

CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PARKS AND RECREATION

Under and by virtue of the authority conferred upon him by Chapter 91, Hawaii Revised Statutes (HRS), Article 14, Chapter 13, Revised Ordinances of Honolulu 1978 (ROH), and every other enabling power, the Director of Parks and Recreation of the City and County of Honolulu does hereby prescribe the following:

AMENDED RULES AND REGULATIONS
GOVERNING COMMERCIAL SWIMMING AND
SURFING INSTRUCTIONS IN CITY BEACH PARKS

PART IX

Section 50. Findings and Purpose. Pursuant to Ordinance 82-28 and Section 8 of these rules and regulations, a public hearing was conducted to determine the propriety of swimming and surfing instructions as commercial activities at those City beach parks and beach right-of-ways listed in the attachment.

The Department duly received applications from various individuals and organizations to conduct these activities, pursuant to Section 7 of these regulations.

As a result of the public hearing, the Department finds the proposed commercial activities to be essentially recreational in nature and complementary to the facilities of the parks.

These activities are hereby designated authorized activities in accordance with the definition provided in these rules, subject to the limitations and conditions hereinafter described.

Section 51. Number of Persons.

(a) The maximum number of students permitted in a commercial swimming class at any one time shall be fifteen (15) students per swimming instructor; the maximum number of students permitted in a commercial surfing class at any one time shall be five (5) students per surfing instructor.

Section 52. Time of Use.

(a) Permittees may conduct commercial swimming and surfing instructions on any day, weekends and holidays included.

(b) Permittees shall limit their commercial swimming and surfing instructions to the hours between sunrise and sunset.

Section 53. Fees.

None.

Section 54. Permits.

(a) Permits to conduct commercial swimming and surfing instructions shall be issued only for those City beach parks and beach right-of-ways listed in the attachment, except that commercial surfing instruction permits shall not be issued for the Kuhio, Queen's Surf or Fort DeRussy beach parks, nor for any of the following City beach parks located within State Conservation Districts:

Diamond Head Beach Park	Kaupo Beach Park
Hanauma Bay Beach Park	Koko Head Sandy Beach Park
Kaaawa Beach Park	Makapuu Beach Park
Kahana Bay Beach Park	Mokuleia Beach Park
Kalae-Oio Beach Park	Waimea Bay Beach Park

(b) Each permittee may conduct only one class at any of the authorized City beach parks at any one time.

(c) Only monthly permits shall be available for issue.

Section 55. General Conditions.

(a) Applicants for permits must possess the licenses required to conduct business in the State of Hawaii.

(b) Applicants for permits must have in current force and effect an insurance policy, in which the combined limit of liability for bodily injury and property damage is \$1 million per occurrence. The insurance certificate shall name the City and County of Honolulu and the State of Hawaii as additional insured. A copy of the certificate shall be filed with the Parks Permit Section of the Department.

(c) Applicants for permits shall be certified in Advanced Life Saving, Standard First Aid and Cardiopulmonary Resuscitation, and shall present their certificates to the Parks Permit Section prior to issuance of a permit.

(d) Picnic tables and benches and other facilities owned by the City shall not be reserved for exclusive use of permittees, nor shall they be used for storage or as a staging area for commercial swimming and surfing instructions, equipment and supplies.

(e) Permittees shall not be allowed to set up shop in any City beach park.

(f) Vehicles used for commercial swimming and surfing instruction activities shall not be driven onto or be parked in any City beach area except in designated parking lots.

- (g) Soliciting business is prohibited within any of the beach parks.
- (h) Commercial notices or advertisements for swimming and surfing instructions shall not be displayed, posted or distributed within any of the beach parks.
- (i) Permittees shall be required to present their permit, when requested, to any authorized representative of the Department or any police officer.
- (j) Permittees shall be responsible for the safety of persons under his charge and for determining that their physical capability and experience are adequate to safely participate under the existing sea and surf conditions.
- (k) Should it be adjudged that harm or death has resulted from the permittee's negligence or use of faulty equipment, the permit issued to the permittee shall be immediately revoked upon notice, review and consideration by the Department of Parks and Recreation without the possibility of future permits.
- (l) Permittee failing to perform in accordance with the conditions of these rules and regulations shall forfeit any further use of an existing permit and will not be allowed to apply in person, member of a firm, corporation, or entity for a period of two years from the date of failure to perform.

ADOPTED this 4th day of September 1986, by the Director of Parks and Recreation, City and County of Honolulu, State of Hawaii.

/s/ Tom T. Nekota
TOM T. NEKOTA, Director
Department of Parks and Recreation
City and County of Honolulu

APPROVED AS TO FORM:

/s/ Maria C. Aviante-Tanaka
Deputy Corporation Counsel

APPROVED this 22nd day of
December, 1986.

/s/ Frank F. Fasi

FRANK F. FASI, Mayor
City and County of Honolulu

CERTIFICATION

I, TOM T. NEKOTA, 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 commercial swimming and surfing instructions in City beach parks, which were adopted on September 4, 1986, following a public hearing held on August 5, 1986, after public notice was given on July 16, 1986 in the Honolulu Advertiser and the Honolulu Star-Bulletin.

/s/ Tom T. Nekota
TOM T. NEKOTA, Director
Department of Parks and Recreation
City and County of Honolulu

Received this 24th day of
December, 1986.

/s/ Raymond K. Pua
RAYMOND K. PUA, City Clerk

BEACH PARKS

Ala Moana Beach Park
Aukai Beach Park
Barbers Point Beach Park
Bellows Field Beach Park
Neal S. Blaisdell Park
Ehukai Beach Park
Ewa Beach Park
Fort DeRussy Beach Park
Haleiwa Alii Beach Park
Haleiwa Beach Park
Hauula Beach Park
Kahe Point Beach Park
Kailua Beach Park
Kaiona Beach Park
Kalama Beach Park
Kaneohe Beach Park
Queen's Surf Beach Park
Kawaikui Beach Park
Keehi Lagoon Beach Park
Kokee Kai Beach Park
Kualoa Regional Park
Kuhio Beach Park
Kuilei Cliffs Beach Park

Kuliouou Beach Park
Laenani Beach Park
Laie Beach Park
Lualualei Beach Park
Maili Beach Park
Makaha Beach Park
Makaua Beach Park
Mauna Lahilahi Beach Park
Maunalua Bay Beach Park
Nanakuli Beach Park
Oneula Beach Park
Pokai Bay Beach Park
Punaluu Beach Park
Pupukea Beach Park
Sunset Beach Park
Swanzy Beach Park
Ulehawa Beach Park
Waiahole Beach Park
Waialae Beach Park
Waianae Beach Park
Wailupe Beach Park
Waimanalo Beach Park

BEACH RIGHT-OF-WAYS

EWA

Oneula Place
Tax Key 9-1-25

Pupu Place
Tax Key 9-1-30

KAHALA

Kahala Avenue
Tax Key 3-5-03
(Two right-of-ways)

Kahala Avenue
Tax Key 3-5-04

Kahala Avenue
Tax Key 3-5-05
(Two right-of-ways)

Kahala Avenue
Tax Key 3-5-06

KAILUA

North Kalaheo Avenue
Tax Key 4-3-17
(Two right-of-ways)

North Kalaheo Avenue
Tax Key 4-3-18

North Kalaheo Avenue
Tax Key 4-3-93

KAWAILOA

Papailua Road
Tax Key 6-1-04

KOKO HEAD

Hanapepe Loop
Tax Key 3-9-28

LAIE

Hauula Beach Remnant
Tax Key 5-4-10

Kamehameha Highway
Tax Key 5-5-02

LANIKAI

Mokulua Drive
Tax Key 4-3-04

Mokulua Drive
Tax Key 4-3-05

Mokulua Drive
Tax Key 4-3-07

Kaneohe Bay Drive
Tax Key 4-4-16

MAKAHA

Moua Street
Tax Key 8-4-05

Upena Street
Tax Key 8-4-07

Makau Street
Tax Key 8-4-09

NIU

Kalaniana'ole Highway

PUUIKI

Au Street
Tax Key 6-8-11

Au Street
Tax Key 6-8-12

Lumahai Street
Tax Key 3-9-13

PUPUKEA-PAUMALU (SUNSET BEACH)

Huelo Street
Tax Key 5-9-01

Kahauola Street
Tax Key 5-9-01

Ke-Iki Road
Tax Key 5-9-03
(Three right-of-ways)

Ke-Nui Road
Tax Key 5-9-01

Ke-Nui Road
Tax Key 5-9-02

Ke-Nui Road
Tax Key 5-9-19
(Two right-of-ways)

Ke-Nui Road
Tax Key 5-9-20
(Three right-of-ways)

Ke-waena Road
Tax Key 5-9-03

Oopuola Street
Tax Key 5-9-01

WAIALUA

Papiloa Road
Tax Key 6-1-04

WAIKIKI

Kalia Road

Paoa Place

