DEPARTMENT OF CUSTOMER SERVICES
CITY AND COUNTY OF HONOLULU

AMENDMENT NO. 3 TO THE RULES RELATING TO PERMITS FOR USE OF CIVIC CENTER GROUNDS FOR DISPLAYS BY ORGANIZATIONS IN CONNECTION WITH THE HONOLULU CITY LIGHTS PROGRAM

1. Section 1-3 of the Rules is amended to read:

"§1-3. **Eligible Organizations**. Any nonprofit organization formed under Chapter 414D of the Hawaii Revised Statutes or any charitable organization formed pursuant to Chapter 467B of the Hawaii Revised Statutes or under Section 501(c)(3) of the Internal Revenue Code shall be eligible to apply for a permit to erect a display at the same time as the Honolulu City Lights Program. "

[Eff:] (Auth: Sec 2-9.1, ROH) (Imp: Sec 2-9.1, ROH)

2. Section 1-4 of the Rules is amended to read:

"§1-4. **Location of Display Areas.**

(a) There shall be five display areas located on the Civic Center grounds as shown on Appendix A attached hereto and made a part of these rules.

(b) Notwithstanding subsection (a), for public health and public safety reasons occurring during that year, the department may in its sole discretion, move one or more of the five display areas that year to alternative locations on the Civic Center grounds. If moved, the relocated display area(s) shall be shown in the application form for a permit for that year. In selecting relocated display area(s), the department shall consider the following criteria described in section 1-1:

(1) accessibility to the public

(2) availability of proper lighting; and

(3) other safety concerns."

[Eff:] (Auth: Sec 2-9.1, ROH) (Imp: Sec 2-9.1, ROH)

3. Section 1-8 of the Rules is amended to read as follows:

"§1-8. **Application for Permit.**

(a) An application for a permit shall be made on the form provided by the department. The form shall be completed and signed by a duly authorized representative of the organization requesting the display area.

(b) Only organizations specified in §1-3 shall be eligible for a permit under these rules. No organization shall submit more than one application per year or be eligible for more than one display area per year. Any organization assigned a display area in a lottery conducted pursuant to §1-10 which fails to notify the department at least ten calendar days prior to the opening of the

Honolulu City Lights Program for the year the permit is issued that it does not intend to utilize the display area shall not be eligible to apply for a permit for the following year.

(c) An application for a permit shall be received by the department during regular business hours on or before the last Friday of August of each year for which a display permit is sought. If the last Friday of August of the year falls on a holiday or weekend day, the application must be received by the first business day thereafter."

[Eff:] (Auth: Sec 2-9.1, ROH) (Imp: Sec 2-9.1, ROH)

4. Section 1-10 of the Rules is amended to read as follows:

"§1-10. **Assignment of Display Areas.**

(a) On the second Monday of September of the year for which permits for display are sought, or if the second Monday of September should fall on a holiday, on the first business day thereafter, the Director of the department or his designated representative shall conduct a lottery for the assignment of the five display areas, with the applicant whose name is drawn first being assigned the display area indicated as that applicant's first choice on the applicant's application form, the applicant whose name is drawn second being assigned the display area indicated as that applicant's first choice on that applicant's application form or the display area indicated as that applicant's second if the display area indicated as that applicant's first choice has already been assigned, and continuing in the same manner until all applicants are accommodated or all display areas are assigned, whichever comes first.

(b) All organizations which have submitted applications in compliance §1-8 and §1-9 shall be entitled to participate in the lottery, but such organizations need not be present in the lottery in order to be assigned a space which will be done in accordance with the information provided on the application forms. In the event that an organization which has been assigned a display area subsequently notifies the department that it does not intend to utilize the display area, the department shall offer the display area in question to the other organizations already assigned display areas in the lottery for the year in question in exchange for the display area previously assigned in the order that their names were drawn in the lottery (irrespective of the display area preference information contained on their applications) and then to other organizations which submit applications but were not assigned display areas in the lottery in order that their names were drawn in the lottery; provided that the department shall not be required to offer the alternative display area in writing, but shall use the most appropriate means as determined by the department considering the time remaining before the opening of the Honolulu City Lights Program."

[Eff:] (Auth: Sec 2-9.1, ROH) (Imp: Sec 2-9.1, ROH)

DEPARTMENT OF CUSTOMER SERVICES
CITY AND COUNTY OF HONOLULU

This Amendment No. 3 to the Rules Relating to Permits for Use of Civic Center Grounds for Displays by Organizations in Connection with the Honolulu City Lights Program was adopted on _____, 2010, following a public hearing held on _____, 2010, after public notice was given on _____, 2010, in the Midweek Hawaii State and County Public Notices.

This Amendment No. 3 to the Rules Relating to Permits for Use of Civic Center Grounds for Displays by Organizations in Connection with the Honolulu City Lights Program to shall take effect ten days after filing with the City Clerk of the City and County of Honolulu.

_____
GAIL Y. HARAGUCHI
Director
Department of Customer Services

APPROVED:

_____
MUFI HANNEMANN
Mayor
City and County of Honolulu

Dated: _____

APPROVED AS TO FORM
AND LEGALITY:

_____
Deputy Corporation Counsel

Received this _____ day of _____, 2010.

_____
BERNICE K.N. MAU, City Clerk