

## Chapter 10

### RULES, REGULATIONS, CHARGES AND FEES FOR PUBLIC PARKS AND RECREATION FACILITIES

#### Articles:

1. Use of Public Parks, Playgrounds, Beaches and Other Public Areas
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#### Article 1. Use of Public Parks, Playgrounds, Beaches and Other Public Areas

#### Sections:

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#### Sec. 10-1.1 Definitions.

“Camp” or “camping” means the use and occupation of a public park as a temporary or permanent dwelling place or sleeping place between the hours of 10:00 p.m. and 5:00 a.m.

“Commercial activity” means a use or purpose designed for profit, which includes, but is not limited to, the exchange or buying and selling of commodities; the providing of services relating to or connected with trade, traffic or commerce in general; any activity performed by the commercial operator or its employees or agents in connection with the delivery of such commodities or services; and the soliciting of business, including the display or distribution of notices, business cards, or advertisements for commercial promotional purposes. Notwithstanding the foregoing, the following are not considered commercial activities: the use of land for utilities; the use of the premises and facilities for official canoe regattas; the use of the premises and facilities at Waimanalo Bay Beach Park and Waimanalo Beach Park for music festivals, country fairs, farmer's markets, organized youth sports for students ages pre-school through high school, and educational events that are for students ages pre-school through high school and conducted or offered by educational institutions recognized by the State of Hawaii department of education; and all activities and programs conducted by the department of parks and recreation and any vendors needed to conduct these activities and programs.

"Director" means the director of parks and recreation, or the director's designated representative.

“Dwelling place” means a place used for human habitation as an overnight accommodation, lodging, or shelter on either a temporary or permanent basis.

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\***Editor’s Note:** Permits issued on or before February 9, 2017, allowing recreational stops by commercial tour companies to take place at Waimanalo Beach Park, Kaiona Beach Park, Kaupo Beach Park, Bellows Field Beach Park, Makapuu Beach Park, and Waimanalo Bay Beach Park, will continue to be valid until the permit expires.

“Expressive activities” means speech or conduct, the principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political, religious, philosophical, or ideological opinions, views, or ideas and for which no fee is charged or required as a condition of participation in or attendance at such activity. Expressive activity generally would not include sports events such as marathons, fundraising events, beauty contests, commercial events, cultural celebrations or other events the principal purpose of which is entertainment.

“Human habitation” means the act of utilizing, occupying, or inhabiting a place of lodging or shelter on a permanent or temporary basis as a place of residence or sojourn.

“Off-leash park” means a public park designated by the director of parks and recreation where dogs, and no other animal, shall be allowed to be off-leash.

“Public park” means any park, park roadway, playground, athletic field, beach, beach right-of-way, tennis court, golf course, swimming pool, or other recreation area or facility under the control, maintenance and management of the department of parks and recreation. “Public park” does not include a public thoroughfare defined as a “mall” under Section 29-1.1 unless the public thoroughfare has been (1) accepted, dedicated, or named by the council expressly as a “public park” or “park”; (2) placed under the control, maintenance, and management of and classified expressly as a “public park” or “park” by the department of parks and recreation; or (3) constructed or situated within a larger specific recreation area or facility listed in the preceding sentence.

“Recreational stops” means the use of city beach parks by commercial tour companies for activities that may include, but are not limited to, sightseeing, spectating, picture taking, beach combing, swimming, guided tours, and eating of prepared picnic lunches.

“Shopping cart” means a metal or plastic handcart on three or more wheels provided by a wholesale or retail establishment such as a supermarket.

“Sleeping place” means a place used by a person for the purpose of sleeping, where the person is asleep inside a tent, sleeping bag, or some form of temporary shelter or is asleep atop of or covered by materials such as a cot, mat, bedroll, bedding, sheet, blanket, pillow, bag, cardboard, or newspapers.

“Tent” means a collapsible structure consisting of sheets of canvas, fabric, or other material attached to or draped over a frame of poles or a supporting rope that has more than one wall.

“Traverse” means to travel continuously in a direction across or through.

“Wall” means an upright, vertical, or slanted structure, partition, or divider serving to enclose, divide, support, or protect.

(Sec. 13-14.1, R.O. 1978 (1983 Ed.); Am. Ord. 01-43, 02-51, 08-22, 10-4, 10-5, 12-2, 12-26, 13-12, 17-3)

### **Sec. 10-1.2 Park rules and regulations.**

- (a) Within the limits of any public park, it is unlawful for any person to:
- (1) Willfully or intentionally destroy, damage or injure any property;
  - (2) Climb onto any tree, except those designated for climbing, or to climb onto any wall, fence, shelter, building, statue, monument or other structure, excluding play apparatus;
  - (3) Swim, bathe, wade in or pollute the water of any ornamental pool or fountain;
  - (4) Kindle, build, maintain or use any fire, other than in a grill or brazier;
  - (5) Annoy, molest, kill, wound, chase, shoot or throw missiles at any animal or bird;
  - (6) Distribute, post or place any commercial handbill or circular, notice or other advertising device or matter, except as permitted by the terms of any agreement relating to the use of park property;
  - (7) Use any surfboard or devices or materials with jagged or rough ends and edges, which are dangerous to surfers, swimmers or bathers;
  - (8) Construct or fabricate surfboards;
  - (9) Permit any animal to enter and remain within the confines of any public park area except as otherwise provided in this article;
  - (10) Feed any animal or bird when signs are posted prohibiting such feeding;
  - (11) Wash, polish or repair cars or other vehicles;
  - (12) Enter or remain in any public park during the night hours that the park is closed, provided that signs are posted indicating the hours that the park is closed, except that a person may traverse a public beach park using the most direct route during park closure hours for the purpose of reaching the shoreline;
  - (13) Camp at any park not designated as a campground;
  - (14) Fail to comply with any sign or notice posted by the City and County of Honolulu;
  - (15) Utilize, place, occupy, leave, or in any other manner situate a shopping cart.
- (b) Except as authorized by permits, and subject to the terms and conditions imposed by the department of parks and recreation, it is unlawful for any person, within the limits of any public park, to:
- (1) Cut or remove any wood, plant, grass, soil, rock, sand or gravel;
  - (2) Sell or offer for sale any services, merchandise, article or thing, whatsoever;
  - (3) Moor, tie up, store, repair or condition any boat, canoe, raft or other vessel;

- (4) Repair or condition any surfboard;
  - (5) Park any vehicle except bicycles on grassed areas;
  - (6) Amplify music or use battery operated loudspeakers (bullhorns);
  - (7) Ride or drive any horse or any other animal;
  - (8) Engage in or conduct any activity which creates any sound, noise or music exceeding 80 dBA sound pressure level taken at a point 10 feet in front of the source for a cumulative time period of at least five minutes when measured with a calibrated American National Standard Institute (ANSI) Type I or Type II sound level meter with weighting set at "A" and response set at "slow" except any activity which is sponsored by the city or the department of parks and recreation or authorized by permit issued by the city;
  - (9) Construct, utilize, place, occupy, leave, or in any other manner situate any tent.
- (c) Within the limits of any public park, it is unlawful for any person, wherever signs are posted prohibiting such activities, to:
- (1) Throw, cast, catch, kick or strike any baseball, tennis ball, football, basketball, croquet ball or other object;
  - (2) Ride upon roller skates, skateboards or bicycles;
  - (3) Engage in kite flying.
- (d) Except in park areas specifically designated for such purposes, it is unlawful for any person to:
- (1) Throw, cast, roll or strike any bowling ball or golf ball;
  - (2) Engage in model airplane flying;
  - (3) Engage in model boat sailing;
  - (4) Kindle, build or maintain any campfire;
  - (5) Discharge firearms for target practice only;
  - (6) Engage in archery for target practice and tournament only;
  - (7) Launch model rockets.
- (e) In addition to the requirements of subsection (b) of this section, the repair or conditioning of any surfboard shall be performed only by a concessionaire of the department of parks and recreation who has a surfboard concession. Such repair work shall be conducted only in an enclosed building or structure, approved by the department of parks and recreation, building department, and the state department of health. The terms and conditions to be imposed by the department of parks and recreation shall include, together with the requirements necessary to safeguard the health and safety of the public, the securing of adequate insurance to protect the city from any liability resulting from such repair work.
- (f) It is unlawful for any person, other than authorized personnel of the department of parks and recreation, or a person then golfing on the course, or such person's caddy, to gather or pick up golf balls within the boundaries of a public golf course.
- (g) (1) Within the limits of any public park, it is unlawful for any person, where signs are posted prohibiting or restricting such activities, to operate, park or stand a motor vehicle in violation of such prohibitions or restrictions. Such signs may impose any prohibition or restriction upon the operation, parking or standing of motor vehicles which the director of parks and recreation shall determine will maximize the enjoyment and use of any park by park users. Such restrictions may include the installation of parking meters in parks.
- (2) Parking Meter Charges and Time Limits.
- (A) Meters at the Honolulu Zoo parking lot shall have a four-hour time limit at the rate of \$1.00 per hour.
  - (B) Meters on the mauka side of Kalakaua Avenue between Monsarrat Avenue and the Paki Avenue-Poni Moi Road-Diamond Head Road intersection shall have a four-hour time limit at the rate of 50 cents per hour and shall be in effect between the hours of 10 a.m. and 6 p.m., seven days a week.
- (3) Parking Meter Violations.
- (A) No person shall violate any provision of Section 15-22.11.
  - (B) Every hour a vehicle remains parked, stopped, or standing in violation of any provision of Section 15-22.11 shall constitute a separate violation.
- (h) Commercial activities, including recreational stops by commercial tour companies, are not allowed at any time at Kailua Beach Park and Kalama Beach Park, except as otherwise provided in this chapter for commercial filming activities. Recreational stops by commercial tour companies are not allowed at:
- (1) Waimanalo Beach Park, Kaiona Beach Park, Kaupo Beach Park, Makapuu Beach Park, and Bellows Field Beach Park at any time; and
  - (2) Waimanalo Bay Beach Park from 6:30 p.m. on Fridays through 6:30 a.m. on Mondays and on all state and federal holidays.
- (i) Commercial activities, including recreational stops by commercial tour companies, are not allowed at any time at city owned or operated beach rights-of-way and easements from Lanikai to Kapoho Point (Castle

Point). Recreational stops by commercial tour companies are not allowed at any time at city owned or operated beach rights-of-way and easements from Makapuu Point to and including Waimanalo Bay Beach Park, including the Waimanalo Bay Beach Park access gate on Aloiloi Street.

(Sec. 13-14.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-6, 94-05, 94-24, 97-26, 01-43, 06-20, 07-17, 09-20, 10-4, 10-5, 12-2, 12-28, 13-12, 17-3)

### **Sec. 10-1.3 Permits.\***

- (a) Required. Any person using the recreational and other areas and facilities under the control, maintenance, management and operation of the department of parks and recreation must first obtain a permit from the department for the following uses:
- (1) Picnic groups, consisting of 50 or more persons.
  - (2) Camping.
  - (3) Sports activities conducted by a league, organization, association, group or individual.
  - (4) Recreational activities, including nonprofit fundraising activities, sponsored by community organizations, associations, groups or individuals.
  - (5) Expressive Activities.
    - (A) Expressive activities held at Ala Moana Regional Park or in the following areas of Kapiolani Park require a permit when the expressive activity involves 150 or more persons:
      - (i) The triangle area fronting the Honolulu Zoo bordered by Kapahulu Avenue and Monsarrat Avenue, but excluding the Honolulu Zoo;
      - (ii) The area within Kapiolani Park bordered by Monsarrat Avenue, Paki Avenue, Poni Moi Road, and Kalakaua Avenue;
      - (iii) The Waikiki playground area bordered by Monsarrat Avenue, Leahi Avenue, and Paki Avenue, generally rectangular in shape;
      - (iv) The Leahi area bordered by Leahi Avenue, Noela Street, and Paki Avenue, generally rectangular in shape; or
      - (v) The archery range area bordered by Paki Avenue and Poni Moi Road, generally rectangular in shape.
    - (B) For all other public parks, and areas of Kapiolani Regional Park outside of the areas specified in Section 10-1.3(a)(5)(A), a permit is required when the expressive activity involves 75 or more persons.

This subdivision does not apply if the expressive activity is due to a spontaneous event occasioned by news or affairs coming into public knowledge within 48 hours of such expressive activity, in which case the organizer must provide written notice to the city as soon as practicable prior to such expressive activity.
- (6) Meetings or gatherings or other similar activity other than expressive activities held by organizations, associations or groups.
  - (7) Nonrecreational, public service activities, meetings and gatherings other than expressive activities held by organizations, communities or groups.
  - (8) Right of entry into parks for installation of utilities or construction work.
  - (9) The playing of musical instruments as solo or two or more instruments that fall within the standards described in the first paragraphs (A), (B) and (C):
    - (A) Musical instruments that are limited to two octaves or less, including but not limited to the following musical instruments:

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- (i) Tuba;
  - (ii) Tympani;
  - (iii) Maracas;
  - (iv) Uliuli;
  - (v) Castanets;
  - (vi) Tambourine; or
  - (vii) Percussion instruments in which a human hand or drumsticks are used to create sounds therefrom;
- (B) Musical instruments that when played do not exceed the sound pressure level established in Section 10-1.2(b)(8); and
  - (C) Musical instruments that are used or played continuously without a regular hourly break of 30 minutes, or for more than six hours within a day.

The use or the playing of a musical instrument that requires a permit as provided under this section is subject to the following restrictions, in addition to any other conditions imposed by the rules and regulations promulgated by the director:

- (A) Issuance Standards for Permits. The department of parks and recreation shall uniformly treat each application, based upon the facts presented, free from improper or inappropriate considerations and from unfair discrimination and shall exercise no other discretion over the issuance of a permit under this section, except as provided in this section and in the departmental rules.
- (B) Judicial Review. Upon the department's refusal to issue a permit, the applicant for such permit is entitled to a review by the circuit court within 30 days after the date of such refusal. In such review, the department's decision will be upheld in the absence of a judicial finding of abuse of discretion.
- (C) Restrictions. The use or the playing of a musical instrument that requires a permit as provided hereunder is subject to the following restrictions, in addition to any other conditions imposed by the rules adopted by the director:
  - (i) Time: Only between the hours of 9:00 a.m. and 6:00 p.m. daily; and
  - (ii) Place: The playing of such instruments must be restricted to a facility especially constructed for such purpose, such as the bandstand at Kapiolani Park or other areas within the park that are clearly designated in the permit; and
  - (iii) Manner: During the hours mentioned in subparagraph (i) of this paragraph, every half-hour of playing period must immediately be followed by a 15-minute break or every one hour of playing period must immediately be followed by a half-hour break; provided, that at no time may there be any continuous playing exceeding an hour.
- (D) Duration of Permit. The duration of a permit issued pursuant to subdivision (9) cannot exceed one month.

The foregoing provisions will not apply to the playing of musical instruments in conjunction with expressive activities.

- (10) Hang gliding.
- (11) Commercial activities, provided that the proposed commercial activities under the permit are consistent with the use of the park under consideration, subject to reasonable limitations on the size of the groups, and the time and area within which the event is permitted, and subject to department of parks and recreation rules and regulations regarding the solicitation of business, advertising, and commercial promotional activities. No permit may be issued for commercial activities, including permits for recreational stops by commercial tour companies, at Kailua Beach Park and Kalama Beach Park, except as otherwise provided in this chapter for commercial filming activities. No permit may be issued for recreational stops by commercial tour companies at:
  - (A) Waimanalo Beach Park, Kaiona Beach Park, Kaupo Beach Park, Makapuu Beach Park, and Bellows Field Beach Park; and
  - (B) Waimanalo Bay Beach Park from 6:30 p.m. on Fridays through 6:30 a.m. on Mondays, and on all state and federal holidays; provided that no more than five permits may be issued for recreational stops by commercial tour companies at Waimanalo Bay Beach Park, and such permits may only be issued to commercial tour companies for recreational stops by tour vans or vehicles that seat no more than 15 passengers.
- (12) Constructing, utilizing, placing, occupying, or in any other manner situating any tent.
- (b) Director to Promulgate Rules and Regulations. The director shall promulgate rules and regulations pursuant to HRS Chapter 91, to govern the use of said areas and facilities that will:
  - (1) Ensure maximum permissible use of said areas and facilities by appropriate distribution of users;
  - (2) Ensure proper, orderly and equitable use of areas and facilities through scheduling and user controls;
  - (3) Ensure protection and preservation of areas and facilities by not overtaxing facilities;
  - (4) Promote the health, safety and welfare of the users of said areas and facilities;

- (5) Establish procedures for obtaining permits and revocation thereof; and
  - (6) Recommend to the council fee schedules, based upon the cost of administration for each activity authorized under subsection (a)(11).
  - (c) Conditions of Permit. Permits shall be issued pursuant to the provisions contained in this article and to the rules and regulations promulgated by the director, and they shall be subject to the conditions in this article and to any rules and regulations promulgated by the director. Any violation of the provisions contained in this article, or of any rules and regulations promulgated by the director which implement said provisions, or of any conditions contained in this article, or of any rules and regulations promulgated by the director which implement said conditions, or of the terms or conditions contained in the permit which violation is caused by the permittee, members of the permittee's group, officers, employees or the permittee's agents shall constitute ground for revocation of the permit by the director of parks and recreation. Any permittee whose permit has been revoked by the director may appeal to the city council pursuant to the rules and regulations authorized, and said appeal must be filed by the permittee within 30 days of the mailing of a notice of said revocation to the last known address of the permittee.
- (Sec. 13-14.3, R.O. 1978 (1983 Ed.); Am. Ord. 96-58, 10-4, 12-2, 12-26, 12-28, 17-3)

**Sec. 10-1.4 Rules and regulations pertaining to street trees, hedges and shrubs.**

The director shall promulgate rules and regulations pursuant to HRS Chapter 91, relative to the planting, trimming and maintenance of all shade trees, hedges and shrubs within the public right-of-way on public streets of the city, and relative to the issuance of permits for the replacement, removal, planting, spraying, trimming or pruning of street trees by private citizens.

(Sec. 13-14.4, R.O. 1978 (1983 Ed.))

**Sec. 10-1.5 Public beaches.**

- (a) No person shall operate, park, or store or otherwise exert control over any unauthorized motor vehicle on any public beach with the exception of areas specifically designed to accommodate motor vehicles such as paved roads for boat launchings.
  - (b) For purposes of this section, the following definitions shall apply:
    - "Motor vehicle" means and includes automobiles, trucks, dune buggies, motorcycles, mopeds, motor scooters or any other vehicles which are mechanically propelled.
    - "Public beach" means and includes all beach areas owned or controlled by city, State of Hawaii or United States of America seaward of the highest wash of the waves as evidenced by the line of vegetation.
    - "Unauthorized motor vehicle" means and includes all motor vehicles except vehicles of the United States Government, the State of Hawaii, the City and County of Honolulu, or contractors thereof, engaged in the care or maintenance of the beach area; any vehicles operated by water safety officers and other emergency and law enforcement vehicles, while carrying out their duties; and any vehicle with a valid permit issued by the department of parks and recreation for the purposes specified upon said permit.
- (Sec. 13-14.5, R.O. 1978 (1983 Ed.))

**Sec. 10-1.6 Violation—Penalty.**

- (a) Powers of Arrest or Citation. Police officers and any other officer so authorized shall issue a citation for any violation of the provisions of this article or of any rule adopted by the director to administer, implement or enforce the provisions of this article, except they may arrest for instances when:
  - (1) The alleged violator refuses to provide the officer with such person's name and address and any proof thereof as may be reasonably available to the alleged violator.
  - (2) When the alleged violator refuses to cease such person's illegal activity after being issued a citation.
  - (3) The alleged violator has previously been issued a citation for the same offense within a one-year period.
- (b) Citation.
  - (1) There shall be provided for use by authorized police officers, a form of citation for use in citing violators of this article for instances which do not mandate the physical arrest of such violators. The form and content of such citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and rules of the State of Hawaii and the City and County of Honolulu.
  - (2) In every case when a citation is issued, a copy of the same shall be given to the violator, or in the case of a parking, standing or stopping violation, a copy of the same shall be affixed to said vehicle; as provided in paragraph (5) of this subsection.
  - (3) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.
  - (4) Whenever a motor vehicle is in violation of any provision, other than a parking, standing or stopping

provision, of this article, any police officer and any other officer so authorized shall take the name, address and driver's license number of the alleged violator and the license plate number or vehicle identification number of the motor vehicle involved, and shall issue to such alleged violator in writing a citation, notifying the alleged violator to answer to the complaint to be entered against such person at a place and at a time provided in said citation.

- (5) Whenever any motor vehicle is parked, standing or stopped in violation of this article, the police officer and any other officer so authorized finding such vehicle shall conspicuously affix to such vehicle a citation. The citation shall be addressed to the registered owner of the vehicle, but need not identify the registered owner by name. The registered owner may be unnamed, so long as the citation identifies the vehicle by its license plate number or vehicle identification number. The citation shall instruct the registered owner to answer to the charge against such registered owner at a time and place specified in the citation.

The registered owner of a vehicle shall be responsible and accountable for the illegal parking, standing or stopping of the vehicle when:

- (A) The registered owner committed the illegal parking, standing or stopping of the vehicle; or  
(B) Another person committed the illegal parking, standing or stopping of the vehicle, but the registered owner gave the person explicit or implicit permission to use the vehicle at the time of the violation.

In any proceeding for violation of a parking, standing or stopping provision of this article, the license plate number or vehicle identification number of the parked, standing or stopped vehicle shall constitute prima facie evidence that the registered owner of the vehicle was responsible and accountable for the illegal parking, standing or stopping of the vehicle.

- (6) If a person cited for violating any provision under this article does not appear in response to a citation, a penal summons shall be issued ordering such person's appearance in court.
- (c) Severability. If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.
- (d) Penalty.
- (1) Except as otherwise provided in paragraph (2), any person convicted of a violation of any section or provision of this article will be punished by a fine of not more than \$500.00 or by imprisonment for not more than 30 days, or by both such fine and imprisonment.
- (2) Any person who violates or causes a vehicle to violate the provisions of the following sections will be fined not less than \$25.00, but not more than \$500.00:
- (A) Section 10-1.2 (a)(11);  
(B) Section 10-1.2 (b)(5);  
(C) Section 10-1.2 (g);  
(D) Section 10-1.2(h);  
(E) Section 10-1.2(i); or  
(F) Section 10-1.5.

(Sec. 13-14.6, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-77, 01-43, 17-3)

### **Sec. 10-1.7 Animals in public parks.**

- (a) Persons may bring animals into public parks as provided in this section in accordance with rules adopted by the director pursuant to HRS Chapter 91. Such rules may provide for the following:
- (1) Pony rides may be allowed by permit in conjunction with a carnival or fair.  
(2) Shows, classes and other events for cats, dogs, and other common domestic household pets may be allowed by permit.  
(3) Persons having custody and control of dogs on a leash may use public parks or areas therein designated for dogs on a leash by the director in accordance with subsection (b).  
(4) Persons having custody and control of unleashed dogs may use an off-leash park designated by the director in accordance with subsection (b).

For purposes of this subsection, "common domestic household pets" includes animals such as domesticated mice, rats, rabbits, guinea pigs, fish and birds, but excludes animals which are considered "livestock" as that term is defined in Section 21-10.1.

- (b) The director is authorized to designate areas in public parks for use by persons having custody and control of dogs on a leash and to designate public parks for use as off-leash parks for dogs. In designating parks as off-leash parks and in designating parks or areas therein for leashed dogs, the director shall consider the park's size, location, and frequency of use by members of the public, as well as the primary actual or designed use of each park or area included in the designation. The director shall post signs that notify the public of such

designation that describe or map the park or park areas so designated. Signs for areas for leashed and off-leash dogs shall further display the applicable requirements in subsection (c). Parks for off-leash dogs shall be appropriately fenced to contain the dogs.

- (c) The director shall adopt rules pursuant to HRS Chapter 91 to hold persons bringing permitted animals into public parks responsible for the sanitary use of the park, the protection of shrubbery, trees, turf and other property, and the safety, health and welfare of all park users. The rules shall address the specific responsibilities associated with bringing a type of animal into a public park.
- (1) Rules for persons bringing leashed dogs into designated parks or park areas shall include:
    - (A) Requiring the person having custody and control of the dog to restrain the dog at all times on a leash, cord, chain or other similar means of physical restraint of not more than eight feet in length;
    - (B) Requiring all dogs in the park or park areas designated for leashed dogs to display a valid license tag attached to the dog's collar;
    - (C) Requiring the person having custody and control of the dog to be eighteen years of age or older;
    - (D) Requiring the person having custody and control of the dog to carry equipment for the removal and disposal of dog feces and to clean up and dispose of feces left by the dog; and
    - (E) Allowing, notwithstanding Section 10-1.2(a)(9), persons otherwise in compliance with this article and having custody and control of a dog otherwise in compliance with this subdivision to traverse a public beach park using the most direct route for the purpose of reaching the shoreline during either hours when the park is open or hours when it is closed.
  - (2) Rules for persons bringing dogs off-leash into designated off-leash parks shall include:
    - (A) Requiring the person having custody and control of the dog to maintain voice control over the dog at all times;
    - (B) Prohibiting female dogs in estrus from entering the off-leash park;
    - (C) Requiring all dogs to display a valid license tag attached to the dog's collar;
    - (D) Notifying any person entering an off-leash park that the person enters and remains in the park at his or her own risk and the city is not liable for any injury or harm to any person or dog incurred or caused by any other person or dog entering or remaining in the off-leash park;
    - (E) Requiring the person having custody and control of the dog to be eighteen years of age or older; and
    - (F) Requiring the person having custody and control of the dog to carry equipment for the removal and disposal of dog feces and to clean up and dispose of feces left by the dog.

(Added by Ord. 01-43; Am. Ord. 03-29, 13-12)

## **Article 2. Fees and Charges for Use of Parks and Recreational Facilities**

Sections:

- 10-2.1 Admission fees for the Honolulu Zoo.**
- (10-2.2 Students-- School staff--Chaperones. Repealed by Ord. 05-022.)**
- 10-2.2 Reserved.**
- (10-2.3 Community service groups. Repealed by Ord. 05-022.)**
- 10-2.3 Reserved.**
- (10-2.4 Other free admission schedules. Repealed by Ord. 95-35.)**
- 10-2.4 Reserved.**
- 10-2.5 Canoe storage facilities--Policy and special conditions.**
- 10-2.6 Outrigger canoes--Fees and charges for storage.**
- 10-2.7 Fees for attendant/custodian services.**
- 10-2.8 Fees for kitchen usage.**
- 10-2.9 Fees for processing, rental and attendant/custodian services.**
- 10-2.10 Fees for community garden.**
- (10-2.11 Fees and charges for Hanauma Bay Nature Park. Repealed by Ord. 96-01.)**
- 10-2.11 Fees for Hanauma Bay Nature Preserve.**
- 10-2.12 Fees for use and rental of facilities at Waipio Peninsula Soccer Park, Central Oahu Regional Park facilities, Hans L'Orange baseball facility, recreational fields, gymnasiums, and other facilities.**
- 10-2.13 Fees for camping.**

**Sec. 10-2.1 Admission fees for the Honolulu Zoo.**

The following daily admission fees shall be assessed for the Honolulu Zoo:

- (1) Child two years of age and under: free. Child must be accompanied by a person 18 years old or older.
- (2) Resident of Hawaii, three to 12 years of age: four dollars per person.
- (3) Nonresident of Hawaii, three to 12 years of age: six dollars per person.
- (4) Resident of Hawaii and United States Military, 13 years of age and older: eight dollars per person.
- (5) Nonresident of Hawaii, 13 year of age and older: fourteen dollars per person.
- (6) Member of the Honolulu Zoological Society: free.
- (7) The director of enterprise services is authorized to set reduced rates for persons participating in structured educational tours, group purchases, and promotional packages and persons with promotional coupons. The director is also authorized to allow entry of any person into the Honolulu Zoo as part of a promotional offer or package made available by the city.

(Sec. 27-3.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 89-82, 90-33, 95-35, 05-022, 06-36; 09-19, 11-16)

**Sec. 10-2.1 Admission fees for the Honolulu Zoo.\***

(a) *The following daily admission fees will be assessed for the Honolulu Zoo:*

- (1) *Children two years of age and under: free. Children must be accompanied by a person 18 years of age or older.*
- (2) *Resident of Hawaii, three to 12 years of age: four dollars per person.*
- (3) *Resident of Hawaii, 13 years of age and older: eight dollars per person.*
- (4) *Members of the Honolulu Zoological Society: free.*

(b) *The director of enterprise services may, by rules adopted in accordance with HRS Chapter 91, establish fees for admission to the Honolulu Zoo for the following:*

- (1) *The United States Military;*
- (2) *Nonresidents of Hawaii, three to 12 years of age; and*
- (3) *Nonresidents of Hawaii, 13 years of age and older.*

(c) *The director of enterprise services may set rates for persons participating in structured educational tours, group purchases, and promotional packages and persons with promotional coupons. The director is also authorized to allow entry of any person in the Honolulu Zoo as part of a promotional offer or package made available by the city.*

(Sec. 27-3.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 89-82, 90-33, 95-35, 05-022, 06-36; 09-19, 11-16, 17-23)

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\***Editor's Note:** This section is in effect once the Director of Enterprise Services has adopted rules in accordance with HRS Chapter 91.

**(Sec. 10-2.2 Students--School staff --Chaperones. Repealed by Ord. 05-022.)**

**Sec. 10-2.2 Reserved.**

**(Sec. 10-2.3 Community service groups. Repealed by Ord. 05-022.)**

**Sec. 10-2.3 Reserved.**

**(Sec. 10-2.4 Other free admission schedules. Repealed by Ord. 95-35.)**

**Sec. 10-2.4 Reserved.**

**Sec. 10-2.5 Canoe storage facilities--Policy and special conditions.**

- (a) Policy. The council finds that Hawaiian outrigger canoe paddling is the official state team sport and, as such, the city recognizes, supports and encourages the sport by permitting the storage of outrigger canoes at city parks. The council further finds that Olympic canoe and kayak paddling are Olympic sports and, as such, the city recognizes, supports and encourages those sports by permitting the storage of Olympic canoes and kayaks at city parks.
- (b) Special Conditions to Be Met When Providing Canoe Storage Facilities (Halaus) at City Parks. The following special conditions shall apply to establishment of halaus at city parks:
- (1) Halaus may be constructed only at park locations designated by the department of parks and recreation;
  - (2) If not constructed by the department of parks and recreation, the design of halaus shall be approved by the department;
  - (3) No more than 20,000 square feet or 10 percent, whichever is less, of any park shall be utilized for halaus unless approved by the city council, and halaus shall be situated so as not to impede public access and use of the park property;
  - (4) The department of parks and recreation shall establish policies to ensure that halaus shall be operated to provide equal opportunity for use by all canoe organizations wishing to store their canoes and kayaks; and
  - (5) The use of halaus shall be controlled and monitored by the department of parks and recreation.
- (Sec. 27-4.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 89-121)

**Sec. 10-2.6 Outrigger canoes--Fees and charges for storage.**

- (a) The department of parks and recreation is authorized to issue permits and set fees and charges for the use of the halaus, including the setting of nominal fees to cover operating expenses.
- (b) The director of parks and recreation shall adopt rules and regulations pursuant to HRS Chapter 91, for the implementation, administration and enforcement of this article.
- (Sec. 27-4.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

**Sec. 10-2.7 Fees for attendant/custodian services.**

Organizations using city recreational facilities outside of the facility's posted operational hours shall pay attendant/custodian service fees to the city of \$15.00 per hour for a custodian or an attendant. For the purposes of this section, "posted operational hours" means the hours a recreational facility is open for use by the public as posted on a sign or other notice conspicuously posted at the facility or on a city website. Fees collected pursuant to this subsection shall be deposited into a special fund, established by the mayor and approved by the council, or into a special account of the general fund for the use of the department of parks and recreation for expenses relating to park services. No fees shall be collected unless a special account or special fund is established.

(Added by Ord. 95-38; Am. Ord. 09-20, 12-9)

**Sec. 10-2.8 Fees for kitchen usage.**

Organizations using kitchen facilities at city recreational facilities for their exclusive use or for fund-raising purposes shall be assessed a fee of \$25.00 per day or fraction thereof to cover the utility and usage costs.

For the purposes of this section, a "day" means any 24-hour period of time that a recreational facility is open for use by an organization.

(Added by Ord. 95-38)

**Sec. 10-2.9 Fees for processing, rental and attendant/custodian services.**

- (a) Community and nonprofit organizations whose use of city recreational facilities requires an attendant or custodian, and who use such facilities for a fund-raising activity, either alone or as part of a recreational or cultural event, shall be assessed fees according to the number of people projected to attend the activity, as

follows:

<b>Number of Persons</b>	<b>Permit Processing Fee</b>	<b>Rental</b>	<b>Attendant/Custodian Fee</b>
Fewer than 300	\$15	\$25	\$15 per hour for custodian or attendant
300 through 500	\$15	\$50	\$15 per hour for custodian or attendant
More than 500	\$15	\$100	\$15 per hour for custodian or attendant

- (b) Organizations referred to in subsection (a) who use kitchen facilities in city recreational facilities shall also be charged the fee provided in Section 10-2.8. Organizations who are assessed an attendant or custodian fee under subsection (a) shall not also be assessed a fee under Section 10-2.7.
  - (c) For the purposes of this section, "fund-raising activity" shall not include an activity where incidental services are provided by organizations to their members for a nominal fee, such as the serving of refreshments, where the fee is charged to recoup the cost of providing the refreshments or other incidental services.
- (Added by Ord. 95-38; Am. Ord. 09-20)

**Sec. 10-2.10 Fees for community garden.**

Individuals using plots at the city's community garden sites shall be assessed a nonrefundable fee of 10 cents per square foot per plot per year.  
(Added by Ord. 95-35; Am. Ord. 96-41)

**(Sec. 10-2.11 Fees and charges for Hanauma Bay Nature Park. Repealed by Ord. 96-01.)**

**Sec. 10-2.11 Fees for Hanauma Bay Nature Preserve.**

- (a) The following fees shall be assessed for entrance to the Hanauma Bay Nature Preserve:
    - (1) For nonresidents of Hawaii, 13 years of age and older, to enter the lower preserve (beyond the scenic lookout): \$7.50 per person.
    - (2) For vehicles entering the preserve, a \$1.00 parking fee shall be assessed; provided that this parking fee shall be refunded for all vehicles departing from the preserve within 15 minutes of their entry.
  - (b) The director of parks and recreation is authorized to waive the fees provided by this section and to allow entry of any person to the Hanauma Bay Nature Preserve as part of an educational or promotional program or package made available or authorized by the city.
  - (c) Customers of a commercial scuba diving and snorkeling permittee and the permittee shall pay the applicable fees established in subdivisions (a)(1) and (a)(2).
  - (d) Hawaiians entering the Hanauma Bay Nature Preserve to exercise their traditional and customary rights for subsistence, cultural and religious purposes shall be exempt from paying the fees established in subdivisions (a)(1) and/or (a)(2) as the case may be; provided that nothing in this subsection shall be construed as allowing activities which may be otherwise prohibited by the Hawaii Revised Statutes or administrative rules of the department of land and natural resources. For purposes of this section, "Hawaiian" means the same as defined in HRS Section 11-1.
- (Added by Ord. 96-19; Am. Ord. 03-10, 09-20)

**Sec. 10-2.12 Fees for use and rental of facilities at Waipio Peninsula Soccer Park, Central Oahu Regional Park facilities, Hans L'Orange baseball facility, recreational fields, gymnasiums, and other facilities.**

- (a) The director of parks and recreation is authorized to issue a permit and charge a fee for the use and rental of the facilities at Waipio Peninsula Soccer Park, Central Oahu Regional Park, Hans L'Orange baseball facility, recreational fields, gymnasiums, and other recreational facilities to help cover operating and maintenance expenses. The department may require a custodial deposit to serve as security for the cleaning, repairing, and restoration of any damage resulting from the use of the field, gymnasium, or facility. Prior to establishing the fees, the director shall notify all duly constituted park advisory organizations concerning the proposed fees.
- (b) Permittees may charge a reasonable admission fee to any person desiring to attend special events at Waipio Peninsula Soccer Park, Central Oahu Regional Park, Hans L'Orange baseball facility, recreational fields, gymnasiums, or other recreational facility; provided however, that the permittee may not exclude members of the public from entering or remaining on portions of the park or facility that are not subject to the permit.  
For purposes of this subsection,  
"Permittee" means the promoter, sponsor, exhibitor, league, or other person who obtains a permit for the purpose of conducting a special event at Waipio Peninsula Soccer Park, Central Oahu Regional Park, Hans L'Orange baseball facility, recreational fields, gymnasiums, or other recreational facility.  
"Special events" include but are not limited to:

- (1) Athletic practices and events involving:
    - (A) Professional teams;
    - (B) Collegiate teams;
    - (C) National amateur teams;
    - (D) For-profit organizations; and
    - (E) Teams and organizations utilizing the facilities for tournament play;
  - (2) International, national or regional events; and
  - (3) Entertainment events.
- (c) The director of parks and recreation shall adopt rules pursuant to HRS Chapter 91, having the force and effect of law, for the implementation, administration, and enforcement of this section, including procedures and criteria for the waiver of permit fees.
- (Added by Ord. 03-07; Am. Ord. 11-19, 14-24)

**Sec. 10-2.13 Fees for camping.**

The following fees shall be assessed for use of campsites:

- (1) \$10.00 per day for campsites holding up to 10 people.
- (2) \$75.00 per day for campsites holding up to 60 people.
- (3) \$125.00 per day for campsites holding up to 100 people.
- (4) \$187.50 per day for campsites holding up to 150 people.
- (5) \$312.50 per day for campsites holding up to 250 people.

Proceeds from the fees assessed under this section shall be deposited in the camping revenue account in the general fund and shall be used to improve and maintain city campsites.

An additional fee of \$2.00 per permit issued shall be assessed to pay for the administrative costs associated with the issuance of the permit. The monies from this fee shall be deposited in the general fund. A permit shall be valid for one or more consecutive days.

(Added by Ord. 11-20; Am. Ord. 14-12)

**Article 3. Fees for Use of Parks and Recreational Facilities for Commercial Activities**

**Sections:**

**10-3.1 Commercial scuba diving and snorkeling.**

**10-3.2 Commercial filming activities.**

**Sec. 10-3.1 Commercial scuba diving and snorkeling.**

Scuba diving and snorkeling activity:

- (a) Annual permit: \$900.00;
- (b) Monthly permit: \$75.00;
- (c) Daily permit: \$10.00.

(Sec. 27-2.1, R.O. 1978 (1983 Ed.))

**Sec. 10-3.2 Commercial filming activities.**

- (a) The fee charged for a commercial filming activity permit shall be as follows:

<b>Activity</b>	<b>Daily Permit</b>	<b>Monthly Permit</b>	<b>Annual Permit</b>
(1) Movie or television for (i) nonlocal network and cable television and/or major motion picture studios or (ii) national advertising	\$300.00	No Monthly Permit	No Annual Permit
(2) Movie or television for (i) nonprofit organizations as defined in ROH Section 29-1.1, (ii) local television and local advertising, (iii) public service, educational or school productions, or (iv) other movie and television productions not described in subdivision (1)	\$20.00	No Monthly Permit	No Annual Permit
(3) Still photos/Special event videography	\$20.00	\$100.00	\$1,000.00

Provided that the mayor or a city officer or employee designated by the mayor may reduce any daily permit fee if deemed necessary by the mayor or designee to assist the proposed filming activity and it is deemed by the mayor or designee that such activity will feature or promote the State of Hawaii, island of Oahu, and/or City and County of Honolulu. Such promotions may be through the production directly or via indirect promotions related to the production.

"Special event videography" means the production of motion pictures or videos for private noncommercial use, including motion pictures or videos of weddings, graduations or similar events to be used as family mementos.

- (b) The mayor or a city officer or employee designated by the mayor shall determine which fee applies to a particular commercial filming activity permit.
  - (c) Commercial filming activities at Kailua Beach Park and Kalama Beach Park may take place from 1:00 p.m. on Saturdays through 6:30 a.m. on Mondays, provided all permit requirements are satisfied.
- (Sec. 27-2.3, R.O. 1978 (1983 Ed.); Am. Ord. 05-021, 05-039, 12-2)

#### **Article 4. Fees for Use of Municipal Golf Courses**

**Sections:**

- 10-4.1 Definitions.**
- 10-4.2 Green fees.**
- 10-4.3 Golf cart rental.**
- 10-4.4 Locker rental.**
- 10-4.5 Rental--Golf set (clubs and bag).**
- 10-4.6 Junior golf tournament fees.**
- 10-4.7 Golf tournament fees--Collection.**
- (10-4.8 Automated golf tee time reservation system. Repealed by Ord. 99-62.)**
- 10-4.8 Reserved.**
- 10-4.9 Golf identification card.**
- 10-4.10 Surcharge for use of qualifying documents.**
- 10-4.11 Penalty for misuse of golf identification card or qualifying documents.**

**Sec. 10-4.1 Definitions.**

As used in this article, unless the context otherwise requires:

"City" means the City and County of Honolulu.

"Junior" means any person 17 years of age or under and attending a recognized educational institution.

"Person totally disabled" means any person as defined in and certified according to HRS Section 235-1.

"Qualifying documents" means documents as defined in rules adopted by the department of enterprise services governing golf course fees.

"Senior" means any person 65 years of age or older.

"Twilight hours" means the hours after three p.m. until sunset or darker during the months October through April, and the hours after four p.m. until sunset or darker during the months May through September.

(Sec. 27-1.1, R.O. 1978 (1983 Ed.); Am. Ord. 92-76, 93-60, 96-58, 99-62)

**Sec. 10-4.2 Green fees.**

The following green fees shall be assessed per round of golf for use of the golf course facilities operated by the city:

<b>Golf Course</b>	<b>When Played (Effective Date)</b>	<b>Person w/Golf Identif. Card</b>	<b>Senior or Person Totally Disabled w/Golf Identif. Card</b>	<b>Junior w/Golf Identif. Card</b>	<b>Person w/o Golf Identif. Card</b>
All Except Kahuku	<b><u>18-hole round</u></b>				
	Weekend or holiday (July 1, 2017)	\$26.00	\$26.00	\$0.00	\$66.00
	Weekday (July 1, 2017)	22.00	17.00	0.00	66.00
	Monthly rate (weekdays only) (July 1, 2017)	None	90.00 <sup>1</sup>	0.00	None
	<b><u>Twilight or 9-hole round</u></b>				
	Weekend or holiday (July 1, 2017)	13.00	13.00	0.00	30.00
	Weekday (July 1, 2017)	11.00	8.50	0.00	30.00

<b>Golf Course</b>	<b>When Played (Effective Date)</b>	<b>Person w/Golf Identif. Card</b>	<b>Senior or Person Totally Disabled w/Golf Identif. Card</b>	<b>Junior w/Golf Identif. Card</b>	<b>Person w/o Golf Identif. Card</b>
Kahuku	<b><u>18-hole round</u></b>				
	Weekend or holiday (July 1, 2017)	\$20.00	\$18.00	\$0.00	\$44.00
	Weekday (July 1, 2017)	18.00	14.00	0.00	44.00
	Monthly rate (weekdays only) (July 1, 2017)	None	90.00 <sup>1</sup>	0.00	None
	<b><u>Twilight or 9-hole round</u></b>				
	Weekend or holiday (July 1, 2017)	10.00	9.00	0.00	19.00
	Weekday (July 1, 2017)	9.00	7.00	0.00	19.00

<sup>1</sup> Ten-round limit per person per month; may not be used for tournament play.  
 (Sec. 27-1.2, R.O. 1978 (1983 Ed.); Am. Ord. 89-81, 92-76, 93-60, 95-37, 99-62, 09-18, 11-14, 17-29)

**Sec. 10-4.3 Golf cart rental.**

The following rates for the rental of golf carts shall be charged by the department of enterprise services at city golf courses.

(a) Motorized Carts.

<b>Holes Played</b>	<b>When Effective</b>	<b>Amount</b>
18	July 1, 2009	\$19.00
	July 1, 2010	20.00
9	July 1, 2009	9.50
	July 1, 2010	10.00

(b) Hand Carts. Four dollars for nine or 18 holes.

(Sec. 27-1.3, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 88-122, 89-81, 93-60, 95-37, 99-62, 09-18)

**Sec. 10-4.4 Locker rental.**

The fee for the rental of a locker at the municipal golf courses shall be seven dollars per month.  
(Sec. 27-1.4, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 89-81, 99-62)

**Sec. 10-4.5 Rental--Golf set (clubs and bag).**

The fee for the rental of a golf set (clubs and bag) at the Kahuku golf course shall be \$12.00 per set for nine or 18 holes.  
(Sec. 27-1.5, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 95-37, 99-62)

**Sec. 10-4.6 Junior golf tournament fees.**

Notwithstanding the green fees established for the foregoing courses, fees for golf tournaments conducted on any of the foregoing golf courses sponsored by a bona fide junior golf association shall be three dollars per round for junior golfers 17 years old and younger.  
(Added by Ord. 93-60; Am. Ord. 99-62)

**Sec. 10-4.7 Golf tournament fees--Collection.**

- (a) Regular tournaments - Seven dollars per golfer.
  - (b) Tournaments with a shotgun start - Twelve dollars per golfer.
  - (c) The fee shall be collected at least two weeks before the scheduled date and shall be nonrefundable should a cancellation occur due to fault of the requesting agency. If a cancellation occurs due to inclement weather or actions on the part of the city, the fee will be refunded in accordance with current city procedures.
  - (d) Once the tournament fee has been collected, the number of golfers participating in the tournament cannot be changed.
- (Added by Ord. 93-60; Am. Ord. 99-62)

**(Sec. 10-4.8 Automated golf tee time reservation system. Repealed by Ord. 99-62.)**

**Sec. 10-4.8 Reserved.**

**Sec. 10-4.9 Golf identification card.**

- (a) In order to qualify for the rates expressly provided in Section 10-4.2 for persons with golf identification cards each person must present his or her golf identification card at the time of payment of golf fees.
  - (b) Verification of Hawaii residency, age, and identity through provision of appropriate documents shall be required in order for a person to qualify for a golf identification card.
  - (c) A five-dollar fee shall be assessed for replacement of a golf identification card.
- (Added by Ord. 99-62)

**Sec. 10-4.10 Surcharge for use of qualifying documents.**

Persons who present a qualifying document at the time of payment of golf fees instead of a golf identification card shall be charged green fees applicable to persons with golf identification cards in Section 10-4.2 plus a four-dollar surcharge.  
(Added by Ord. 99-62)

**Sec. 10-4.11 Penalty for misuse of golf identification card or qualifying documents.**

A golf identification card or qualifying document shall, when used for purposes of this article, only be used by the person to whom the card or document was issued. Any person convicted of a violation of this section shall be subject to a fine of \$100.00 for the first offense and \$200.00 for each subsequent offense occurring within 12 months of the first offense.  
(Added by Ord. 99-62)

**Article 5. Commercial Windsurfing**

**Sections:**

- 10-5.1 Definitions.**
- 10-5.2 Regulation of land-based commercial windsurfing activities.**
- 10-5.3 Enforcement.**
- 10-5.4 Fees for land-based commercial windsurfing activities.**

**Sec. 10-5.1 Definitions.**

"Commercial windsurfing permittee" means those persons or business organizations who have a valid permit from the department of parks and recreation to conduct land-based commercial windsurfing activities at Kailua Beach park.

"Holidays" means the same as defined in HRS Section 8-1.

"Kailua Beach park" means the area that includes the parcels with the following tax map key numbers: 4-3-09, 4-3-10 and 4-3-11, and which are owned or controlled by the city department of parks and recreation.

"Land-based commercial windsurfing activities" means activities conducted in the course of a commercial windsurfing business and includes setting up or breaking down windsurfing equipment, conducting simulated windsurfing instruction and training on land, and storing or laying windsurfing equipment on the ground.

(Added by Ord. 89-69)

**Sec. 10-5.2 Regulation of land-based commercial windsurfing activities.**

The following conditions shall govern commercial windsurfing activities on the grounds of Kailua Beach park:

- (a) Commercial windsurfing permittees shall not conduct land-based commercial windsurfing activities in Kailua Beach park on all holidays and during the hours from one p.m. on Saturdays to sunrise on Mondays.
- (b) Commercial windsurfing permittees shall be prohibited from conducting land-based commercial windsurfing activities within Kailua Beach park except in the area within the park as shown in Figure 10-5.1. The area is described as follows:

Starting from Point A which is the makai/Kaneohe corner of parcel 4-3-11-21, extending approximately 100 feet in the Kailua direction along the chain link fence bordering the makai boundary of said parcel to Point B, then from Point B extending approximately 150 feet in the makai direction to Point C on Liliwai Road, then extending approximately 125 feet in the Kaneohe direction along Liliwai Road to Point D, then from Point D returning a distance of approximately 90 feet in the mauka direction to Point A.

The department of parks and recreation shall mark the boundaries of this area.

(Added by Ord. 89-69)

**Sec. 10-5.3 Enforcement.**

- (a) Police officers shall issue a citation for any violation under this article, except that they may arrest any person for a violation under this article when any of the conditions specified in Section 10-1.6 (a) exist. When a citation is issued, the citation shall be in the form and issued in the manner specified in Section 10-1.6 (b).
- (b) Any commercial windsurfing permittee cited for violating this article shall be fined \$25.00 for the first offense, \$50.00 for the second offense and \$100.00 for the third offense within one calendar year. In addition to the fine for the third offense committed within a year, a commercial windsurfing permittee shall have the permittee's permit revoked by the department of parks and recreation. Upon revocation of the permit, such commercial windsurfing permittee shall not be eligible for another permit until the expiration of one year from the date the permit was revoked.

(Added by Ord. 89-69)

**Sec. 10-5.4 Fees for land-based commercial windsurfing activities.**

- (a) The following fees shall apply to windsurfing activity permits:
  - (1) Ten dollars for daily permits;
  - (2) Seventy-five dollars for monthly permits; and
  - (3) Nine hundred dollars for annual permits.
- (b) The director of parks and recreation is authorized to adopt rules to allow for the rebate of the unused portion of an annual permit fee, on a pro rata basis, should a commercial windsurfing permittee voluntarily relinquish the permittee's permit.

(Added by Ord. 89-69)

**(Article 6. Beach and Inland Camping Facilities. Repealed by Ord. 96-49.)**

**Article 6. Cultural Sites in Public Parks**

**Sections:**

**10-6.1 Definitions.**

**10-6.2 Cultural Sites in Public Parks Program.**

**Sec. 10-6.1 Definitions.**

As used in this article, unless the context otherwise requires:

"Cultural site" means any building, structure, object, area, or site that, because of its association with cultural

practices or beliefs of a living community, is rooted in the community's history or important in maintaining the continuing cultural identity of the community; provided that the cultural site is also included in a city development plan or recommended by a neighborhood board.

"Department" means the department of parks and recreation.

"Director" means the director of parks and recreation.

"Person" means a human being, a corporation, an unincorporated association, or other entity.

(Added by Ord. 16-5)

#### **Sec. 10-6.2 Cultural Sites in Public Parks Program.**

- (a) The director may establish a program for the designation of cultural sites located in public parks. Any interested person may recommend the designation of a cultural site to the director for approval.
- (b) The recommendation to the director by an interested person pursuant to subsection (a) must include the following:
  - (1) The name and address of the public park where the proposed cultural site is located;
  - (2) A description of the approximate location where the proposed cultural site will be located within the public park;
  - (3) A name and brief physical description of the proposed cultural site;
  - (4) A brief description of the cultural impact of the site on the city or surrounding communities; and
  - (5) Detailed information, such as the size, shape, types of materials to be used, any maintenance costs, and the total cost, including the labor required, of installing the marker at the designated cultural site.
- (c) Upon the approval of the designation by the director, the department shall erect, install, or place a marker, in accordance with subsection (b)(5), informing the public of the designated cultural site; provided that the interested person making the recommendation, pursuant to subsection (a), agrees to reimburse the department for all costs related to the installation and maintenance of the marker and the marker itself, as determined by the director.

(Added by Ord. 16-5)

### **Article 7. Policy on Fees for Organized Recreational Programs**

#### **Sections:**

**10-7.1 Findings and policy.**

**(10-7.2 Annual report to the council. Repealed by Ord. 14-24.)**

**10-7.2 Reserved.**

#### **Sec. 10-7.1 Findings and policy.**

- (a) Findings. The council finds with respect to fees charged to participants in various organized recreational programs sponsored by the department of parks and recreation that there is a lack of strategic planning by the department which addresses program offerings and fees systematically. To provide the optimum level of service to the public, there is a need for the director to implement a systematic, comprehensive planning approach to establishing fees for organized recreational programs.
- (b) Policy. It is declared to be the policy of the city that the director of parks and recreation, pursuant to the powers, duties and functions vested by the charter, conduct an ongoing comprehensive strategic evaluation of the department's programs, facilities and fees, which evaluation shall include, but not be limited to:
  - (1) Surveys of the public to determine specific recreational satisfaction levels, expectations and needs;
  - (2) Assessments of recreational programs offered by the private sector, the costs to participants and availability of such programs throughout the city, and a comparative analysis with city programs to align city program offerings in such a manner as to avoid duplication of private sector programs and to respond to the demand for city-organized recreational programs where private sector programs cannot meet service demands in particular areas;
  - (3) Evaluation and monitoring of fee policies which correlate with rational recreational standards and priorities; and
  - (4) Identifying and assessing cost-effective methods to maximize the efficiency of city-organized recreational program promotional efforts.

(Added by Ord. 94-68)

**(Sec. 10-7.2 Annual report to the council. Repealed by Ord. 14-24.)**

**Sec. 10-7.2 Reserved.**

## Article 8. Summer Fun Activities

### Sections:

- 10-8.1 Definitions.**
- 10-8.2 Fees for participation in summer fun program.**
- 10-8.3 Waiver.**
- 10-8.4 Rules.**

#### **Sec. 10-8.1 Definitions.**

As used in this article:

"Child" means any person between the ages of five and 15 years.

"Department" means the department of parks and recreation.

"Director" means the director of the department of parks and recreation.

"Enrichment program" means a program of courses and activities for children, other than those of the summer fun program, offered by the department in the summer months or when the public schools are not in session.

"Federal financial assistance program" means the federal food stamp program, the aid to families with dependent children (AFDC) program or any federally-funded program to assist low-income households or families as determined by the federal government.

"Summer fun program" means a program of recreational activities for children that include arts and crafts, music and dance, excursions, games or other activities offered by the department during the summer months or when the public schools are not in session.

(Added by Ord. 95-44)

#### **Sec. 10-8.2 Fees for participation in summer fun program.**

The department shall charge a fee of \$25.00 for each child who participates in a summer fun program. The director may assess a fee, established by rule, for a child who is registered as a participant in an enrichment program but not in a summer fun program.

(Added by Ord. 95-44)

#### **Sec. 10-8.3 Waiver.**

The director may, by rule adopted pursuant to Section 10-8.4, establish procedures and criteria for the waiver of the fees provided in Section 10-8.2, upon proof at the time of registration that the child to be participating in the summer fun or enrichment program is from a low-income household or family. Until the rules relating to waivers have been adopted, the director may waive the fees upon proof at the time of a child's registration that the child to be participating in the summer fun or enrichment program is from a family or household receiving financial assistance under a federal financial assistance program as verified by the parent or legal guardian of the child or by the State department of human services.

(Added by Ord. 95-44)

#### **Sec. 10-8.4 Rules.**

The director is authorized to adopt rules, pursuant to HRS Chapter 91, to effectuate the purposes of this article.

(Added by Ord. 95-44)

## Article 9. Professional Sports Activity at Hans L'Orange Baseball Facility

### Sections:

- 10-9.1 Definitions.**
- 10-9.2 Regulation of professional sports activity at Hans L'Orange baseball facility.**
- 10-9.3 Fee for professional sports activity at Hans L'Orange baseball facility.**
- 10-9.4 Indemnification and hold harmless.**

#### **Sec. 10-9.1 Definitions.**

As used in this article, unless the context otherwise requires:

"Admission fee" means a fee, charge, or assessment levied by the permittee for the privilege of observing a professional sports activity from the bleachers or other permanently constructed seating within Hans L'Orange baseball facility.

"Hans L'Orange baseball facility" means the playing field, bleachers, stands and other areas of the facility enclosed by a fence.

"Permittee" means the promoter, sponsor, exhibitor, league or other person who obtains a permit for the purposes of conducting a professional sports activity at Hans L'Orange baseball facility for which admission fees are charged.

"Professional sports activity" means a game, event, exhibition, or activity of a recognized sport, the participants in which receive compensation in return for their participation in the sport.  
(Added by Ord. 95-51)

**Sec. 10-9.2 Regulation of professional sports activity at Hans L'Orange baseball facility.**

The following conditions shall govern professional sports activities at the Hans L'Orange baseball facility:

- (a) Permittees may charge a reasonable admission fee to any person desiring to enter Hans L'Orange baseball facility for the purpose of observing the professional sports activity from the bleachers or other permanently constructed seating.
- (b) Permits for professional sports activities at Hans L'Orange baseball facility shall have a maximum duration of six hours.
- (c) The department of parks and recreation may, for a period of one year after the effective date of this ordinance, waive the permit fees established in Section 10-9.3 to offset the actual fair market value of any permanently installed improvements made to the facility by the permittee. Any improvements proposed to be made by the permittee shall be approved by the department of parks and recreation prior to construction or installation and shall be actually constructed or installed and duly accepted by the city council in order for the waiver to be applicable. The fair market value of any improvements made shall be determined by the director of finance.
- (d) The issuance of a permit to conduct professional sports activities at Hans L'Orange baseball facility shall not include the right to engage in any other commercial activity or concession in or on parks, facilities or other areas controlled by the department of parks and recreation, except by lease, rental or concession as provided for in Chapter 28.

(Added by Ord. 95-51)

**Sec. 10-9.3 Fee for professional sports activity at Hans L'Orange baseball facility.**

The fee for a permit to conduct professional sports activities at Hans L'Orange baseball facility shall be:

Daily permit: \$100.00.

(Added by Ord. 95-51)

**Sec. 10-9.4 Indemnification and hold harmless.**

The permittee shall hold the city harmless with respect to, and indemnify the city against, all liability, loss, damage, cost and expense, including attorneys' fees, arising out of or resulting from the acts or omissions of the permittee, or the permittee's employees, officers, agents or subcontractors with respect to any professional sports activity conducted or any improvement constructed or installed at the Hans L'Orange baseball facility.

(Added by Ord. 95-51)

**Article 10. Rental of Surfboard Lockers on Kuhio Beach**

**Sections:**

**10-10.1 Purpose.**

**10-10.2 Surfboard locker fees and charges for storage.**

**10-10.3 Management of the surfboard lockers.**

**Sec. 10-10.1 Purpose.**

The purpose of Article 10 of this chapter is to establish the rental of surfboard lockers on Kuhio Beach under the jurisdiction of the department of enterprise services and to authorize that department to adopt rules pursuant to law for the proper rental, management, maintenance and safety of those lockers consistent with the remainder of this article.

(Added by Ord. 06-47)

**Sec. 10-10.2 Surfboard locker fees and charges for storage.**

- (a) The department of enterprise services is authorized to set reasonable fees for the use of surfboard lockers on Kuhio Beach.
- (b) The director of the department of enterprise services shall adopt rules pursuant to HRS Chapter 91, for the implementation, administration and enforcement of this article.

(Added by Ord. 06-47)

**Sec. 10-10.3 Management of the surfboard lockers.**

The department of enterprise services is authorized to establish a concession or management agreement, or append this function to an existing concession or management agreement for administrative purposes.  
(Added by Ord. 06-47)

**(Article 11. Abandoned Property. Repealed by Ord. 11-29.)**

**Article 11. Reserved**

**Article 12. After-school Programs**

**Sections:**

**10-12.1 Definitions.**

**10-12.2 Fees for participation in after-school programs.**

**Sec. 10-12.1 Definitions.**

As used in this article:

"After-school program" means a program of activities for children, including but not limited to child care, held at public school and public park facilities by the city after regular school hours.

"Department" means the department of parks and recreation.

(Added by Ord. 09-27)

**Sec. 10-12.2 Fees for participation in after-school programs.**

The department may charge a fee set by administrative rules for each child who is registered as a participant in an after-school program. The department shall adopt rules pursuant to Chapter 91, HRS, to establish the fee, and for the administration and implementation of this article. Proceeds from the fee assessed under this section shall be used to defray the cost of running after-school programs.

(Added by Ord. 09-27)