

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

RULES FOR HO'OMALUHIA

PART I - GENERAL PROVISIONS

Section 1. Applicability and Scope. These rules shall apply to all areas of the public park generally known as Ho'omaluhia. The purpose of these rules is to govern the use and protection of the Holomaluhia system, [Authority: § 13-14.3(b), ROH]

Section 2. Definitions. As used in these rules, unless the context requires otherwise:

"Animal" means all living creatures, wild and domestic, except man.

"Authorized representative" means any person authorized by the Department of Parks and Recreation to act for the department.

"Camper" means any person engaged in a camping activity.

"Camping" means the act of sleeping during nighttime hours on the premises or the use or occupation of the premises by one or more persons who remain or intend to remain on the premises past the hour of twelve midnight.

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

"Director" means the head of the Department of Parks and Recreation.

"Meeting" means a group or assembly that gathers for a common lawful purpose.

"Permittee" means the qualified person, group or organization to whom a valid permit is issued.

"Picnic" means an outing with food provided by members of the group and eaten in the open.

"Premises" means the area within the established geographic boundaries of Ho'omaluhia.

"Public service activity" means an event accessible to the public and relating to the general interests of the community.

"Recreation" means an activity engaged in for entertainment, amusement or enjoyment.

"Sports" means organized group activities in which two or more persons employ certain established physical skills.

"Tent" means a collapsible shelter of canvas or other material stretched and sustained by poles and used for camping outdoors. [Authority: §§ 13-14.2 and 13-14.3, ROH]

Section 3. Penalties. Any person convicted of violation of these rules shall be subject to a fine of not more than two hundred fifty dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment. [Authority: § 13- 14.5(e), ROH]

Section 4. Animals. Animals are prohibited within the premises with the owing exceptions:

(1) Dogs are permitted under the conditions provided in Section 13-14.2, ROH.

(2) Horses or other animals that may be ridden or driven in recreational activities are prohibited within the premises, except by permit. [Authority: §§ 13-14.2 (a)(10), 13-14.2(b)(7) and 13-14.3. ROH]

Section 5. Audio Devices. The operation or use of any audio devices including, but not limited to, radios, tape recorders, television sets, musical instruments, battery operated loudspeakers and noise producing devices such as electric generating plants, or other equipment driven by motors or engines in a manner and at times creating excessive noise or annoyance to park users within the premises or to others outside the premises is prohibited except by permit. [Authority: § 13-14.2(b)(6) and 13-14.2(b)(8), ROH]

Section 6. Closing of Areas. The Director or an authorized representative may establish a reasonable schedule of visiting hours for all or portions of the premises and close or restrict the public use of all or any portion thereof, when necessary for the protection and preservation of areas and facilities, or the health, safety and welfare of persons or property, by the posting of appropriate signs indicating the extent and scope of closure. All persons shall observe and abide by the officially posted signs designating closed areas and visiting hours. Unauthorized vehicles left in closed areas may be towed away at the owner's expense as provided in Chapter 290, Hawaii Revised Statutes. [Authority: § 13-14.3(b), ROH]

Section 7. Firearms; other Weapons. The use and possession of bow and arrows, crossbows, firearms, pellet or BB guns, other weapons or implements designed to discharge missiles are prohibited within the premises. [Authority: § 13-14.2(d)(5) and 13-14.2(d)(6), ROH]

Section 8. Fires. Fires within the premises are permitted only:

(1) In designated camping and picnicking grounds where the fire will be confined in fireplaces or in grills; or

(2) On portions of the premises designated by the Director or an authorized representative for fires. [Authority: § 13-14.2(a)(5) and 13 -14. 2 (d) (4) , ROH]

Section 9. Intoxication. Entering or remaining within the premises when under the influence of alcohol to a degree that may endanger oneself or endanger or annoy other persons or property is prohibited. The using or possession of alcoholic beverages within the premises is prohibited. [Authority: §§ 13-4.1 and 13- 4.2, ROH]

Section 10. Parking. Unauthorized vehicles shall not park within the premises except on roads and parking areas designed or provided for parking. Vehicles shall not be parked where parking is specifically prohibited by the posting of appropriate signs. Unauthorized reserving of parking spaces is prohibited. [Authority: § 13-14.2(b)(5) and 13-14.2(g), ROH]

Section 11. Picnicking-- General Provisions. (a) Picnicking on the premises is permitted only in those locations designated for this activity by the posting of appropriate signs by the Director or an authorized representative.

(b) The Director or an authorized representative may also establish reasonable limitations on the length of time any person or persons may use any picnicking facility by the posting of appropriate signs when limitations are necessary for:

(1) The accommodation of the general public;

(2) The proper, orderly and equitable use of the premises; or

(3) Prevention of the overtaxing of the premises and its facilities. [Authority: § 13-14.3(b)(1), 13-14.3(b)(2) and 13-14.3 (b) (3), ROH]

Section 12. Public Address Systems. The operation or use of public address systems, whether fixed, portable or vehicle mounted, is prohibited within the premises except when the use or operation is in connection with a use or event for which permits have been issued by the Director or an authorized representative or when the use is in conjunction with emergency or rescue operations. [Authority: §§ 13-14.2(b)(6) and 13-14.3(b)(4), ROH]

Section 13. Public Property. (a) The destruction, defacement or removal of any natural or historical feature or natural or historical resource within the premises is prohibited.

(b) The intentional or wanton destruction, injury, defacement, removal, disturbance or possession in any manner of any public building, sign, equipment, monument, marker, or other structure located within the premises is prohibited.

(c) The cutting, destroying, digging, removing, or possessing of any tree, shrub, or plant growing on the premises is prohibited. [Authority: § 13-14.2(a)(1) and 13-14.2(b)(1), ROH]

Section 14. Sanitation. (a) All garbage, trash, refuse, waste material and rubbish of any kind shall be disposed of only at places designated for the disposal thereof or removed from the premises. Removal of material from refuse containers and removal or relocation of refuse containers, except by authorized persons, are prohibited.

(b) Draining or dumping on the premises of garbage, trash, rubbish, refuse, or waste except in places or receptacles provided for such use is prohibited.

(c) Cleaning of food or washing of cooking and eating utensils and clothes or articles of household use is permitted only in designated areas. [Authority: § 13-14(a)(4), ROH]

Section 15. Skating; Skateboards. The use of roller skates and skateboards within the premises is prohibited wherever signs are posted forbidding such activities. [Authority: § 13-14.2 (c)(2), ROH]

Section 16. Swimming, Boating and Fishing. Swimming, boating and fishing -are prohibited within the premises in the interest of public health and safety. [Authority: § 13-14.3(b) (4), ROH]

Section 17. Vehicle and motorized Bike Operation. (a) Driving of vehicles and motorized bikes excluding, but not limited to, automobiles, trucks, vans, motorcycles, motorbikes, mopeds, scooters and trail bikes within the premises is prohibited except on designated roads provided for such use.

(b) Driving of vehicles and motorized bikes faster than posted speed limits, or in a reckless manner, or in a manner so as to endanger any person or property on the premises is prohibited. [Authority: § 13-14.2(g), ROH]

Section 18. Wildlife. Molesting, disturbing, injuring, trapping, taking, catching, possessing, poisoning or killing of any animal or disturbing its habitat within the premises is prohibited. [Authority: § 13-14.2(a)(6), ROH]

PART II - PERMITS

Section 19. Types of Permits. The following types of activities shall be subject to a use permit, which must be obtained prior to the use of the premises and the public facilities therein:

- (1) Group picnics consisting of fifty or more persons;
- (2) Camping;

(3) Organized sports activities that are keeping in with the nature of the premises and are sponsored by leagues, organizations, associations, groups or individuals;

(4) Organized recreational activities sponsored by community organizations, associations, groups or individuals;

(5) Meetings sponsored by organizations, associations or groups;

(6) Public service activities sponsored by organizations, communities or groups; and

(7) Construction work or installation of utilities. [Authority: § 13-14.3(a), ROH]

Section 20. General permit Provisions. The Director or an authorized representative may issue permits. The following conditions shall apply to all permits:

(1) Permits shall be issued on a first-come, first-served basis.

(2) Only responsible persons eighteen years of age or older may be issued permits.

(3) Applications for permits may be obtained at the following locations:

(A) Honolulu Municipal Building
650 South King Street;

(B) Satellite city halls; or

(C) Ho'omaluhia.

(4) Applications for permits are to be mailed to Ho'omaluhia, P. O. Box 1116, Kaneohe, Hawaii 96744, including a self-addressed, stamped envelope. Permits will be delivered by mail service.

(5) Applications for permits must be submitted no less than two weeks and no more than six months before the date requested.

(6) Preliminary inquiries may be made at telephone number 235-6636.

(7) Permits shall not be transferred.

(8) Persons or organizations to whom permits are issued are bound by the permit conditions stipulated on or attached to the permit and any applicable federal, state and county laws, ordinances and rules and regulations.

(9) The size of groups as well as the length of time any permit may be in effect may be reasonably limited by the Director or an authorized representative.

(10) Permits shall, upon request, be displayed to any law enforcement officer, the Director or an authorized representative.

(11) Other terms and conditions deemed by the Director to be reasonably necessary to carry out the provisions of Article 14, Revised ordinances of Honolulu 1978, these rules or any applicable federal, state or county statute, ordinance or rule. [Authority: § 13-14.3(c), ROH]

Section 21. Denial of Permits. Permits may be denied when:

(1) The premises or facilities are closed or will be closed because of damages, or because of scheduled or ongoing construction, repair or maintenance activities.

(2) A state of emergency is declared by the Director or other proper authorities.

(3) Natural or civil disturbances including, but not limited to, tsunamis, floods, earthquakes, storms, riots, demonstrations and employee strikes', which may be occurring or threatening to occur.

(4) The facilities are Inadequate to meet the needs of the anticipated activity.

(5) The premises or facilities will be used by others.

(6) The anticipated activity will overtax the facilities.

(7) The anticipated activity presents a clear and present danger to the health, safety or welfare of persons within the premises.

(8) Applications for permits are not received by the department within the times specified by these rules. [Authority: § 13-14.3(b) and 13-14.3(c), ROH]

Section 22. Revocation of Permits. (a) Permits may be canceled or terminated at anytime without notice when:

(1) A state of emergency is declared by the Director or other proper authorities.

(2) Natural or civil disturbances, including but not limited to tsunamis, floods, earthquakes, storms, riots, demonstrations, and employee strikes occur or threaten to occur.

(3) There is a violation of permit conditions or other provisions of these rules.

(4) Fees, as required, are not paid.

(b) Any person aggrieved by the revocation of a permit may appeal first to the Director and then to the City Council. The time for initiating appeal shall be limited to

thirty days, measured from the date a notice of revocation is mailed by the department to the aggrieved person, at the last known address. [Authority: § 13-14.3(c), ROH]

Section 23. Camping Permits. The following provisions shall apply to camping on the premises:

- (1) Camping shall be done only with the use of tents. The use of recreational trailers or other camper units are prohibited on the premises for camp use.
- (2) The Director or an authorized representative may establish check-in and check-out times for camping facilities.
- (3) The installation of permanent camping facilities is prohibited on the premises.
- (4) The digging or leveling of the ground at any campsite is prohibited.
- (5) Camping equipment shall be completely removed and the campsite cleaned before departure from the site. [Authority: §§ 13-14.3(a)(2) and 13-14.3 (b) , ROH]

Section 24. Camping Permit Provisions. (a) The general permit provisions described in Section 20 of these rules shall apply to camping permits.

- (b) Each permit will reserve the use of the desired camping area for a specified date or dates.
- (c) The maximum camping duration under each permit for any one campsite shall be five nights.
- (d) Only one permit may be issued at a time. [Authority: § 13-14.3(a)(2) and 13-14.3(b), ROH]

Section 25. Denial-of Camping Permits. Camping permits shall be denied when:

- (1) The size of the group exceeds the capacity of the existing facilities.
- (2) The person applying or any person to be covered by the permit has camped in or has been issued a camping permit for the premises within a period of thirty days preceding the requested camping dates. [Authority: § 13-14.3(a)(2) and 13-14.3(b), ROH]

Section 26. Failure to Use Camping Permit. If any camping permit is not used, the issuing office shall be contacted no later than one working day after the first day of permitted use and cancel the permit. Failure to notify in the prescribed manner shall be deemed to be a use of the permit. [Authority: § 13- 14.3(a)(2) and 13-14.3(b), ROH]

Section 27. Group Picnic Permits. (a) Any group larger than forty-nine members shall be required to obtain a picnic permit to picnic within the premises.

(b) Picnic permits may be denied to any person, group, organization, or association when there is inadequate space available on the premises to accommodate the group or as otherwise provided in Section 21 of these rules.

(c) Group picnic permits for the use of picnic areas and picnic facilities shall set forth the day and time the group shall be allowed to remain on the premises.

(d) The Director or an authorized representative may require the permittee, at the permittee's own cost, to provide police protection in the interest of public safety and welfare and for the protection of property when the number of persons using the premises under the permit so warrants. [Authority: § 13-14.3(a)(1) and 13- 14.3(b), ROH]

Section 28. Special Use Permits. (a) Special use permits may be issued by the Director or an authorized representative for those types of uses described in Section 19 of these rules, with the exception of picnicking and camping. All other types of uses other than those specifically provided for herein that are considered compatible with the functions and purposes of each individual area, facility, or unit of the premises may be eligible for a special use permit.

(b) Requests for permits for special uses shall each be considered on its own merits including its effect on the premises, facilities, and the public's use and enjoyment.

(c) If the event is for the purpose of raising funds, a statement of how the proceeds will be used is required. [Authority: § 13-14.3(a) and 13-14.3(b), ROH]

Section 29. Denial of Special Use Permits. An application for a special use permit may be -denied when:

(1) A prior permit for the same time and place has been or will be granted.

(2) The event presents a clear and present danger to the public health and safety.

(3) The event is of a nature or duration that cannot reasonably be accommodated in the particular area of the premises indicated.

(4) The event will significantly interfere or conflict with the public's general use and enjoyment of the particular area applied for.

(5) The event will threaten, endanger or disturb natural and historical resources in the particular area of the premises.

(6) Applications or requests for permits are not received by the department within the time specified in Section 20 of these rules. [Authority: § 13-4.3(a) and 13- 4.3(b), ROH]

Section 30. Other Special Use Permit Conditions. (a) The permit may contain:

(1) Conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is maintained;

(2) Reasonable limitations on the time and area within which the event is permitted; and

(3) Requirements for liability insurance coverage.

(b) The Director or an authorized representative may require the permittee, at the permittee's own cost, to provide police protection in the interest of public safety and welfare and for the protection of property when the number of persons using the premises under the permit so warrants. [Authority: § 13-14.3 (a) and 13- 14.3 (b) , ROH]

Section 31. Advertisements. Commercial notices or advertisements shall not be displayed, posted, or distributed within the premises except with the prior written permission of the Director or an authorized representative. Permission may be granted only if the notice or advertisement relates to services, goods, or facilities available within the premises and the notice or advertisement is found by the Director or an authorized representative to be desirable and necessary for the convenience and guidance of the public. [Authority: § 13-14.2(b) (2), ROH]

Section 32. Business Operations. Engaging in or soliciting any business within the premises except in accordance with the provisions of a permit, contract, license, lease, concession, or other written agreement with the Director and other proper authorities is prohibited. [Authority: § 13-14.2(b)(2), ROH]

Section 33. 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. [Authority: § 13- 14.5(d), ROH]

Section 34. Effective Date. These rules shall take effect ten days after filing with the Office of the City Clerk.

ADOPTED this 19th day of February, 1982, by the Director of Parks and Recreation, City and County of Honolulu, State of Hawaii.

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

APPROVED AS TO FORM:

/s/ Stanley D. Suyat
Deputy Corporation Counsel

APPROVED this 19th day of
February, 1982.

/s/ Eileen R. Anderson
EILEEN R. ANDERSON, Mayor

CERTIFICATION

I, ROBERT K. MASUDA, 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 relating to Ho'omaluhia which were adopted by said Director of Parks and Recreation on February 19, 1982, following a public hearing held on December 18, 1981, after public notice was given on November 27, 1981, in the Honolulu Advertiser and the Honolulu Star-Bulletin.

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

Received this 22nd day of
February, 1982.

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

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PART I - GENERAL PROVISIONS

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(4) Fees, as required, are not paid.

(b) Any person aggrieved by the revocation of a permit may appeal first to the Director and then to the City Council. The time for initiating appeal shall be limited to thirty days, measured from the date a notice of revocation is mailed by the department to the aggrieved person, at the last known address. [Authority: § 13-14.3(c), ROH]

Section 23. Camping Permits. The following provisions shall apply to camping on the premises:

(1) Camping shall be done only with the use of tents. The use of recreational trailers or other camper units are prohibited on the premises for camp use.

(2) The Director or an authorized representative may establish check-in and check-out times for camping facilities.

(3) The installation of permanent camping facilities is prohibited on the premises.

(4) The digging or leveling of the ground at any campsite is prohibited.

(5) Camping equipment shall be completely removed and the campsite cleaned before departure from the site. [Authority: §§ 13-14.3(a)(2) and 13-14.3 (b) , ROH]

Section 24. Camping Permit Provisions. (a) The general permit provisions described in Section 20 of these rules shall apply to camping permits.

(b) Each permit will reserve the use of the desired camping area for a specified date or dates.

(c) The maximum camping duration under each permit for any one campsite shall be five nights.

(d) Only one permit may be issued at a time. [Authority: § 13-14.3(a)(2) and 13-14.3(b), ROH]

Section 25. Denial-of Camping Permits. Camping permits shall be denied when:

(1) The size of the group exceeds the capacity of the existing facilities.

(2) The person applying or any person to be covered by the permit has camped in or has been issued a camping permit for the premises within a period of thirty days preceding the requested camping dates. [Authority: § 13-14.3(a)(2) and 13-14.3(b), ROH]

Section 26. Failure to Use Camping Permit. If any camping permit is not used, the issuing office shall be contacted no later than one working day after the first day of permitted use and cancel the permit. Failure to notify in the prescribed manner shall be deemed to be a use of the permit. [Authority: § 13- 14.3(a)(2) and 13-14.3(b), ROH]

Section 27. Group Picnic Permits. (a) Any group larger than forty-nine members shall be required to obtain a picnic permit to picnic within the premises.

(b) Picnic permits may be denied to any person, group, organization, or association when there is inadequate space available on the premises to accommodate the group or as otherwise provided in Section 21 of these rules.

(c) Group picnic permits for the use of picnic areas and picnic facilities shall set forth the day and time the group shall be allowed to remain on the premises.

(d) The Director or an authorized representative may require the permittee, at the permittee's own cost, to provide police protection in the interest of public safety and welfare and for the protection of property when the number of persons using the premises under the permit so warrants. [Authority: § 13-14.3(a)(1) and 13- 14.3(b), ROH]

Section 28. Special Use Permits. (a) Special use permits may be issued by the Director or an authorized representative for those types of uses described in Section 19 of these rules, with the exception of picnicking and camping. All other types of uses other than

those specifically provided for herein that are considered compatible with the functions and purposes of each individual area, facility, or unit of the premises may be eligible for a special use permit.

(b) Requests for permits for special uses shall each be considered on its own merits including its effect on the premises, facilities, and the public's use and enjoyment.

(c) If the event is for the purpose of raising funds, a statement of how the proceeds will be used is required. [Authority: § 13-14.3(a) and 13-14.3(b), ROH]

Section 29. Denial of Special Use Permits. An application for a special use permit may be -denied when:

- (1) A prior permit for the same time and place has been or will be granted.
- (2) The event presents a clear and present danger to the public health and safety.
- (3) The event is of a nature or duration that cannot reasonably be accommodated in the particular area of the premises indicated.
- (4) The event will significantly interfere or conflict with the public's general use and enjoyment of the particular area applied for.
- (5) The event will threaten, endanger or disturb natural and historical resources in the particular area of the premises.
- (6) Applications or requests for permits are not received by the department within the time specified in Section 20 of these rules. [Authority: § 13-4.3(a) and 13- 4.3(b), ROH]

Section 30. Other Special Use Permit Conditions. (a) The permit may contain:

- (1) Conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is maintained;
- (2) Reasonable limitations on the time and area within which the event is permitted; and
- (3) Requirements for liability insurance coverage.

(b) The Director or an authorized representative may require the permittee, at the permittee's own cost, to provide police protection in the interest of public safety and welfare and for the protection of property when the number of persons using the premises under the permit so warrants. [Authority: § 13-14.3 (a) and 13- 14.3 (b) , ROH]

Section 31. Advertisements. Commercial notices or advertisements shall not be displayed, posted, or distributed within the premises except with the prior written permission of the Director or an authorized representative. Permission may be granted only if the notice or advertisement relates to services, goods, or facilities available within the premises and the notice or advertisement is found by the Director or an authorized representative to be desirable and necessary for the convenience and guidance of the public. [Authority: § 13-14.2(b) (2), ROH]

Section 32. Business Operations. Engaging in or soliciting any business within the premises except in accordance with the provisions of a permit, contract, license, lease, concession, or other written agreement with the Director and other proper authorities is prohibited. [Authority: § 13-14.2(b)(2), ROH]

Section 33. 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. [Authority: § 13- 14.5(d), ROH]

Section 34. Effective Date. These rules shall take effect ten days after filing with the Office of the City Clerk.

ADOPTED this 19th day of February, 1982, by the Director of Parks and Recreation, City and County of Honolulu, State of Hawaii.

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

APPROVED AS TO FORM:

/s/ Stanley D. Suyat
Deputy Corporation Counsel

APPROVED this 19th day of
February, 1982.

/s/ Eileen R. Anderson
EILEEN R. ANDERSON, Mayor

CERTIFICATION

I, ROBERT K. MASUDA, 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 relating to Ho'omaluhia which were adopted by said Director of Parks and Recreation on February 19, 1982, following a public hearing held on December 18, 1981, after public notice was given on November 27, 1981, in the Honolulu Advertiser and the Honolulu Star-Bulletin.

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

Received this 22nd day of
February, 1982.

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