

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), Ordinance 89-69, 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 WINDSURFING ACTIVITIES
IN KAILUA BEACH PARK

PART V

Section 29. 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 commercial windsurfing activities in Kailua Beach Park.

The Department duly received applications from the windsurfing industry to conduct these activities, pursuant to Section 7 of these rules and regulations.

As a result of the public hearing, the Department finds commercial windsurfing to be a desirous activity in that it is a nonpolluting industry which generates publicity for Hawaii as the ultimate windsurfing holiday location.

Therefore, commercial windsurfing is hereby designated an authorized activity in accordance with the definition provided in these rules and regulations, subject to the limitations and conditions hereinafter described.

Section 30. Permits.

(a) Any windsurfing instructor or business organization engaging windsurfing instructors who wish to use Kailua Beach Park for commercial windsurfing activities shall first secure a permit from the Department.

(b) Permits shall be issued in the name of the windsurfing instructor or commercial windsurfing company designated on the Certificate of Insurance.

(c) Permits shall be non-transferable.

(d) The Department may issue annual, monthly and daily permits; however, only one permit shall be issued to each applicant for a given period.

(e) Annual permits shall be issued beginning 7:45 a.m. on December 15 of the preceding year. Should December 15 fall on a weekend, permits will be issued at 7:45 a.m. the first work day after December 15.

(f) Monthly permits shall be issued beginning 7:45 a.m. on the 20th of the preceding month. Should the 20th fall on a weekend or holiday, permits will be issued at 7:45 a.m. the first work day after the 20th.

(g) Daily permits shall be issued beginning 7:45 a.m. each Friday for the following week. Should Friday fall on a holiday, permits shall be issued beginning 7:45 a.m. Thursday.

Section 31. Fees.

(a) See Ordinance 89-69.

(b) Upon voluntary relinquishment of an annual permit, prior to its expiration date, permittee shall be allowed a rebate of \$75.00 for each unused whole month remaining, except no rebate shall be allowed for any unused portion of the month in which the annual permit is relinquished.

(c) No rebate shall be allowed for the voluntary relinquishment of a daily or monthly permit prior to its expiration date.

(d) No rebate shall be allowed for the unused portion of an annual, monthly or daily permit which has been revoked by the department because of permittee's non-compliance with any applicable statute, ordinance or rules and regulations.

Section 32. General Conditions. The following conditions shall apply to all commercial windsurfing permits:

(a) The applicant with a valid permit is allowed to conduct land-based commercial windsurfing activities to any number of groups during the day; however, only one group per permit shall be allowed to be in Kailua Beach Park at any one time.

(b) A group shall consist of no more than eight (8) people, including students and instructors.

(c) Land-based commercial windsurfing activities may not be conducted on those days when other special activities, such as canoe and hobie cat regattas and other organized ocean-related activities, are scheduled at Kailua Beach Park and on holidays and from 1:00 p.m. on Saturdays to sunrise on Mondays.

(d) Land-based commercial windsurfing activities may be conducted only between the hours from sunrise to sunset.

(e) Applicants shall be licensed to conduct business in the State of Hawaii.

(f) Each applicant 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 Certificate of Insurance shall name the City and County of Honolulu and the State of Hawaii as additional insured. A copy of the Certificate of Insurance shall be filed with the Parks Permit Section of the Department.

(g) City owned picnic tables and benches may not be reserved nor used for holding commercial windsurfing equipment and supplies.

(h) Vehicles used for commercial windsurfing activities may not reserve parking stalls nor may each permittee be allowed to have more than one commercial vehicle in the parking lot.

(i) Engaging in or soliciting business within Kailua Beach Park except in accordance with the provisions of the permit is expressly prohibited.

(j) Except for the usual advertisement on company vehicles, other commercial notices or advertisements may not be displayed, posted or distributed within Kailua Beach Park.

(k) Permittee shall, upon arrival at Kailua Beach Park with a group, show his permit to the Water Safety Officer on duty and, upon request, to any authorized representative or law enforcement officer.

(l) Permittees shall be prohibited from conducting land-based commercial windsurfing activities within Kailua Beach Park except within the area designated and described by Ordinance 89-69 for land-based commercial windsurfing activities on the north end (Kaneohe side) of Kailua Beach Park. All windsurfing equipment will be removed from the park at the end of the day.

(m) 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.

(n) 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.

(o) 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.

(p) Other terms and conditions deemed by the Director to be necessary to carry out the provisions of Ordinance 82-28 and Ordinance 89-69, these rules and regulations, or any applicable Federal, State or County statutes, ordinances or rules.

ADOPTED this 19th day of January, 1990, by the Director of Parks and Recreation, City and County of Honolulu, State of Hawaii.

/s/ Walter M. Ozawa
WALTER M. OZAWA, Director
Department of Parks and

Recreation

City and County of Honolulu

APPROVED AS TO FORM AND LEGALITY:

/s/ Karl Ichida
Deputy Corporation Counsel

APPROVED this 30th day of
January, 1990.

/s/ Frank F. Fasi
FRANK F. FASI, Mayor
City and County of Honolulu

CERTIFICATION

I, WALTER M. OZAWA, 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 windsurfing activities in Kailua Beach Park, which were adopted on January 19, 1990, following a public hearing held on January 16, 1990, after public notice was given on December 10, 1989 in the Honolulu Advertiser and the Honolulu Star-Bulletin.

/s/ Walter M. Ozawa
WALTER M. OZAWA, Director
Department of Park Recreation
City and County of Honolulu

Received this 6th day
of February, 1990.

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