

CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PARKS AND RECREATION

Pursuant to and by virtue of the authority set forth in Section 13-14.3 (a)(3)(4)(5) and (6), 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 RECREATIONAL ACTIVITIES
INCLUDING FUND-RAISING ACTIVITIES SPONSORED BY COMMUNITY
ORGANIZATIONS, ASSOCIATIONS, GROUPS OR INDIVIDUALS; SPORTS
ACTIVITIES CONDUCTED BY EITHER A LEAGUE, ORGANIZATION,
ASSOCIATION, GROUP OR INDIVIDUAL; MEETINGS, GATHERINGS OR
OTHER SIMILAR ACTIVITY HELD BY ORGANIZATIONS, ASSOCIATIONS OR
GROUPS; NONRECREATIONAL PUBLIC SERVICE ACTIVITIES HELD BY
ORGANIZATIONS, COMMUNITIES OR GROUPS ON CITY PARK PROPERTIES.

SECTION 1. Applicability and Scope.

- A. These rules and regulations shall apply to individuals, groups, organizations or associations using parks and recreational facilities (except pedestrian malls) under the control, maintenance, management and operation of the Department of Parks and Recreation.
- B. If any provision 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 individual, group, organization or association which requests use of the City park or recreation facility for activities outlined in these rules and regulations.
- B. "Attendant" shall mean an employee of the Department of Parks and Recreation.
- C. "Authorized Representative" shall mean any person legally or otherwise designated to act for the Director.
- D. "Contract Hires" shall mean independent contractors such as instructors, tutors, lecturers, sports officials, musicians or artists who are hired for a short duration under an encumbrance document and not under a formal contract.
- E. "Department" shall mean the Department of Parks and Recreation, City and County of Honolulu.

- F. "Director" shall mean the Director of the Department of Parks and Recreation.
- G. "Fund-raising Activity" shall mean an event or activity sponsored and conducted by a bonafide, nonprofit organization with all proceeds from the event or activity accruing to the nonprofit organization.
- H. "League" shall mean a percentage plan of organization where each contestant, individual or team plays every other contestant and the one winning the highest percentage or games or matches is the champion.
- I. "League Schedule" shall mean a schedule of games listing opposing teams or individuals and dates and times of competition within a six-month period.
- J. "Nonfund-raising Activity" shall mean an event or activity conducted for other than commercial purposes.
- K. "Nonprofit Organization" shall mean an association, corporation or other entity, organized and operated exclusively for religious, charitable, scientific, literary, cultural, educational, recreational, or other nonprofit purposes, no part of the assets, income or earnings of which inures to the benefit of any individual or member thereof, and whose charter or other enabling act contains a provision that, in the event of dissolution, the assets owned by such association, corporation or other entity shall be distributed to another association, corporation or other entity organized and operated exclusively for nonprofit purposes, and which further qualifies for exemption from the general excise tax provisions of Chapter 237, Hawaii Revised Statutes, as amended, and under Section 501 of the Internal Revenue Code of 1954, as amended. Such nonprofit organization must not merely be a sponsor of the event, production, attraction or activity being given, but must actively promote, produce, stage or conduct such event, production, attraction or activity.
- L. "Public Service Activity" shall mean a rally, blood drive, nourishment program, membership drive, blood pressure test, beautification project, public hearing, and other similar activities held to serve public interests.
- M. "Recreational Activity" shall mean an event or activity sponsored or conducted for recreational purpose, except that for the purpose of these rules and regulations, recreational activity shall not include camping, picnicking, carnivals, craft fairs, zoo fence art marts, commercial activities, shore water or other events covered under separate rules and regulations.
- N. "Sports Council" shall mean an organization comprised of representatives from the various sports and formed for the purpose of determining athletic field usage in an equitable manner.
- O. "Temporary Concession" shall mean the operation of a fund-raising activity as defined in Chapter 30, ROH 1978, as amended.

P. "Tournament" shall mean a method of determining the champion or winner in a sport within a predetermined time period.

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

SECTION 4. General Rules.

A. City parks and recreational facilities, when not in use for scheduled Department activities, may be appropriately used by the public.

B. City parks and recreational facilities shall be used only for those activities deemed by the Department to be compatible with the purpose for which the park or facility was designed. City parks and recreational facilities may not be used for activities which might:

- 1) cause injury or damage to park resources, or,
- 2) unreasonably impair the atmosphere of peace and tranquility maintained in wilderness, natural, historic or commemorative zones, or
- 3) unreasonably interfere with interpretive, visitor service or other program activities, or with the administrative activities, or with the administrative activities of the Department, or
- 4) substantially impair the operation of public use facilities or services of Department concessionaires or contractors, or
- 5) present a clear and present danger to the public health and safety.

C. City parks and recreational facilities may not be used for private parties such as baby luaus, graduations and wedding parties, etc.

D. Applicants desiring to use City park properties shall submit an Application For Use of Parks Facilities form to the Permit Section of the Department at least three weeks prior to the requested date of use.

E. The permit may contain such restrictions which are consistent with protection and use of particular recreation facilities or park areas for the purpose for which it is established. It may also contain limitations on the equipment used and the time and area at which the event is allowed.

F. It is prohibited for persons engaged in activities covered under this section to obstruct or impede pedestrians or vehicles, or harass park visitors with verbal or physical contact.

G. Park Use Permits shall be issued pursuant to the provisions contained in these rules and regulations and Sections 13-14.2 and 13-14.3, Revised Ordinances of Honolulu 1978, as amended, and to any other rules and regulations promulgated by the Director. Any violations of the provisions contained in the aforementioned rules and regulations and Revised Ordinances of Honolulu by the permittee, members of his group, officers, employees or his agents shall constitute grounds for revocation of the permit. Such a revocation shall be made in writing, with the reason(s) clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension may be made to be followed by written confirmation within 72 hours.

Any person aggrieved by the revocation of a permit may appeal first to the Director and then to the City Council. The time for initiating appeal shall be limited to 30 days, measured from the date the notice of revocation is mailed or presented by the Department to the aggrieved persons, at the last known address.

H. Except for contract hires, craft fairs, art marts, vendors in the People's Open Market Program, and as provided by rules and regulations controlling authorized commercial activities in City park properties, business organizations and individuals shall not be issued Park Use Permits to use a City park property for profit-making purposes. This includes business organizations and individuals who organize sports leagues for profit, teach martial arts, physical fitness, acrobatics, dance, etc., for profit, etc.

I. Activities where donations or entry or registration fees are collected from participants for the purpose of defraying expenses incurred by the permittee in conducting the event or activity shall not require a Temporary Concession authorization, however, the Department may require a financial report if it deems necessary.

J. Activities where the public is charged an admission fee or where a donation is accepted for the purpose of realizing a profit shall be considered a fund-raising activity and shall require a Temporary Concession authorization. The Department may require a financial report if it deems necessary.

K. All food and refreshment sales held on City park property must have State Department of Health clearance and comprehensive general liability insurance including products liability in the following minimum amounts prior to the issuance of a Park Use Permit:

Bodily Injury	\$300,000 per occurrence
Property Damage	\$ 10,000 per occurrence

The Certificate of Insurance shall name the City and County of Honolulu and its officers and employees as additional insured. State Department of Health clearance is also required where free food and refreshments are served to the general public on City park properties, including the Department-sponsored events.

There are only a few exceptions where a State Department of Health clearance may not be required, such as when serving food or refreshments only to the members of an organization or club. For further clarification, applicants are advised to contact the State Department of Health Sanitation Branch, telephone 548-3225.

L. No permit will be issued to conduct recreational or similar activities in areas where sanitation facilities will not be available.

M. Applicants who need to drive a vehicle on grassed areas or on the beach areas shall be required to pay a \$250 deposit at the time the permit is issued. The deposit shall be in addition to the cleanup and restoration deposit and shall be refundable by mail if there are no damages caused by the vehicle.

N. Deposits. For outdoor activities and events at which the estimated attendance is 100 or more persons, a deposit shall be collected from the applicant prior to issuance of the Park Use Permit. This deposit is required to assure proper cleanup and restoration and shall be refunded by mail if the area used is cleaned and restored to the satisfaction of the Director or authorized representative.

The amount of deposit shall be determined as follows:

ACTIVITY/EVENT GROUP SIZE	DEPOSIT
100 - 249	\$ 100
250 - 499	200
500 - 999	400
1,000 - 2,499	600
2,500 - 4,999	800
5,000 - 10,000	1,000

SECTION 5. Specific Provisions.

A. Recreational Activities Sponsored by Community Organizations, Associations, Groups or Individuals.

1. Permits to use gyms, swimming pools, recreational rooms, outdoor volleyball and basketball courts may be obtained at the recreation office of the respective facility, provided attendant fees or other charges are not involved. Where fees are involved, permits shall be obtained from the Permit Section of the Department.

2. Arrangements for use of the Diamond Head, Kapiolani, Ala Moana, and Keehi Lagoon tennis courts may be made with the Department's Tennis Specialist. For use of other tennis courts, arrangements may be made with the respective recreation director.

3. Anyone authorized to use indoor public park facilities after normal working hours shall be required to engage, at their own expense, one or more attendants who will

maintain order and insure the facility is cleaned. The number will be determined by the recreation director.

4. Applicants requesting use of swimming pools after normal operating hours shall be required to engage a certified lifeguard and an attendant at their own expense.

5. Physical fitness activities.

a. All applications to conduct physical fitness activities in City park properties, including those activities where a City park property is used only for assembly, start or termination of the activity, or where City park properties are used to serve only as an aid station for the participants, shall also require approval by the Department's physical fitness coordinator before a Park Use Permit may be issued.

b. Sponsors or activities which require crowd control, parking restrictions or traffic control inside the park or at the park entrance/exit shall hire off-duty Honolulu Police Department officers to perform these duties.

c. Sponsors of physical fitness activities which affect the general public (i.e. closing of streets, parking restrictions, rerouting of traffic, etc.) shall be responsible for media announcements and coordinate with the Department of Transportation Services, Street Usage Section.

d. Section 4.1. and 4.J., General Rules and Section 5.B., Fund- raising Activities Sponsored by Non-Profit Organizations, shall apply as appropriate, whenever monies are collected on City park properties.

e. Park Use Permits shall be required for registration and packet pickup activities held on City park properties.

f. Sponsors shall be responsible for complete cleanup of all trash/litter generated by participants and spectators.

6. Rappelling activities. Permits for rappelling activities shall be granted by the Permit Section of the Department only after the applicant obtains liability insurance coverage in the following minimum amounts:

\$500,000 for each accident
\$ 25,000 for property damage

The City and County of Honolulu shall be named as additional insured.

7. Groups and organizations may arrange for a commercial food caterer or lunchwagon to provide prepaid food at nonfund-raising events provided the following conditions are met:

- 1) All food and refreshments must be served only to members of the group or organization and not to other park users. There shall be no exchanging of monies at the event.
- 2) Authorization to have a commercial caterer or lunchwagon provide food is noted on the Park Use Permit.
- 3) Liability insurance coverage, including products liability, is provided by the commercial food caterer or the lunchwagon in the minimum amounts indicated in Section 4.K.
- 4) Commercial food caterers and lunchwagons shall not be allowed for purposes of this section at Hanauma Bay Beach Park and other parks may be subject to this section's exclusion of commercial food caterers and lunchwagons as determined by the Director.

B. Fund-raising Activities Sponsored By Nonprofit Organizations.

1. Fund-raising activities on public park properties shall be sponsored and conducted only by bona fide nonprofit organizations after securing a Temporary Concession authorization and a Park Use Permit. The Department reserves the right to reasonably regulate as to time, place, and manner the terms of the permit as necessary for public convenience and safety. Furthermore, City park properties may not be used solely to raise funds, and organizations may hold fund-raisers only in conjunction with another event or activity. The exception to this rule shall be when a City park is used for walk-a-thons and other physical fitness fund-raising events, or as a pickup point for presold items such as Christmas trees, barbeque chicken, lau lau, etc.
2. Applicants desiring to conduct fund-raising activities shall be required to obtain Comprehensive General Liability Insurance in the amounts shown in Section 4.K.
3. The Comprehensive General Liability insurance coverage period shall include any equipment delivery/setup and removal/takedown dates.
4. Commercial food caterers and lunchwagons are allowed to operate in City parks only by prior arrangement with the nonprofit organization conducting the fund-raiser and with the following conditions:
 - 1) The nonprofit organization must obtain authorization to operate a Temporary Concession.
 - 2) Authorization to have a commercial food caterer or lunchwagon operate at the event is noted on the Park Use Permit.

3) Liability insurance coverage, including products liability, shall be provided by both the nonprofit organization and the commercial food caterer or lunchwagon in the minimum amounts indicated in Section 4.K.

4) In City parks where a food concession is operated under contract with the City, the nonprofit organization shall obtain written permission from the food concessionaire to sell food and refreshments in that City park. The written permission shall be presented to the Permit Section of the Department prior to obtaining a Park Use Permit.

5) Commercial food caterers and lunchwagons shall not be allowed for purposes of this section at Hanauma Bay Beach Park and other parks may be subject to this section's exclusion of commercial food caterers and lunchwagons as determined by the Director.

C. Sports Activities Conducted by a League, Organization, Association, Group or Individual.

Softball and Baseball Field Use: Arrangements to use softball and baseball fields may be made by telephone or by going directly to the recreation office of the ballfield to be used. This includes reservations for ballfields located in areas where sports councils are formed. If there is no recreation office at the ballfield, the respective recreation complex office shall be contacted for use of that ballfield. Recreation directors may telephone ballfield booking information to the Permit Section of the Department in lieu of requiring applicants to complete an Application For Use of Park Facilities form. The Permit Section of the Department is open Monday to Friday, except on holidays, from 7:45 a.m. to 4:00 p.m.

Other General Rules:

1. League and/or teams violating the no drinking, no driving/parking on grass or litter laws shall have their permits revoked.

2. Spectator stands and dugouts may not be constructed without specific written approval from the Director.

3. Concessions shall not be allowed without a Temporary Concession authorization from the Director of Finance.

4. Permittees shall be liable for loss, damage or injury to persons or property resulting from the use of the ballfields.

5. Storage of supplies, materials, equipment, records, clothing, etc. within any City park is not allowed without specific written approval from the Director.

6. Except as authorized by permit, vehicles shall not be driven on or parked on grass.
7. The distribution, posting or placing of commercial handbill or circular, notice or other advertising device or matter in any City park is prohibited.
8. Specific rules for:
 - a. Softball.

(1) Use of ballfields for softball practices shall be limited to 1-1/2 hours per night, per week, and for a maximum 30-day duration. Ballfields may be reserved for practices on a first-come-first-served basis beginning the 30th calendar day prior to the first practice day. (For example: If the first practice day is on June 1, then the earliest date to reserve the ballfield shall be May 3.) If the 30th day falls on a weekend or holiday, then the first work day after the weekend or holiday shall be considered the earliest day for reservations. The same league or teams may not obtain back-to-back practice permits for the same lighted ballfield, unless there is no demand for that ballfield 14 calendar days prior to the expiration of the practice permit. (For example: If the permit expires on June 1, then the earliest date for renewal shall be on May 19.) If the 14th day falls on a weekend or holiday, then the first work day after the weekend or holiday shall be considered the earliest day for renewal.

Permits for use of lighted ballfields for softball practice shall be issued no less than two full workdays prior to the day of use to allow recreation personnel sufficient notification for any lighting requests. Any postponement or cancellation of practice sessions shall be reported to the recreation director by 3:00 p.m. on the day of the practice to ensure the lights are turned off if the ballfield is not going to be used. In case of rain, the recreation director shall determine if the ballfield is too wet to use, notify the Permit Section of the Department and the teams, and then, turn off the permissive switch for ballfield lights.

(2) Use of ballfields for softball league games shall be limited to a maximum six-month duration. Should makeup games need to be played, these shall be scheduled at other ballfields, provided ballfields are available. Leagues shall schedule a minimum of two games per night and shall be restricted to use the same lighted ballfield no more than two nights per week. Ballfields may be reserved for league games on a first-come-first-served basis beginning the 60th calendar day prior to the first game day. (For example: If the first game is on June 1, then the earliest date to reserve the ballfield shall be on April 3.) If the 60th day falls on a weekend or holiday, then the first work day after the weekend or holiday shall be considered the earliest day for reservation. The same league or team may not obtain back-to-back league permits for the same lighted ballfield, unless there is no demand for that ballfield 14 calendar days prior to the expiration of the league permit. (For example: If the permit expires on June 1, then the earliest date for renewal shall be May 19.) If the 14th day falls on a weekend or holiday, then the first work day after a weekend or holiday shall be considered the day for renewal.

Leagues shall submit their game schedule to the recreation director and the Permit Section of the Department no later than 14 calendar days prior to the first game. Permits may not be issued without a game schedule. Failure to provide a valid game schedule in a timely manner shall constitute grounds for issuing the permit to others.

Any cancellation or postponement in the game schedule shall be reported to the recreation director by 3:00 p.m. on the day of the scheduled game. This is to ensure the lights are turned off if the ballfield is not going to be used. In case of rain, the recreation director shall determine whether the ballfield is too wet to use, notify the Permit Section of the Department and the league of any postponement, and then, turn off the permissive switch for the ballfield lights.

(3) Use of ballfields for softball tournaments shall be limited to a maximum five-day period. Reservation postponement procedures shall be the same as for leagues.

b. Baseball.

(1) Use of ballfields for baseball practice, league games and tournaments shall be at the discretion of the recreation director.

Except for Little League and P. A. L., baseball may not be played on softball fields, and vice-versa. Except for adult baseball, metal cleats may not be worn on ballfields.

c. Soccer, cricket, football, rugby, etc.: Arrangements to use athletic fields for soccer, cricket, football, rugby, etc. shall be the same as for softball and baseball fields.

d. Meetings, Gatherings, or Other Similar Activities Held by Organizations, Associations, or Groups.

1. Recreation center rooms and other facilities may be used for meetings and gatherings by making arrangements with the respective recreation director when attendant fees or other charges are not involved.

2. Religious groups who do not have a regular place of worship may use City parks and recreation facilities for their religious activities provided their activities do not

conflict with Department programs and staff is available. Furthermore, religious groups shall not be allowed to dominate a park facility with their religious activities. Recreation center rooms and facilities may be used for religious purposes subject to time, place and manner restrictions as imposed by the Department. Applicants shall submit an Application For Use of Parks Facilities form and obtain a Park Use Permit.

3. Recreation center rooms and facilities may also be used for political activities subject to time, place and manner restrictions as imposed by the Department. Applicants shall submit an Application For Use of Parks Facilities form and obtain a Park Use

Permit.

E. Nonrecreational Public Service Activities Held by Organizations, Communities, or Groups.

1. Recreation center facilities and other City park properties may be used by organizations and community groups for activities serving the public interest by submitting an Application For Use of Parks Facilities form and obtaining a Park Use Permit.

ADOPTED this 1st day of September, 1988, by the Director of Parks and Recreation, City and County of Honolulu, State of Hawaii.

/s/ Hiram K. Kamaka
HIRAM K. KAMAKA, Director
Department of Parks and

Recreation

City and County of Honolulu

APPROVED AS TO FORM:

/s/ Karl Ichida
Deputy Corporation Counsel

APPROVED this 13th day of
September, 1988.

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

CERTIFICATION

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 Recreational Activities, Including Fund-raising Activities Sponsored by Community Organizations, Associations, Groups or Individuals; Sports Activities Conducted by Either a League, Organization, Association, Group or Individual; Meetings, Gatherings or Other Similar Activity Held by Organizations, Associations or Groups, Nonrecreational Public Service Activities, Meetings, and Gatherings Held by Organizations, Communities or Groups on City Park Properties, which were adopted on September 1, 1988, following a public hearing held on August 30, 1988, after public notice was given on August 7, 1988, in the Honolulu Advertiser and Star-Bulletin.

/s/ Hiram K. Kamaka
HIRAM K. KAMAKA, Director
Department of Parks and Recreation
City and County of Honolulu

Received this 28TH day of
SEPTEMBER, 1988.

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