

RULES AND REGULATIONS RELATING TO HANG GLIDER AND
ULTRA LIGHT AIRCRAFT ACTIVITIES ON CITY PARKS PROPERTIES

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU

Pursuant to and by virtue of the authority set forth in Section 13-14.3, Revised Ordinances of Honolulu 1978, as amended, and Chapter 91, HRS, the Director of the Department of Parks and Recreation, subject to the approval of the Mayor of the City and County of Honolulu, adopts the following rules and regulations relating to hang glider and ultra light aircraft activities held on City parks properties.

PART I. GENERAL PROVISIONS

A. Applicability and Scope

1. These rules and regulations shall apply to hang glider and ultra light aircraft activities held on City parks properties.
2. If any provision of these rules and regulations, or the application of such provision, is held to be invalid, the remaining portions of these regulations or the application of said portions shall not be affected.

B. Objectives

1. To control hang glider and ultra light aircraft activities held on City parks properties.
2. To protect the City and County of Honolulu against liability.

C. Definitions

The following definitions shall apply to the provisions contained in these rules and regulations.

1. Hang Glider - A winged vehicle whose launching and landing capabilities depend entirely on the legs of the operator.
2. Ultra Light Aircraft - A winged vehicle equipped with an engine or other similar method of propulsion.
3. Department - The Department of Parks and Recreation, City and County of Honolulu.

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

5. Applicant - A hang glider or ultra light aircraft association.

PART II. SPECIFIC PROVISIONS

A. Permit Procedures

1. All hang glider and ultra light aircraft activities held on City parks properties shall be allowed only by permit issued by the Department's Parks Permit Section located in the Honolulu Municipal Building, 650 South King Street, Honolulu, Hawaii.

2. Permits shall be issued only to a hang glider or ultra light aircraft association provided the following requirements are met:

a. An insurance certificate from the association is on file with the Parks Permit Section. Insurance coverage shall be in the following minimum amounts:

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

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

3. Permits shall be issued for the term of the insurance the association shall have the permit readily available and shall present it to a Police Officer or any department employee upon request.

4. Hang glider and ultra light aircraft activities shall be restricted to selected City parks as determined by the Director. See Enclosure 1 for list of selected parks.

5. Hang glider and ultra light aircraft associations shall establish operating controls and standards for their membership and shall submit a copy to the Parks Permit Section for record file purposes.

6. Hang glider and ultra light aircraft associations shall be responsible to ensure their membership complies with all applicable Federal Aviation Agency rules and regulations.

PART III. METHODS WHEREBY PUBLIC MAY OBTAIN INFORMATION

A. Where obtained

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

1. The office of the City Clerk, City Hall, where there are on file all rules of the Department; or

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

B. Submittals or Requests for Information

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

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

A. Petition

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

B. Submission

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

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

C. Disposition of Petition

The Department shall within 30 days after the submission of the petition either deny the petition in writing, stating its reasons for such denial, or initiate proceedings in accordance with Section 91-3 of the Hawaii Revised Statutes, for the adoption,

amendment or repeal of the rule, as the case may be.

PART V. DECLARATORY RULINGS BY DEPARTMENT

A. Petition

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

B. Submission of Petition

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

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

C. Rejection of Petition

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

D. Refusal to Issue Declaratory Ruling

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

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

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

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

E. Referral to Other Agencies

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

F. Notification of Petitioner

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

G. Status of Orders

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

PART VI. RULES GOVERNING HEARINGS

A. Informal Discussion

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

B. Formal Application

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

C. Public Hearing

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

ADOPTED THIS 1st DAY OF March, 1982 IN HONOLULU, HAWAII.

/s/ Robert K. Masuda
ROBERT K. MASUDA, Director
Department of Parks and Recreation
City and County of Honolulu

APPROVED this 2nd day of
March, 1982.

/s/ Eileen R. Anderson
EILEEN R. ANDERSON, Mayor
City and County of Honolulu

APPROVED AS TO FORM
AND LEGALITY:

/s/ Maria C. Aviante-Tanaka
Deputy Corporation Counsel

Received this, 3rd day of
March, 1982.

/s/ Wilfred M. Mita
WILFRED M. MITA, City Clerk

CERTIFICATION

I, ROBERT K. MASUDA, as Director of the Department of Parks and Recreation, City and County of Honolulu, do hereby certify:

1. That the foregoing is a full, true and correct copy of the Rules and Regulations of the Department of Parks and Recreation relative to hang glider and ultra light aircraft activities on City parks properties.
2. That the notice of public hearing on the foregoing Rules and Regulations, which notice included the substance of such Rules and Regulations, was published in the Honolulu Star-Bulletin and Advertiser on December 27, 1981.

Recreation

/s/ Robert K. Masuda
ROBERT K. MASUDA, Director
Department of Parks and
City and County of Honolulu

CITY PARKS WHERE HANG GLIDER AND
ULTRA LIGHT AIRCRAFT ACTIVITIES ARE ALLOWED

Hang Glider

Makapuu Beach Park Hang Glider Landing Site

Ultra Light Aircraft

Koko Head Sandy Beach Park

ENCLOSURE 1