

DEPARTMENT OF PARKS AND RECREATION

Amendment and Compilation of Title 19, Chapter 2
City and County of Honolulu Administrative Rules
Department of Parks and Recreation

July 1, 2008

SUMMARY

1. §19-2-4 is amended.

CITY AND COUNTY OF HONOLULU ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF PARKS AND RECREATION

CHAPTER 2

CARNIVAL RULES AND REGULATIONS

Subchapter 1 GENERAL PROVISIONS

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Subchapter 2 SPECIFIC PROVISIONS

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SUBCHAPTER 1

GENERAL PROVISIONS

§19-2-1 Purpose. The purposes of these rules are to make public parks readily accessible to the public; to ensure maximum permissible use of park areas and facilities by appropriate distribution of users; to ensure proper, orderly and equitable use of park areas and facilities through user controls; to ensure protection and preservation of areas and facilities by not overtaxing facilities; and to promote the health, safety, and welfare of the users of park areas and facilities. [Eff 12/8/83, am and ren §19-2-1, 3/20/06; comp JUL 13 2003] (Auth: RCH §4-105, ROH §10-1.3) (Imp: ROH §10-1.3)

§19-2-2 Application. These rules govern carnivals and any other recreational activities having amusement rides on a temporary or permanent basis held in public parks under the jurisdiction, management, and operation of the department of parks and recreation. [Eff 12/8/83; am and ren §19-2-2, 3/20/06; comp JUL 13 2003] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-2-3 Definitions. As used in these rules, unless the context clearly indicates otherwise:

"Amusement ride" means a mechanically or electrically operated device designed to carry passengers in various modes and used for entertainment and amusement, which includes, but is not limited to, devices commonly known as skyrides, ferris wheels, carousels, roller coasters, trains. "Amusement ride" does not include any nonmechanized device or structure, inflatable, or passenger propelled or gravity propelled rides, including but not limited to climbers, slides, bouncers, and obstacle courses.

"Carnival" means an organized program of entertainment consisting of one or more amusement rides or similar devices and exhibitions, tents or similar structures requiring the use of heavy trucking equipment and heavy erection bases on wheels, poles, stakes or columns.

"Carnival manager" means a person having

possession, custody, or managerial control of an amusement ride or its temporary structure at any location whether as owner, lessee, agent, or otherwise.

"Carnival plot plan" means a plan identifying the carnival site by tax map key number and providing a scaled drawing of the configuration and dimensions of the area to be used for the carnival, including the spacing from adjacent buildings and property lines. Locations for amusement ride equipment, tents, games, food wagons, food booths, temporary structures and existing buildings that will be used and identified with their intended use shall be marked on the carnival plot plan subject to minor modifications during set up at the carnival manager's discretion. Fire safety considerations, including location of fire extinguishers, aisles, exits, and signs, shall be identified on the carnival plot plan.

"Department" means the department of parks and recreation.

"Director" means the director of the department of parks and recreation, or his or her duly authorized representative.

"Inflatable" means a device of any size that incorporates a structural and mechanical system and employs a high strength fabric or film that achieves its strength, shape, and stability by tensioning from internal air pressure.

"Organization" means 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 HRS Chapter 237, 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.

"ROH" means the Revised Ordinances of Honolulu

1990, as amended.

[Eff 12/8/83; am and ren §19-2-3, 3/20/06;
comp JUL 1 8 2009] (Auth: RCH §6-1403, ROH §1-9.1)
(Imp: ROH §10-1.3)

SUBCHAPTER 2

SPECIFIC PROVISIONS

§19-2-4 Carnival sites. Carnivals are permitted at only Ala Moana Regional Park, Maili Beach Park, Keehi Lagoon Beach Park, Waimanalo Beach Park, Patsy T. Mink Central Oahu Regional Park and Haleiwa Beach Park, provided a permit for such event has been issued by the director. [Eff 12/8/83; am and ren §19-2-4, 3/20/06; am and comp JUL 1 8 2009] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-2-5 Carnival permits. (a) Organizations shall submit an "application for use of park facilities" and two sets of the carnival plot plan to the department of parks and recreation, Permit Office, 650 South King Street, Honolulu, Hawaii 96813, no later than six months prior to the month the carnival is to be held, except that the director may, in the director's discretion and if consistent with purposes of these rules and in the public interest, modify the time period for submittal of the permit application.

(b) An application for such permit shall set forth the name of the applicant, the date, time, duration, nature, and place of the proposed event, an estimate of the number of persons expected to attend, a statement of equipment or facilities to be used, proposed fees, applicable federal, state, and county identification numbers and any other information required by the permit application form.

(c) An application shall include an application for temporary concession pursuant to section 28-3.3 of the Revised Ordinances of Honolulu 1990, as amended.

(d) Organizations shall complete a building permit application, obtain the requisite agency and department approvals, and provide a copy of the temporary building permit to the director.

(e) Organizations shall also obtain applicable department of health authorization, including a

temporary food establishment permit, if food or drink is to be distributed or sold.

(f) Organizations shall obtain permits from the Honolulu fire department, including, if applicable, places of assembly permit and tents, air supported and temporary structures permit, pursuant to articles 25 and 32 of the fire code of the city and county of Honolulu, as amended.

(g) No permit shall be issued until the department receives a copy of the temporary building permit, Department of Health authorization and Honolulu Fire Department permits.

(h) The director shall, without unreasonable delay and provided an application is submitted with reasonable timeliness and applicant has met all permit requirements, issue a permit on proper application, unless:

- (1) A prior application for a permit for the same time and place has been made that has been or will be granted;
- (2) It reasonably appears that the event will present a clear and present danger to the public health or safety; or
- (3) The event is of such nature or duration that it cannot reasonably be accommodated in the particular location applied for, considering things such as probable damage to the park's resources or facilities, interference with program activities, or impairment of the operation of public use facilities or services of county concessionaires or contractors.

(i) If a permit is denied, the applicant shall be informed in writing no later than two weeks after the application is denied, with the reason(s) for the denial set forth. The applicant shall have five (5) days in which to address the reasons(s) for the denial and to propose an appropriate remedy for review and approval by the director.

(j) The permit may contain such conditions as are reasonably consistent with protection and use of park land for the purposes for which the land is managed. It may also contain reasonable limitations on equipment to be used and the time and area within which the event is allowed.

(k) When the number of applications for carnival permits for a particular park exceeds the number of carnivals allowed in that park during a given time

period, a drawing will be held by the department to ensure fairness in the awarding of the carnival permits. Drawings shall be held four months prior to the month the carnival is to be held to allow organizations ample time for planning.

(l) The permit applicant shall not set up any carnival equipment, including but not limited to booths, tents, amusement rides, structures, exhibits, onto the park grounds prior to receipt of a park use permit.

(m) A permit may be revoked under any of the conditions listed in subsection (h) that constitute grounds for the denial of a permit. Such revocation shall be in writing, with the reason(s) for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension of the permit may be made, to be followed by written confirmation within seventy-two hours.

(n) Violation of the terms and conditions of a permit issued in accordance with this section may result in the suspension or revocation of the permit after permittee has been given proper notice of the violation and provided an opportunity to correct the violation. [Eff 12/8/83; am and ren §19-2-5, 3/20/06; comp JUL 1 3 2005] (Auth: RCH §6-1403, ROH §1-9.1)
(Imp: ROH §10-1.3)

§19-2-6 Frequency of carnivals. A maximum of one carnival per calendar year shall be permitted at each city park designated as a carnival site. After a carnival is held at a city park, at least nine months shall lapse before another carnival may be held at the same park. [Eff 12/3/83; am and ren §19-2-6, 3/20/06; comp JUL 1 3 2005] (Auth: RCH §6-1403, ROH §1-9.1)
(Imp: ROH §10-1.3)

§19-2-7 Duration of carnivals. The duration of all carnivals held in city parks shall be limited to three calendar days. Setting up of carnival equipment shall begin no earlier than three days prior to the first day of the carnival. Equipment shall not be brought or stored on park property earlier than three days prior to the first day of the carnival. Carnival equipment shall be removed no later than two days after the final day of the carnival. The director may limit the duration of a carnival to less than three days if

the carnival is expected to be disruptive to the general community. The director may, in the director's discretion and if consistent with the purposes of these rules and in the public interest, extend the carnival beyond three days. [Eff 12/8/83; am and ren §19-2-7, 3/20/06; comp JUL 13 2009] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-2-8 Hours of operation. No carnival shall operate between the hours of twelve midnight and 8:00 a.m. of the following morning; provided however, that a carnival shall stop operations at 10:00 p.m. when the next day is a weekday, which is not a state holiday. The director may, in the director's discretion and if consistent with the purposes of these rules and in the public interest, extend the hours of operation. [Eff 12/8/83; am and ren §19-2-8, 3/20/06; comp JUL 13 2009] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-2-9 Insurance. Organizations using city parks for carnivals shall be required to obtain insurance. Organizations shall present to the department a certificate for comprehensive general liability insurance, including products liability and a copy of the insurance policy, if requested by the city risk manager, naming the City and County of Honolulu as additional insured, with coverage of \$2,000,000 per occurrence. Such policy or policies shall be placed with a company with an A.M. Best rating of A, Class 7, or better. Said coverage to commence from the carnival equipment set up date to the completion of the take down and removal of all equipment. If at any time in the judgment of the city risk manager said policies and/or coverages are not sufficient for any cause or reason, the city risk manager may require the permittee to replace said policies and/or coverages within five days with other policies and/or coverages acceptable in accordance with this section. If said permittee fails to replace said policies within said period, the permittee's permit shall be, by such failure, automatically suspended until such time said requirement is complied with, and the director or his designated representative is hereby authorized to halt the activities of the permittee and enforce such suspension after receiving written notice from the city

risk manager that said policies and/or coverage have not been replaced with good and sufficient policies and/or coverage. [Eff 12/8/83; am and ren §19-2-9, 3/20/06; comp JUL 13 2008] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-2-10 Vehicular traffic, parking and security. Organizations shall hire off-duty Honolulu police department officers or other security personnel to control and restrict vehicular traffic on the carnival grounds, for parking and crowd control. Only emergency and maintenance vehicles shall be allowed on the carnival grounds. Parking on grassed areas shall be allowed only after receiving written authorization from the director. In addition, it shall be the responsibility of the organization and the carnival manager to provide adequate equipment barricades and/or security guards for safety purposes and securing of all materials, supplies, equipment, amusement rides, and personal property of the organization and carnival manager. [Eff 12/8/83; am and ren §19-2-10, 3/20/06; comp JUL 13 2008] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-2-11 Deposits. A \$25,000 bond or deposit shall be levied on the organization to ensure clean-up and restoration of the park from any damages resulting from the carnival. The director may increase the deposit to ensure timely and satisfactory restoration work. All litter from the carnival shall be cleaned up within 24 hours after the last day of the carnival in order to ensure that the litter is not dispersed throughout the park and neighboring community. Any damages to utilities, facilities, and grounds shall be repaired by the organization immediately especially where sprinkler, water and electrical lines are located and shall be repaired to the satisfaction of the department and completed within seven calendar days after the carnival closes. Should clean-up and repair be deemed unsatisfactory by the director or not started immediately after the last day of the carnival by the organization, the department shall clean-up and repair any damage to park property caused by the carnival and use the deposit money as full or partial payment for the clean-up and repair costs incurred by the department. The director may, in the director's

discretion, waive the bond or deposit requirement if the waiver is consistent with the purposes of these rules, in the public interest and there is a written commitment by the permittee that clean-up and restoration of the facilities will be completed fully and within the time period established by the department. [Eff 12/8/83; am and ren §19-2-11, 3/20/06; comp JUL 13 2000] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-2-12 Fees. Subject to the approval by the City Council, fees for carnival permits shall be established in Chapter 10, ROH 1990, as amended. [Eff 12/8/83; am and ren §19-2-12, 3/20/06; comp JUL 13 2000] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-2-13 Set-up. The organization shall use licensed electricians and licensed plumbers for all hookup and repairs. All amusement rides and their structures shall be designed, constructed and installed in compliance with Chapter 250 of Title 12 of the Hawaii Administrative Rules, as amended. All electrical wiring, equipment, and apparatus used for amusement rides or for lighting shall be properly and legally installed, operated, and maintained as required in Chapter 250 of Title 12 of the Hawaii Administrative Rules, as amended. Elevated power lines crossing access or other roads within the grounds of the carnival shall be so suspended as to provide minimum vertical clearance of 12 feet (3.6 m) from the road surface and minimum horizontal clearance of 3 feet (90 cm) from each side of the normal passage of vehicles. Wiring laid on or under surfaces traversed by vehicular or pedestrian traffic shall be adequately protected against wear and abrasion. The organization shall also arrange for pickup and removal of all trash. [Eff 3/20/06; comp JUL 13 2000] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-2-14 Restroom facilities. (a) The organization shall provide portable toilets at locations where public restrooms are not available or where existing restrooms are determined by the director to be inadequate for the estimated number of attendees.

When public restrooms are not available, the organization shall provide a minimum of one male and one female portable toilet for every 500 attendees. Where public restrooms are available, the organization shall provide one male and one female portable toilet for every 1000 attendees if it is determined by the director that the public restrooms are inadequate for the estimated number of attendees. The organization shall provide at least 5% but no less than one ADA accessible portable toilet where portable toilets are clustered at a single location, or a minimum of one ADA accessible portable toilet for every ten non-ADA accessible portable toilets, whichever is greater. In lieu of standard non-accessible portable toilets, the organization may, at its option, provide trailers containing flushing toilets and/or urinals which meet the non-accessible portable toilet minimum requirements.

(b) The organization shall maintain the portable toilets in a clean and sanitary condition. Portable toilets shall be serviced before the start of each carnival day. The organization shall ensure that the portable toilets are accessible to the service contractor and that the access to the portable toilets is not blocked.

(c) The organization shall be responsible to provide custodial services to the comfort stations at the carnival site. Supplies, equipment and labor needed to maintain the comfort stations shall be provided by the organization. [Eff 3/20/06; comp JUL 13 2008] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-2-15 Financial report. The organization shall be required to furnish the department with a treasurer's detailed financial report no later than 60 days after the carnival. [Eff 12/8/83; am and ren §19-2-15, 3/20/06; comp JUL 13 2008] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-2-16 Special conditions. The sponsoring organization shall be responsible for monitoring and controlling noise levels generated by the carnival machinery, loudspeaker system, and other equipment in order to comply with Hawaii Revised Statutes, Chapter 342F, and ROH, Section 10-1.2(b)(8), as amended. The

director may impose additional conditions as deemed necessary for the protection of parks property and the health, safety and convenience of the general public, to include requiring organizations to provide additional portable toilet facilities, restroom maintenance, parking attendants and police security. [Eff 12/8/83; am and ren §19-2-16, 3/20/06; comp JUL 13 2008] (Auth: RCH §-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-2-17 Indemnification. Prior to issuance of a permit, permittee shall submit to the department a signed agreement in a form approved by the director acknowledging that permittee assumes all risks of personal injury or wrongful death and of loss or damage to property by whomsoever owned, arising out of or in connection with permittee's use of the public facilities under such permit; and agrees to indemnify, hold harmless and defend the city and county of Honolulu against any claim, cause of action, liability, loss, damage, cost or expense for bodily injury, wrongful death, or property damage, arising or resulting from permittee, its agents, employees, contractors or invitees use of the public facilities under such permit, as well as any breach of regulations or ordinances, except where such injury, death or property damage is caused by the wilful act or gross negligence of the city. [Eff 3/20/06; comp JUL 13 2008] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-2-18 Violation. Any person violating any provision of these rules shall be subject to the penalties provided in section 10-1.3(c) and 10-1.6, ROH, as amended. [Eff 3/20/06; comp JUL 13 2008] (Auth: RCH §4-105; ROH §1-9.1) (Imp: ROH §§10-1.2, 10-1.3)

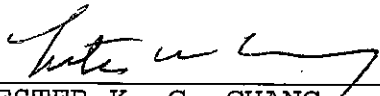
§19-2-19 Severability. If any chapter, section, subsection, sentence, clause, phrase, or portion of these rules is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. [Eff 3/20/06; comp JUL 13 2008] (Auth: RCH §4-105, ROH §1-9.1)

DEPARTMENT OF PARKS AND RECREATION

Amendments to and compilation of title 19, chapter 2, City and County of Honolulu Administrative Rules, Department of Parks and Recreation, Carnival Rules and Regulations, on the Summary Page dated July 1, 2008, were adopted on June 30, 2008, following a public hearing held on June 30, 2008, after public notice was given on May 29, 2008, in the Honolulu Star Bulletin.

These rules shall take effect ten (10) days after filing with the Office of the City Clerk.

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU



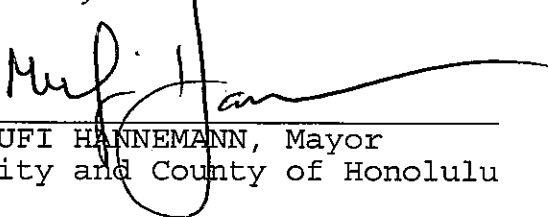
LESTER K. C. CHANG
Director

APPROVED AS TO FORM
AND LEGALITY:



Deputy Corporation Counsel

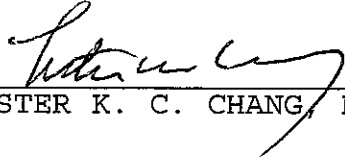
APPROVED this 1st day of
July, 2008.



MUFU HANNEMANN, Mayor
City and County of Honolulu

CERTIFICATION

I, LESTER K. C. CHANG, in my capacity as Director of the Department of Parks and Recreation, City and County of Honolulu, do hereby certify that the foregoing is a full, true and correct copy of the Carnival Rules and Regulations, as amended and compiled which were adopted on JUN 30 2008 following a Public Hearing held on June 30, 2008, after public notice was given on May 29, 2008, in the Honolulu Star Bulletin.


LESTER K. C. CHANG, Director

Received this 3rd day of
July, 2008


DENISE DECOSTA, City Clerk