

AMENDED RULES RELATING TO THE DESIGNATION OF
AALA PARK AS A TEMPORARY CAMPSITE AND SHELTER FOR
HOMELESS INDIVIDUALS AND FAMILIES

Pursuant to and by virtue of the authority set forth in Hawaii Revised Statutes Section 91-3 (b), the Director of Parks and Recreation of the City and County of Honolulu (hereinafter "Director"), subject to the approval of the Mayor of the City and County of Honolulu, hereby promulgates "Amended Rules Relating to the Designation of Aala Park as a Temporary Campsite and Shelter for Homeless Individuals and Families."

Whereas, Revised Ordinances of Honolulu 1978 (1983 ed.), as amended (hereinafter "ROH"), Section 13-14.3(b) mandates the Director to promulgate rules and regulations to insure maximum permissible use of park areas and facilities by appropriate distribution of users and to insure proper, orderly and equitable use of park areas and facilities through user controls; to insure protection and preservation of areas and facilities by not overtaxing facilities; to promote the health, safety and welfare of the users of park areas and facilities; and to establish procedures for obtaining permits.

Whereas, ROH Section 13-14.3, subsections (a)(2), (5) and (6), prohibit the use of parks for camping, meetings or gatherings sponsored by organizations, associations and groups, and non-recreational public service activities sponsored by organizations or groups, except by permit issued by the Director.

Whereas, the present population of homeless persons at Aala Park, because of its random dispersal through the park, both deprives the general public of access to certain park areas and facilities, such as the stage and the Sumopit, and further constitutes a hazard to the health, safety, and welfare of both homeless persons and other park users.

Whereas, recognizing the need to regulate this population and maximize the availability of park areas and facilities to all users and to provide a sanitary, healthful environment, the Director shall issue a camping/non-recreational activity permit to any City agency, which satisfies the Director through submission of a plan that it can meet these objectives, under such terms and conditions as determined by the Director.

Based on a finding that there is an imminent peril to the public health, safety and general welfare of the community, and notwithstanding existing rules and regulations and camping rules and regulations, Aala Park shall be designated as a temporary

campsite shelter for homeless individuals and families under the following conditions:

Section 1. Applicability and Scope.

These rules shall apply to Aala Park, which is hereby designated by the Director as a temporary campsite. The purpose of these rules are to provide temporary shelters to individuals and families who are homeless.

Section 2. Definitions.

As used in these rules, unless the context requires otherwise:

"Homeless" means the condition of an individual or family who has a primary nighttime residence that is a public or private place not designated for, or ordinarily used as, a regular overnight shelter of human beings.

Section 3. Procedures.

The Director shall, with the assistance of the City agency which is issued the camping/non-recreational activity permit, and/or their appropriate agents, establish guidelines upon which the temporary shelters shall be provided and administered.

Section 4. Eligibility Requirements.

Those participants, as certified homeless by the permitted agency, shall be eligible to participate in this program. The City agency which is issued the permit shall determine the eligibility of participants.

Section 5. Compliance with Laws.

The participants shall observe and comply with all applicable laws, statutes, ordinances, rules and regulations of the United States Government, the State of Hawaii, the City or any department or agency of the above.

Section 6. Assignment.

The participant shall not assign any or all of its rights under this program.

Section 7. Liability.

The participant shall conduct his/her activities upon the designated site so as not to endanger any person. The participant shall keep any article, equipment, vehicle or personal property on the premises at his/her own risk and expense.

Section 8. Scope of Use .

The participant shall use the premises only for the lodging of his/her dependents and family members as authorized by the appropriate agency.

Section 9. Maintenance of Premises .

The participant shall maintain all existing grounds, improvements, and fixtures in the designated area and may be liable for any and all costs for repair. The participant shall keep and maintain the premises in a clean and sanitary condition at all times. The participant shall not maintain any rubbish, trash, junk, or garbage dump, or any nuisance of any kind or nature on the premises, nor shall the participant permit anyone else to do so. The disposing of any rubbish by dumping, burying, or any other means shall not be permitted.

Section 10. Inspection by the City.

The City shall have the right to make inspections at any reasonable time between the hours of 7:00 a.m. to 9:00 p.m. to insure compliance with these rules and regulations. The City reserves the right to enter upon and make topographical surveys and test bores preliminary to any proposed construction work to be undertaken by the City.

Section 11. Termination of Eligibility.

In the event of violation of these rules and regulations, the Director shall have, in addition to any other recourse, the right to enter and obtain possession of the entire premises, and upon two weeks' prior notice, to remove and exclude any and all persons from the premises, and to remove and exclude all property of the participant therefrom.

Any person, upon written notice of termination of eligibility, may appeal to the head of the agency which is issued the permit. The appeal must be initiated within seven (7) calendar days after receipt of the written notice of termination.

Section 12. Severability.

If any 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 hereof.

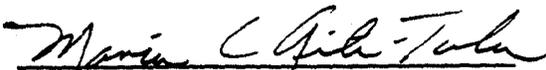
Section 13. Effective Date.

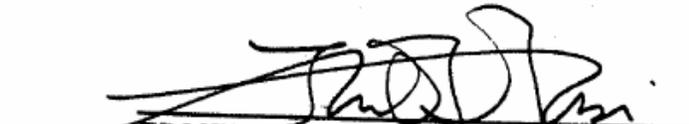
These rules shall take effect upon filing with the Office of the City Clerk.

ADOPTED this 5th day of September, 1990, by the Acting Director of the Department of Parks and Recreation, City and County of Honolulu, States of Hawaii.

ALVIN K. C. AU, Acting Director
Department of Parks and Recreation
City and County of Honolulu

APPROVED AS TO FORM:


Deputy Corporation Counsel
APPROVED this 20th day of
September, 1990.


FRANK F. FASI, Mayor

City and County of Honolulu

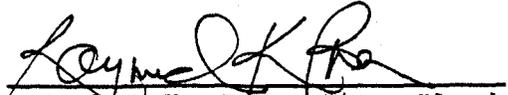
CERTIFICATION

I, ALVIN K. C. AU, in my capacity as Acting 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 Amended Rules Relating to the Designation of Aala Park as a Temporary camp-Site and Shelter for Homeless Individuals and Families, which were adopted on September 5, 1990 following a ;Public Hearing held on August 23, 1990, after public notice was given on July 22, 1990 in the Honolulu Star Bulletin and Advertiser.



ALVIN K. C. AU, Acting Director
Department of Parks and Recreation
City and County of Honolulu

Received this 26th day of
September , 1990


RAYMOND K. PUA, City Clerk

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