

RULES AND REGULATIONS GOVERNING MODEL BOAT ACTIVITIES ON, IN
AND UNDER ANY SITUS OWNED OR CONTROLLED BY THE 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, and in 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, hereby adopts the following rules and regulations governing motorized model boat activities on situs under the jurisdiction of the Department of Parks and Recreation.

PART I. GENERAL PROVISIONS

A. Applicability and Scope

1. These regulations shall apply to all park areas owned or under control of the Department of Parks and Recreation City and County of Honolulu.
2. If any provision of these regulations, or the application of such provision is held to be invalid the remaining portions of these regulation or the application of said portions shall not he affected.

B. Definitions

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

1. "Director" shall mean the Director of Parks and Recreation.
2. "Department" shall mean the Department of Parks and Recreation of the City and County of Honolulu.
3. "Situs" shall mean any land area including any natural or artificial canal, beach front, lake, river, stream, basin, bay, pond or lagoon used by model boat operators.
4. "Permit" shall mean any written approval issued by the Department authorizing use of such situs for meets, races or other competitive events.
5. "Application" shall mean any form issued by the Department requesting use of such situs before any permit can be issued.
6. "Applicant" shall mean the person, as defined in Section 1-4.1. ROH 1978, who has filed an application for permit.
7. "Permittee" shall mean the person to whom a permit has been issued.

8. "Model boat" shall mean any scaled-down version of any regular full-sized ship, vessel, yacht or boat which is propelled either by motor or sail and controlled remotely, directly or by any other means.
9. "Use" or "using" shall mean whenever the Permittee is authorized by permit to conduct meets, races and competition between groups of model boat operators to the exclusion of non-member model boat operators.
10. "Free play" shall mean other than meets, races or competition and where a permit or insurance is not required.

PART II. USE OF SITUS

A. Permit Required for Use of Situs

Any person who desires to use any situs shall first file an application therefor with the Parks Permit Section, Department of Parks and Recreation, 650 South King Street, Honolulu, Hawaii.

B. Conditions for Use

1. All applications for permit shall be filed with the Parks Permit Section no later than 30 days prior to the use of situs by the applicant.
2. The applicant shall be responsible for controlling and monitoring noise levels generated by the model boat engines and public address systems and comply with the noise code at all times.
3. The applicant shall be responsible to see that the situs is used only between the hours from 9 a.m. to 5 p.m.
4. No permit will be issued unless the applicant meets the following additional conditions;
 - a. Present evidence that applicant has a public liability insurance together with a rider naming the City and County of Honolulu as additional insured--the minimum amount being \$10,000 for injury to one person, \$20,000 for each accident, and \$10,000 for property damage.
 - b. Present written evidence that sanitary facilities, portable or otherwise, will be available on the date and time of use by the applicant if there are no established comfort stations.

- c. Agree to employ security personnel for crowd and parking control as required by the Director.
- d. Request in writing any modification or alteration of the bank, or the use of a floating dock on the date and time to be used by the applicant.
- e. Agree in writing that the applicant will police littering or throwing of trash during the use of the situs and clean up and restore any modification or alteration of the banks and remove any floating dock after use of the situs.
- f. Acknowledge that the applicant is aware of the noise limits of 80 dba applicable to the use of the situs as established by the State Department Health.
- g. Agree that all engines will be operated with a muffler.
- h. Agree to allow only engine sizes up to 0.21 cubic- inch displacement in the Ala Moana Lagoon and 0.45 cubic-inch displacement in the Keehi Lagoon.
- i. Agree that all model boats will be launched only from the designated launch area.
- j. Indicate the number and size of signs to identify the applicant and the event to be posted at the situs.
- k. Ensure all operators possess a Class "C" FCC license.

C. Reservation

Any person may file an application to reserve the use of the situs on a regular basis provided that the use of the situs pursuant to such reservation shall be subordinated whenever any person who has no regular or prior use of the situs files an application for permit to use the situs on the date and time reserved by the person who has use of the situs.

D. Use of Situs Restricted

No person shall use the situs other than on the date and time noted on the permit; provided that there shall be no restriction or necessity for permit for the individual free play use of the situs other than the date and time reserved for an applicant who has been issued a permit hereunder as provided herein.

E. Consequences of Violation of any of the Conditions Mentioned in this Section

1. The future use of the situs may be denied to any applicant who fails to observe the

following conditions:

- a. Provide adequate crowd and parking central which may be measured by the complaints filed by attendees or residents residing in the vicinity of the situs.
- b. Police littering and throwing of trash based on the complaints made by attendees or residents residing in the vicinity of the situs.
- c. Clean up, restore any modification or alteration of the banks, and remove any floating dock after the use of the situs based on the oral report submitted by any employee of the City who is designated to inspect the situs and its vicinity as to the state and condition of the situs.
- d. Observe the noise limitation based on the complain made by the residents residing in the vicinity of the situs.
- e. Observe the time limitations stated on the permit.

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, 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 and 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 of Parks and Recreation, Department of Parks and Recreation, Honolulu, Hawaii.

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 10 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.

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 3 th DAY OF November, 1981 IN HONOLULU. HAWAII.

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

APPROVED this 13 th, day of
November, 1981.

/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 19 th day of
November, 1981.

/s/ Wilfred M. Mita
FRED 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 Governing Model Boat Activities On, In and Under any Situs Owned or Controlled by the City and County of Honolulu.
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 June 17, 1981.

Director
Recreation
Honolulu

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