

AMENDED RULES AND REGULATIONS
RELATING TO CRAFT FAIRS AND ART MARTS
HELD ON CITY PARKS PROPERTIES

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU

Pursuant to and by virtue of the authority set forth in Sections 13-14.3 and 30-3.3(l) Revised Ordinances of Honolulu 1978 and Chapter 91, HRS, the Director of the Department of Parks and Recreation, subject to the approval of the Mayor of the City and County of Honolulu, hereby amends the following rules and regulations relating to craft fairs and art marts held in public parks of the City and County of Honolulu.

PART I. GENERAL PROVISIONS

A. Applicability and Scope.

1. These rules and regulations shall apply to craft fairs and art marts held in public parks under the control, management and operation of the Department of Parks and Recreation.

2. If any provision of these rules and regulations, or the application of such provision, is held to be invalid, the remaining portions of these regulations or the application of said portions shall not be affected.

B. Objectives.

These rules and regulations are promulgated for the following purposes:

1. To ensure that only bona fide, nonprofit organizations are granted temporary concessions to conduct craft fairs and art marts on City parks properties.

2. To ensure that the handcrafted items and works of art on sale are actually made, created or fashioned by the person selling them.

C. Definitions.

1. Department - The Department of Parks and Recreation, City and County of Honolulu.

2. Director - The Director of the Department of Parks and Recreation, City and County of Honolulu, or his duly authorized representative.

3. Nonprofit Organization - As defined in Ordinance 80-56, Lease or Rental of Property of the City and County of Honolulu.
4. Handcrafted Item - A two or three dimensional item made, created or fashioned by the hands of a craftsperson, except that items assembled from kits and items made solely from a mold where no artistic talent is involved, shall not be considered a handcrafted item.
5. Craft Fair - An event sponsored by a bona fide nonprofit organization where handcrafted items are exhibited and sold for profit by craftspersons.
6. Original Works of Art - Those items created by the conception and hand of the artist.
7. Art Marts - The exhibition and sale of suitably framed or matted original works of art by the artist who actually created the original works of art and in which the exhibition and sale is sponsored and conducted by a nonprofit organization.
8. Liaison Committee - A group of elected artists whose function is to administer the art mart operating rules in an equitable manner.
9. Operating Rules - House rules formulated by the Liaison Committee of each art mart and the nonprofit organizations who sponsor and conduct craft fairs.

PART II. SPECIFIC PROVISIONS

A. Permit Procedures and Administration of Standards For Craft Fairs.

Nonprofit organizations desiring to sponsor and conduct craft fairs on City parks properties shall:

1. Submit an Application For Use of Parks Facilities form to the Department's Park Permit Section by June 1st of each year for craft fairs scheduled for the following calendar year. The Department shall call a meeting of craft fair applicants soon thereafter to determine date and park assignments. Date and park assignments shall be determined through mutual agreement between applicants. If agreement cannot be reached between the applicants, the Department shall conduct a drawing to determine date and park assignments. An Application For Temporary Concession shall be submitted to the Department by the applicant after he/she has received date and park assignment approval, but no earlier than thirty (30) days prior to the date of the event together with a certificate for Comprehensive General Liability Insurance, including products liability, in the following minimum amounts:

Bodily Injury	\$100,000/\$300,000
Property Damage	\$10,000

The certificate shall name the City and County of Honolulu as additional insured.

2. Determine the type of handcrafted items to be exhibited for sale and furnish the Department with a list showing the names of each craftperson and the items he/she will be exhibiting for sale at each craft fair. This list shall be furnished the Department prior to each craft fair.
3. Hire or arrange for volunteer off-duty Honolulu Police Department officer(s) and/or other security guard services as required for security, public safety, control of illegal vendors, illegal parking, etc. during craft fair hours. The Department shall determine the number and type of officers needed at the craft fair after conferring with the Honolulu Police Department.
4. Arrange for delivery and pick-up of portable sani-toilets (minimum 1 pair/set).
5. Arrange for delivery and pick up of a trash bin.
6. Ensure that State Department of Health clearances have been obtained if food and refreshments are to be sold at the craft fair.
7. Ensure that sale of food and refreshment items shall be limited only to those items which will be consumed at the craft fair. Prior to each craft fair furnish the Department with a list of food and refreshment items to be sold.
8. Place a deposit in the amount of \$500 to ensure proper and immediate cleanup and restoration of damages.
9. Actively promote, conduct and participate in the craft fair and not merely sponsor the event.
10. Ensure that the handcrafted items on exhibition and sale shall be those that were actually made, created or fashioned by the person exhibiting and selling the items.
11. Establish minimum quality standards for handcrafted items and screen each participant's work prior to and during the craft fair to assure these standards are met.
12. Prepare operating rules and regulations, secure approval of the Director, and administer them.
13. Duration of Craft Fairs: The duration of all craft fairs held in City parks shall be limited to two calendar days. After a craft fair is held in a particular City park, at least 30 days shall elapse before another craft fair may be held in the same City park.
14. Signs: All signs shall be approved by the Director and shall be displayed only at the craft fair site. Signs may be displayed no longer than seven days prior to the first day of the event.

15. Violations: Nonprofit organizations violating these rules and regulations shall be denied use of City parks properties for craft fairs.

B. Permit Procedure and Administration of Standards For Art Marts.

Art marts are conducted on and along the Honolulu Zoo fence facing Monsarrat Avenue on Wednesdays, Saturdays and Sundays by nonprofit organizations. Each art mart Liaison Committee shall:

1. Submit an Application For Use of Parks Facilities form and an Application for Temporary Concession to the Department's Parks Permit Section by December 15 of each year. A Certificate for Comprehensive General Liability Insurance, including products liability, in the amounts specified in Part II A-1 of these rules and regulations shall accompany the Application For Temporary Concession. The certificate shall name the City and County of Honolulu as additional insured.
2. Develop operating rules and regulations, secure approval from the Director and administer them.
3. Furnish the Department with a current list of participating artists.
4. Establish minimum quality standards for original works of art and screen all work prior to and during the art mart to ensure these standards are met.
5. Inspect each artist's space on a regular basis to ensure only those original works of art that were actually created by the artist are on display for sale.
6. Hire or arrange for volunteer off-duty Honolulu Police Department officer(s) and/or other security guard services for security, public safety, control of illegal vendors, illegal parking, etc. during art mart hours, when the Department determines there is a need. The Department shall determine the number and type of officers needed after conferring with the Honolulu Police Department.
7. All signs shall be approved by the Director and displayed only during the day of the art mart at the art mart site.
8. Ensure that the area is thoroughly cleaned immediately after each art mart.
9. Violations of these rules and regulations shall be considered grounds for denial of a Park Use Permit to conduct art marts.

PART III. METHODS WHEREBY PUBLIC MAY OBTAIN INFORMATION

A. Where Obtained.

The public may obtain information as to matters within the jurisdiction of the Director of Parks and Recreation, Department of Parks and Recreation, City and County of Honolulu, by inquiring at:

1. The office of the City Clerk, City Hall, where all rules of the Department are on file; or
2. The office of the Department of Parks and Recreation. All rules, orders or opinions of the Department are on file and available for public inspection at said office. Copies of compilation of rules and supplements thereto are available to the public at a price to be fixed by the agency to cover mailing and publication costs.

B. Submittals or Requests for Information.

Such inquiry may be made in person at said offices during business hours, or by submitting a request for information in writing to the Director, Department of Parks and Recreation, 650 South King Street, Honolulu, Hawaii 96813.

PART IV. PETITION FOR ADOPTION,
AMENDMENT OR REPEAL OF RULES

A. Petition.

Any interested person may petition the Department requesting the adoption, amendment or repeal of any rules of the Department.

B. Submission.

The petition shall be submitted in ten (10) copies to the Director, Department of Parks and Recreation, City and County of Honolulu. It shall include:

1. A statement of the nature of the petitioner's interest.
2. A draft or the substance of the proposed rule or amendment or a designation of the provision sought to be required.
3. An explicit statement of the reasons in support of the proposed rules, amendment or repeal.

C. Disposition of Petition.

The Department shall within thirty (30) days after the submission of the petition either deny the petition in writing, stating its reasons for such denial, or initiate

proceedings in accordance with Section 91-3 of the Hawaii Revised Statutes, for the adoption, amendment or repeal of the rule, as the case may be.

PART V. DECLARATORY RULINGS BY DEPARTMENT

A. Petition.

Any interested person may petition the Department for a declaratory order as to the applicability of any statute or ordinance relating to the Department, or of any rule or order of the Department.

B. Submission of Petition.

The petition shall be submitted in duplicate to the Director, Department of Parks and Recreation, City and County of Honolulu. It shall contain:

1. The name, address and telephone number of the petitioner.
2. A statement of the nature of petitioner's interest, including reasons for the submission of the petition.
3. A designation of the specific provision, rule or order in question.
4. A complete statement of facts.
5. A statement of the position or contention of the petitioner.
6. A memorandum of authorities, containing a full discussion of the reasons, including any legal authorities, in support of such position or contention.

C. Rejection of Petition.

Any petition which does not conform to the foregoing requirements may be rejected by the Department.

D. Refusal to Issue Declaratory Ruling.

The Department may for good cause refuse to issue a declaratory ruling. Without limiting the generality of the foregoing, the Department may so refuse where:

1. The question is speculative or purely hypothetical and does not involve existing fact, or facts which can reasonably be expected to exist in the near future.
2. The petitioner's interest is not of the type which would give him standing to maintain an action if he were to seek judicial relief.

3. The issuance of the declaratory ruling may adversely affect the interest of the City, the Department or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise.

4. The matter is not within the jurisdiction of the Department.

E. Referral to Other Agencies.

Where any question of law is involved, the Department may refer the matter to the Corporation Counsel. The Department may also obtain the assistance of other agencies, where necessary or desirable.

F. Notification of Petitioner.

Upon the disposition of his petition, the petitioner shall be promptly informed thereof by the Department.

G. Status of Orders.

Orders disposing of petitions shall have the same status as other Department orders. Orders shall be applicable only to the fact situation alleged in the petition or set forth in the order. They shall not be applicable to different fact situations or where additional facts not considered in the order exist.

PART VI. RULES GOVERNING HEARING

A. Informal Discussion.

A person seeking a relief from any provision of the Parks Rules and Regulations may discuss the matter informally with the Director of Parks and Recreation or his authorized representative.

B. Formal Application.

If the matter is not disposed of thereby, such person may apply to the Department for relief by completing the appropriate "Application for Relief" form available at the Department of Parks and Recreation.

C. Public Hearing.

Notice of such hearing, in conformance with Section 91-9, Hawaii Revised Statutes, shall be published at least twenty (20) days prior to such hearing in a newspaper of general circulation in the City. At the hearing, opportunity shall be afforded all persons to present evidence and argument on all issues involved.

ADOPTED THIS 28th day of August, 1985, by the Director of Parks and Recreation, City and County of Honolulu, State of Hawaii.

/s/ Tom 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 26th day of
September, 1985.

/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:

1. That the foregoing is a full, true and correct copy of the Rules and Regulations of the Department of Parks and Recreation Relating to Craft Fairs and Art Marts Held on City Parks Properties.
2. That the notice of public hearing on the foregoing Rules and Regulations, which notice included the substance of such Rules Regulations, was published in the Honolulu Star-Bulletin and Advertiser on August 7, 1985.

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

Recreation

Received this 27th, day of
September, 1985.

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

