

AMENDED RULES AND REGULATIONS
REGARDING USE OF MALLS

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU

Pursuant to and by virtue of the authority set forth in Chapter 26-10.1, Revised Ordinances of Honolulu 1978, as amended, and Chapter 91, Hawaii Revised Statutes, the Director 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 amends the Rules and Regulations Regarding Use of Malls adopted on January 22, 1973, and amended and adopted on July 18, 1980, and further amended and adopted on August 23, 1982 and February 19, 1986, to read as follows:

Section 1. Purpose. These rules and regulations have been promulgated to ensure:

- (1) Effective control and coordination in the use of malls;
- (2) Use of malls to promote the safety, health, and welfare of the public;
- (3) Use of malls in compliance with the purposes for which they were established;
- (4) Use of malls to promote the interest of the malls district, or any other community endeavors sponsored, undertaken or promoted by duly established organizations.

Section 2. Definitions. The following words or terms shall have the following meanings unless the context clearly indicates otherwise:

- (1) Department shall mean the Department of Parks and Recreation.
- (2) Events shall mean the use of malls for:
 - (a) Membership drives sponsored by any person.
 - (b) Organized activities sponsored by any person on any portion of the mall, whether for profit or non-profit.
 - (c) Meetings which are hereby defined to mean any gatherings on the mall sponsored by any person.
 - (d) Speeches or other communications made by any person and addressed to other users of the mall for the purpose of influencing their views on any subject.

(3) Mall shall mean any pedestrian promenade which is or has been established and is under the control, management, or ownership of the City.

(4) Malls District shall mean the area from a private property line as to the width of the mall and physical demarcation indicating the length of the mall.

(5) Merchant shall mean any property owner who has been assessed for the mall improvement district, including lessees or tenants of such property.

Section 3. Regulations.

(1) Any person, organization or group wishing to use malls must secure a general permit from the Department.

(2) The number and boundaries of areas for which permits are issued shall be determined by the Department.

(3) No permit shall be issued for events which are determined to impair the health, safety and welfare of the users of the malls and of the merchants and the property owners of the malls.

(4) No permit shall be issued for events which violate any statute, ordinance, or rules and regulations.

(5) No permit shall be issued for more than seven (7) consecutive calendar days in any calendar year.

(6) No permits shall be issued for more than one (1) event in a particular area of a mall during a given period, provided that several areas of a mall or malls may be used concurrently for such event.

(7) No permit shall be issued to any person for an event in a particular area of a particular mall more than once during a calendar year; provided that any events sponsored by merchants shall be done collectively as an association of merchants and not individually; and provided further that any person who has the privilege of using a particular mall during a calendar year as provided herein, may submit another application; and the Department may issue a permit to such person if there are no conflicts in the use of the malls granted to other permittees, or no applicant has submitted a request for the use of the malls for the date or period requested by such prior user of the mall.

(a) Sidewalk sales sponsored collectively by merchants shall be limited to four (4) occasions per year. Additional sales shall require the approval of the Department. The times, dates and duration of sales shall be determined in consultation with the

merchants' association (Downtown Business Council or successor organization).

(b) A master permit to cover all participants shall be issued to the merchants' association upon proper application : Permittee shall obtain public liability insurance policy in the amount established by the Department and shall name the City and County of Honolulu as additional insured.

(c) The area of Fort Street Mall which the Mall merchant shall use for the sidewalk sale is limited to the merchant's frontage on the Mall and to a depth of nine (9) feet into the Mall. merchants with physical obstructions (i.e. planters) on their frontage may be allowed additional mall space provided the access lane for emergency vehicles is kept clear and unobstructed, and access to building entrances and emergency exits is also kept clear and unobstructed.

(d) Permittee shall observe all applicable rules and regulations and ordinances.

(8) No permit shall be issued until a monetary deposit for each day of use as provided under Item 3, Permit Procedures and Requirements, has been placed with the Department. Such deposits shall be reimbursed to the permittee upon determination by the Department that the permittee satisfactorily cleaned up the malls after each day of use and that he did not inflict any damage to plants or other property of the City or to any private property fronting or situated alongside the malls. If such deposit has been held by the Department for more than one (1) month without sufficient cause therefor, interest at the prevailing rate on a month-to-month basis shall be paid by the City.

(9) Fund-raising Events.

(a) A permit shall be obtained from the Department for each fund-raising event.

(b) The permit shall include approval of a specific area of the Mall where the sale may be conducted and a description of the merchandise or services to be offered.

(c) Fund-raising events shall be limited to one (1) day and may not be repeated by the same organization more frequently than every six (6) months.

(d) Sponsors are urged to coordinate their event with the merchants' association, the Downtown Business Council, and other activities scheduled for the Fort Street Mall.

(e) In addition to the above, the participants shall observe all of the applicable City rules and regulations and ordinances pertaining to the Fort Street Mall.

(10) The Director of the Department or an authorized representative may close any mall or portion of a mall to the public or restrict the public use of any mall or portion of a mall, when necessary for the protection and preservation of the malls and

facilities thereon, or the health, safety and welfare of persons or property, by the posting of signs on the mall indicating the portions of the mall and hours during which the mall is closed or the public use restricted. All persons shall observe and abide by the posted signs.

(11) Any person convicted of a violation of any of these rules and regulations shall be subject to a fine of not more than \$250.00 or imprisonment for not more than thirty (30) days, or both.

Section 4. Permit Procedure and Requirements.

(1) Permits for the use of the malls or any portion of the malls will be issued at the Department's Permit Section, at 650 S. King Street on weekdays, except holidays, from 7:45 a.m. to 4:00 p.m.

(2) Applications for permits must be filed with the Department's Permit Section at least ten (10) working days prior to the date of the proposed event but not more than one (1) year in advance.

(3) Deposit of \$25.00 per day must be placed with the Department when the permit is issued.

Section 5. Hearings.

(1) For revocation of suspension of permit: Where the Director has determined that a permit which he has issued should be revoked or suspended, the Director shall place the matter on the agenda of the Department for public hearing to be held not later than five (5) calendar days after the occurrence of the alleged violation, or if said day falls on a holiday or weekend, the Department shall notify the appellant of his opportunity to be heard the next ensuing work day of the Department in conformity with Section 91-9, HRS.

(2) Notice of Determination. If, after the hearing, it is determined that a permit shall be revoked or suspended, the applicant shall be informed in writing and in the form as provided in Section 91- 12, HRS.

Section 6. Appeals. An applicant whose permit for the use of the malls has been denied, revoked or suspended by the Department may file an appeal for a hearing with the City Council thirty (30) days after receipt of said revocation, suspension, or denial.

ADOPTED this 23rd day of May, 1988, by the Director of Parks and Recreation, City and County of Honolulu, State of Hawaii.

/s/ Hiram K. Kamaka
HIRAM K. KAMAKA,

Director

Recreation

Honolulu

Department of Parks and

City and County of

APPROVED AS TO FORM AND LEGALITY:

/s/ Karl Ichida

Deputy Corporation Counsel

Approved this 22 day of

June, 1988.

/s/ Frank F. Fasi

FRANK F. FASI, Mayor

City and County of Honolulu

CERTIFICATION

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 relating to the Use of Malls, which were adopted on May 23, 1988, following a public hearing held on May 17, 1988, after public notice was given on April 24, 1988, in the Honolulu Star Bulletin and Advertiser.

Director

Recreation

Honolulu

/s/ Hiram K. Kamaka

HIRAM K. KAMAKA,

Department of Parks and

City and County of

Received this day of

JUN 23 1988, 1988.

/s/ Raymond K. Pua

RAYMOND K. PUA. City Clerk