

CITY AND COUNTY OF HONOLULU  
DEPARTMENT OF PARKS AND RECREATION

Pursuant to and by virtue of the authority set forth in Section 13-14.3a(4), Revised Ordinances of Honolulu, 1978, as amended, the Director of the Department of Parks and Recreation of the City and County of Honolulu, subject to the approval of the Mayor of the City and County of Honolulu, hereby adopts the following rules and regulations:

RULES AND REGULATIONS GOVERNING  
THE USE OF THE KOKO HEAD DISTRICT PARK  
BICYCLE MOTOR CROSS (BMX) TRACK

SECTION 1. Applicability and Scope.

- A. These rules and regulations shall apply to BMX associations or clubs and individuals using the Koko Head District Park BMX track which is under the control, maintenance, management and operation of the Department of Parks and Recreation.
- B. If any provisions of these rules and regulations, or the application of such provision is held to be invalid, the remaining portions of these rules and regulations or the application of said portions shall not be affected.

SECTION 2. Definitions. The following definitions shall apply to the provisions contained in these rules and regulations.

- A. "Applicant" shall mean the BMX association or club who requests the use of the Koko Head District Park BMX track
- B. "BMX" shall mean Bicycle Motor Cross.
- C. "BMX ID Card" shall mean the identification card issued by the Department of Parks and Recreation Permit Section to minors who are not members of a BMX association or club.
- D. "Department" shall mean the Department of Parks and Recreation, City and County of Honolulu.
- E. "Director" shall mean the Director of the Department of Parks and Recreation.
- F. "Free Play" shall mean a non-competitive event.

SECTION 3. Fees. See Chapter 27, ROH 1978, as amended.

SECTION 4. General Rules.

- A. Use of the BMX track shall be by permit only. Permits shall be issued by the Department's Permit Section located in the Honolulu Municipal Building, 650 South King Street.
- B. Permits shall be issued only to BMX associations or clubs and not to individuals.
- C. BMX associations or clubs desiring to use the Koko Head District Park BMX track shall submit an APPLICATION FOR USE OF PARK FACILITIES form

to the Department at least 3 weeks prior to the date of event. All applications shall be cleared through the Koko Head District Park.

- D. BMX associations or clubs shall have the option of executing a WAIVER AND ASSUMPTION OF LIABILITY form which shall be provided by the Department, or obtain comprehensive general liability insurance coverage in which the combined limit of liability for bodily injury and property damage is \$300,000 per occurrence. The insurance certificate shall name the City and County of Honolulu, the State of Hawaii and the Bishop Estate as additional insured. A copy of the insurance certificate shall be filed with the Department's Permit Section.
- E. Upon approval of the APPLICATION FOR USE OF PARK FACILITIES form, the applicant shall present the certificate of insurance or completed WAIVER AND ASSUMPTION OF LIABILITY form to the Department's Permit Section before a permit may be issued.
- F. BMX associations or clubs shall provide adult supervision at the BMX track during all meets/competitions and free plays.
- G. Free Plays:
  - 1. BMX associations or clubs shall also obtain a permit for all free plays and shall allow free play by minors who are not members of their association or club, provided that the minor presents a valid BMX ID Card to the adult supervisor.
  - 2. BMX associations or club members shall present their own membership ID Cards to the adult supervisor prior to using the BMX track.
- H. BMX ID Cards:
  - 1. Non-member minors shall obtain a BMX ID Card by having their parent and/or legal guardian sign a WAIVER AND ASSUMPTION OF LIABILITY form which shall be available at the Koko Head District Park and at the Department's Permit Section. The WAIVER AND ASSUMPTION OF LIABILITY form shall be notarized.
  - 2. Parents and/or guardians shall present the notarized WAIVER AND ASSUMPTION OF LIABILITY form to the Koko Head District Park or the Department's Permit Section.
  - 3. The Department's Permit Section shall issue a BMX ID Card in the minor's name and mail it directly to the minor.
- I. The BMX track gate shall be secured at all times except when in use.
- J. BMX associations or clubs shall obtain a key to the BMX track gate from the Koko Head District Park.
- K. The selling or offering for sale any services, merchandise, articles or things except as authorized by permit shall be prohibited.
- L. The distribution, posting or placing of any commercial handbill or circular, notice or other advertising matter shall be prohibited.
- M. No person shall be allowed to ride his or her bicycle on the track without a BMX helmet, shoes, long-sleeved shirt or elbow pads and long-legged pants.
- N. Bicycles must have 20-inch wheels and be able to pass a safety inspection to ensure that all parts are adjusted properly and all nuts and bolts are tightened.

- O. All protruding bolts and axles shall be capped with plastic end caps or taped. Grips shall be in good condition.
- P. Chain guard, kickstand and fenders shall be removed from all bicycles.
- Q. Stem pads, cross-bar pads and frame pads shall be required for each bicycle.

ADOPTED this 3rd day of August, 1987, by the Department of Parks and Recreation, City and County of Honolulu, State of Hawaii.

\_\_\_\_\_  
HIRAM K. KAMAKA, Director

REVIEWED:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this 12th day of August, 1987.

\_\_\_\_\_  
FRANK F. FASI, Mayor

CERTIFICATE

I, HIRAM K. KAMAKA, in my capacity as Director of Parks and Recreation, City and County of Honolulu, do hereby certify that the foregoing is a full, true and correct copy of the Rules and Regulations Governing the use of the Koko Head District Park Bicycle Motor Cross Track, which was adopted on August 3 1987, following a public hearing held on July 28 1987, after public notice was given on July 5 1987, in the Honolulu Star-Bulletin and Advertiser.

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HIRAM K. KAMAKA, Director  
Department of Parks and Recreation  
City and County of Honolulu

Received this 13th day of August, 1987.

/s/ Genevieve G. Wong  
for RAYMOND K. PUA, City Clerk

WAIVER AND ASSUMPTION OF LIABILITY

WHEREAS, the undersigned, as the parent/legal guardian of \_\_\_\_\_, being aware of the risk involved thereof, and in consideration of permitting the above minor to ride his or her bicycle on the Koko Head BMX track, hereby waive any claims against the State of Hawaii, its officers and employees, the City and County of Honolulu, its officers and employees, and the Bishop Estate, and its officers and employees, for any bodily injuries, medical expenses, or other damages sustained by the above minor which might arise from the use of the Koko Head BMX track.

The undersigned has read the foregoing and knows the content thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, Honolulu, Hawaii.

\_\_\_\_\_  
Signature of parent/legal guardian

NOTARY

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me personally appeared , to me known to be the parent/legal guardian of the above minor, who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Judicial \_\_\_\_\_  
Hawaii \_\_\_\_\_  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, First  
Circuit, State of  
  
My commission

WAIVER AND ASSUMPTION OF LIABILITY

WHEREAS, the undersigned is desirous of using the City owned Koko Head District Park BMX track;

WHEREAS, the City and County of Honolulu is willing to permit the undersigned to utilize the Koko Head District Park BMX track, provided the undersigned executes this "Waiver and Assumption of Liability" form; and

WHEREAS, the undersigned is willing to execute said form and be legally bound by the terms of the agreement contained herein as a condition to being permitted to utilize the Koko Head District Park BMX track; now,

For and in consideration of the foregoing premises, the undersigned agrees:

1. To waive, release and forever discharge any and all rights and claims for damage which may hereafter accrue to the undersigned against the State of Hawaii, the City and County of Honolulu (hereinafter called the "City") and the Bishop Estate for any and all damages which may be sustained by the undersigned in connection with the use of the abovementioned facility for BMX meets, competitions and free play.
2. Not to sue at law or in equity the State of Hawaii, the "City" and the Bishop Estate, or in any way aid in the institution or prosecution of any claim, demand, action or cause of action against the State, the "City" and the Bishop Estate for damages, costs, loss of services, expenses, or compensation for or on account of any injury, damage or loss of property to or of the undersigned resulting from the issuance of the permit and the use of the Koko Head District Park BMX track.
3. To defend, indemnify, save, and hold harmless the "City", the State and the Bishop Estate from any and all deaths, injuries, losses and damages to persons or property resulting from the permittee's demand, suits, actions, or liabilities therefore, caused by the error, omission or negligence of the "City", State of Hawaii and Bishop Estate and the undersigned pursuant to the permit issued.
4. That the waiver and assumption of liability shall remain in effect for the term of the permit, but only with respect to liability arising out of ownership, maintenance or use of the premises owned by the City and County of Honolulu and the State of Hawaii.

The undersigned have read the foregoing and knows the content thereof.

Dated this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, Honolulu, Hawaii.

By: \_\_\_\_\_

NOTARY

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On this \_\_\_\_ day of \_\_\_\_\_, 19\_\_ before me personally appeared the above individual, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Judicial  
Hawaii

\_\_\_\_\_  
Notary Public, First  
Circuit, State of

expires: \_\_\_\_\_

My commission