. Review a refusal of nomination upon request.
- C. The Officer shall determine whether to place the nominated property on the Register in accordance with information provided in subsection (B).
- D. If the SHPO refuses to forward a nomination to the HSRC, the property owner may petition the HSRC Chairman in writing to have the nomination reviewed. The petition shall be filed with the Chairman at least 60 calendar days before the next scheduled meeting.

**Historical Note**

Adopted effective June 30, 1978 (Supp. 78-3). Former Section R12-8-62 renumbered as Section R12-8-303 without change effective November 1, 1981 (Supp. 81-5). Former Section R12-8-303 repealed, former Section R12-8-304 renumbered and amended as Section R12-8-303 effective August 26, 1983 (Supp. 83-4). Former Section R12-8-303 renumbered to R12-8-306; new Section R12-8-303 adopted by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-304. Factors for Determining Certification Eligibility**

- A. Before the SHPO Officer (Officer) certifies a Historic Property as eligible for a change in property tax classification, the property shall be listed in the National Register of Historic Places:
1. Individually; or
  2. As part of a historic district. If within a historic district, the Officer shall determine whether or not the property contributes to the character of the historic district.
- B. After the SHPO Officer determines a property is eligible for reclassification, the SHPO shall certify a historic property as Non-Commercial or Commercial, as defined in A.R.S. § 42-12101.
- C. The following are exclusions from eligibility:
1. The Officer shall not certify a historic property that includes within its legal description a building, structure, improvement, or land area that does not contribute to the historical character and that can be excluded by modifying the legal description. If the legal description in an application includes an element or area of this nature, the applicant shall modify the legal description upon notification by the Officer in order to be eligible for certification.
  2. A Historic Property that does not meet the minimum maintenance standards described in R12-8-306 shall not be certified by the Officer. In addition to other reasons established by law, the Officer may disqualify a property certified as a historic property for property tax purposes if the property owner does not comply with these rules and regulations of the Board designated in this Article.
- E. Certification continues through any change of ownership, if the new owner submits required reports and affirms compliance with the program requirements in writing.
- F. Historic Property shall not be decertified by the SHPO without proof, by certified mail, return receipt requested, that the current owner on record with the appropriate County Assessor's Office, has received notice in writing.

**Historical Note**

Adopted effective June 30, 1978 (Supp. 78-3). Former Section R12-8-63 renumbered as Section R12-8-304 without change effective November 1, 1981 (Supp. 81-5). Former Section R12-8-304 renumbered and amended as Section R12-8-303, former Section R12-8-305 renumbered and amended as Section R12-8-304 effective August 26, 1983 (Supp. 83-4). Former Section R12-8-304 renumbered to R12-8-307; new Section R12-8-304 renumbered from R12-8-301 and amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-305. Verification of Eligibility for Property Tax Reclassification**

- A. A person that seeks to have a property reclassified for property tax purposes as either a Commercial or Non-commercial Historic Property shall submit a verification of eligibility form. The person seeking reclassification may obtain the verification of eligibility form from the SHPO or the Assessor's Office in the county where the property is located and shall submit the completed form to the Assessor's Office in the county where the property is located.
- B. A person that seeks to have a property reclassified for property tax purposes as either a Commercial or Non-commercial Historic Property, shall ensure that the verification of eligibility form provides the following information:
1. Address of the property,
  2. Legal description of the property,
  3. Property classification,
  4. Name of owner,

## Arizona State Parks Board

5. Historic property name as listed on the National Register of Historic Places,
  6. Date of original construction,
  7. Description of any exterior changes to the property since the property was listed on the National Register of Historic Places,
  8. Photographs of the property that meet the specifications of the Board, and
  9. The owner's written consent for the Officer or the Officer's representative to view the property.
- C.** In addition to complying with subsection (B), a person that seeks to have a property reclassified as a Commercial Historic Property shall submit with the verification of eligibility form rehabilitation construction documents including plans and specifications.
- D.** Following the assessor's review of the verification of eligibility form and any documents required under subsection (C), the assessor shall submit the verification of eligibility form and documents to the Officer for verification of eligibility for reclassification.

**Historical Note**

Adopted effective June 30, 1978 (Supp. 78-3). Former Section R12-8-64 renumbered as Section R12-8-305 without change effective November 1, 1981 (Supp. 81-5). Former Section R12-8-305 renumbered and amended as Section R12-8-304 effective August 26, 1983 (Supp. 83-4). New Section R12-8-305 renumbered from R12-8-302 and amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1115, effective May 5, 2007 (Supp. 07-1).

**R12-8-306. Minimum Maintenance/Restoration Standards**

- A.** The owner of a certified Commercial or Non-Commercial historic property shall maintain the property to preserve the historical integrity of the features, materials, appearance, workmanship, and environment, according to the following standards:
1. Protect the Historic Property against accelerated deterioration due to:
    - a. Vandalism;
    - b. Structural failure;
    - c. Climatic weathering including the affects of water infiltration;
    - d. Biological affects due to insects, animals, or plants;
    - e. Fire; or
    - f. Flooding.
  2. Maintain the historic property by:
    - a. Keeping it secure;
    - b. Maintaining the windows and doors, or covering them in a manner that does not injure the property's integrity;
    - c. Maintaining security fencing, if applicable;
    - d. Maintaining roofs and drainage systems;
    - e. Minimizing damage from insects, birds, or animals; and
    - f. Maintaining landscaping to reduce fire potential.
- B.** The Officer shall decertify any certified Historic Property that is condemned by a local authority.

- C.** Before implementation of any rehabilitation project, the owner shall submit both a written and graphic proposal (Construction Documents) for the proposed rehabilitation project to the Officer. The Officer has 30 calendar days from receipt of the proposal in which to comment on the appropriateness of the project in relationship to The Secretary of the Interior's Standards for Rehabilitation.
- D.** The Officer shall review all rehabilitation projects done to ensure that the planned project for rehabilitation of the Historic Property is in accordance with the guidelines established by the U.S. Government, Cyclical Maintenance for Historic Buildings, J. Henry Chambers, AIA, 1976, available from the U.S. Government Printing Office and the U.S. Department of the Interior, the National Park Service publication titled, The Secretary of the Interior's Standards for Historic Preservation Projects, Section III, Guidelines, 1983 and The Secretary of the Interior's Standards for Rehabilitation, National Park Service, 1995 available from the National Park Service Technical Preservation Services Division, the State Historic Preservation Office, or the U.S. Government Printing Office. These three documents are incorporated by reference and on file with the Board and the Office of the Secretary of State. The materials incorporated by reference contain no future editions or amendments.
- E.** The owner shall submit pictures of rehabilitation projects no later than 30 calendar days after completion of the rehabilitation project that illustrate compliance with the standards established in subsection (D).
- F.** If a conflict occurs between the requirements of the Officer or the Officer's representative and local building officials or any applicable laws, a meeting of the appropriate representatives shall be called by the owner to discuss the question and reach an equitable solution.

**Historical Note**

New Section R12-8-306 renumbered from R12-8-303 and amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).

**R12-8-307. Documentation Requirements, Reports, and Inspection**

- A.** The owner of a certified Historic Property shall submit the following information for the requested year's activity to the Officer:
1. Confirmation of current Historic Property ownership,
  2. A statement signed by the owner indicating that the Historic Property is operated and maintained in accordance with the laws and rules applicable to the classification of the Historic Property for property tax purposes, and
  3. Additional reports and inspections necessary for documentation requirements.
- B.** The owner of a classified Historic Property shall permit the Officer or representative to inspect the property for compliance with these rules. The Officer shall notify the owner by certified mail at least ten days before the inspection.

**Historical Note**

New Section R12-8-307 renumbered from R12-8-304 and amended by final rulemaking at 7 A.A.R. 1010, effective February 8, 2001 (Supp. 01-1).