

RULES AND REGULATIONS GOVERNING
RIGHT--OF-ENTRY TO CITY PARK 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 Ordinance of Honolulu 1978, as amended, the Director of the Department of Parks and Recreation of the City and County of Honolulu, subject to the approval of the Mayor of the City and County of Honolulu, hereby adopts the following Rules and Regulations Governing Right-of-Entry to City Park Properties.

SECTION 1. Applicability and Scope. These rules and regulations shall apply to all City park properties under the control, management and operation of the Department of Parks and Recreation. The purpose of these rules and regulations is to regulate access to and the use of City park properties by contractors, utility companies, residents whose property abuts City park properties, and other government agencies for construction and repair work, including the installation and repair of utility lines.

SECTION 2. Penalties. Any person violating any provision of these rules and regulations shall, upon conviction, be punished by a fine not exceeding \$250.00 or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

SECTION 3. Definitions. As used in these rules and regulations, unless the context requires otherwise.

"Authorized Representative" means any person authorized by the Director to act for the Department.

"Department" means the Department of Parks and Recreation, City and County of Honolulu.

"Director" means the head of the Department of Parks and Recreation, City and County of Honolulu.

"Parks Permit Section" means the departmental office, located in the Honolulu Municipal Building, responsible for issuing Right-of-Entry permits.

"Permit(s)" shall mean Right-of-Entry permit for purpose defined in Section 1.

SECTION 4. General.

A. Only the Director or an authorized representative may grant approval of an Application for Right-of-Entry permit.

B. Permits are issued to provide access to or through a City park property and for construction and repair work on City park property.

C. Permits are also issued to contractors with City construction contracts who request use of a City park property other than the construction site to place a portable field office or for the storage of construction equipment and supplies. Such property is leased or rented to contractors at the fair market rental and shall be limited to the duration of the construction contract (Ref: Chapter 30-3.1, ROH 1978, as amended). The Parks Permit Section shall complete a "Request For Real Property Rental Agreement" form and submit it to the Director of Finance for processing. Upon determination of the fair market rental, the Director of Finance shall apprise the contractor of the rent to be charged. Since the process of determining the fair market rental is time consuming, contractors who are awarded City construction contracts and who plan to use City park property other than the construction site for storage and for a field office are advised to apply for rental immediately upon being awarded the contract.

D. Permits shall not be construed by the permittee to include permanent rights or easements. Those holding permanent rights or easements shall only be required to give nine (9) days written notice with the understanding that the utility company shall reschedule the work if there are conflicts with scheduled recreational activities.

E. Applicants requesting a permit shall furnish the Department with a detailed plan showing the park area to be used.

F. Permits are issued with the understanding that the affected park property will be kept clean and orderly and that restoration shall be made by and at the expense of the permittee to the satisfaction of the Director within three (3) weeks following expiration of the permit. Should the permittee fail to maintain the property in an orderly manner, or if the permittee disrupts Departmental programs or activities, the Department shall have the right to cancel the permit.

G. Applicants for permits shall agree to assume full liability during occupancy of the City park property.

H. Applicants requesting permits shall be required to place a minimum \$500.00 deposit, which amount shall be refundable upon inspection and clearance by the Department. Applicants shall inform the respective district or Zoo Director, Botanic Garden Director, Golf Courses Director, as applicable, two (2) days in advance of completion of restoration or discontinued use of the park area for inspection of the site. Failure to perform under these conditions shall constitute grounds for forfeiture of the deposit which will be applied to any additional expenses incurred by the Department for restoration.

I. The Director reserves the right-of-entry to all areas as may be necessary to perform departmental duties or to protect the interests of the Department and the City.

SECTION 5. Procedure for processing "Application For Right-of-Entry to Parks" form.

A. Contractors desiring to rent a portion of City park property other than the construction site for use as storage area or field office shall submit an application immediately after being awarded a City construction contract. Rental fees shall be payable in advance at the Real Property Section, Department of Finance. Occupation by the contractor shall not be permitted prior to execution of the rental agreement.

B. All other requests for permit shall be submitted to the Parks Permit Section three (3) weeks prior to the requested date of use.

1. For emergency situations, utility companies requesting permits are exempt from this request; however, they must give notice to the Department of the entry and request a permit the following working day.

C. Applicant shall pay a deposit, as applicable, at the Parks Permit Section prior to obtaining a permit. Deposit checks shall be made payable to the City Director of Finance.

D. Applicant shall submit an Environmental Assessment if required pursuant to Title 11, Chapter 200, State Department of Health.

SECTION 6. Severability. If any section, subsection sentence, clause, phrase, or portion of these rules and regulations is for any reason held invalid 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.

SECTION 7. Effective Date. These rules and regulations shall take effect ten (10) days after filing with the Office of the City Clerk.

ADOPTED this 7th day of May , 1987, by the Department of Parks and Recreation, City and County of Honolulu, State of Hawaii.

Director
Recreation

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

APPROVED AS TO FORM:

/s/ Sandra A. Sims
Deputy Corporation Counsel

APPROVED this 28th day of
May, 1987.

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

CERTIFICATE

I, HIRAM K. KAMAKA, in my capacity as Director of Parks and Recreation, City and County of Honolulu, do hereby certify that the foregoing is a full, true and correct copy of the Rules and Regulations Governing the Right-of- Entry to City Park Properties, which were adopted on May 7, 1987, following a public hearing held on May 5, 1987, after public notice was given on April 12, 1987, in the Honolulu Star-Bulletin and Advertiser.

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

Received this 27th day of
May, 1987.

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

DPR/Permit

Date _____

TO: _____
DIRECTOR OF FINANCE

FROM: _____, DIRECTOR
DEPARTMENT OF PARKS AND RECREATION

SUBJECT: REOUEST FOR REAL PROPERTY RENTAL AGREEMENT

Contractor _____ has
requested rental of a portion of
_____ park in conjunction
with City Construction Contract No. _____.

We have no objection to the use of the park for storage of construction equipment and materials or for use as a field office, however, the rental agreement should include the following for use of the park:

INFORMATION

1. Name of Park:

2. Tax Map Key:

3. C & C Job Number:

4. Specific Site Needed in Park:

5. Size of Site Needed _____
(Sq. Ft./Sq. Yd.)

6. Rental Period: From: _____ To:

CONDITIONS

1. The Contractors will be required to place a deposit in the amount of \$ _____ to ensure satisfactory restoration of the property within three (3) months following expiration of the permit.

2. No stockpiling of dirt, rocks, debris, etc. shall be allowed.

3. The Contractor agrees to assume full liability during occupancy of the site.

4. The Contractor will provide the City with a copy of the plot plan identifying the area to be used.

(5/87)