

CITY AND COUNTY OF HONOLULU

Repeal of the Rules and Regulations  
on Procedures for the Closure of Designated City Parks  
at Night Due to Illegal Activities  
and the Adoption of Chapter Title 19, Chapter 8, City  
and County of Honolulu Administrative Rules

July 1, 2020

SUMMARY

1. "Rules and Regulations on Procedures for the Closure of Designated City Parks at Night Due to Illegal Activities", is repealed.

2. Title 19, Chapter 8, City and County of Honolulu Administrative Rules, entitled "Rules and Regulations Governing Park Closure", is adopted.

CITY AND COUNTY OF HONOLULU  
ADMINISTRATIVE RULES

DEPARTMENT OF PARKS AND RECREATION

RULES AND REGULATIONS ON PROCEDURES FOR THE CLOSURE OF  
DESIGNATED CITY PARKS AT NIGHT DUE TO ILLEGAL  
ACTIVITIES

REPEALED

§§13 to 14.2(a)(12) Repealed. [R JUL 24 2020 ]

CITY AND COUNTY OF HONOLULU ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF PARKS AND RECREATION

CHAPTER 8

RULES AND REGULATIONS GOVERNING  
PARK CLOSURE

Subchapter 1 General Provisions

- §19-8-1 Purpose
- §19-8-2 Definitions
- §19-8-3 Penalties
- §19-8-4 Severability

Subchapter 2 Special Provisions

- §19-8-5 Illegal activities
- §19-8-6 Criteria of closing a park
- §19-8-7 Process to close a park

Historical note: This chapter is based substantially upon Rules and Regulations on Procedures for the Closure of Designated City Parks at Night Due to Illegal Activities. [Eff 7/17/1990; R JUL 24 2020 ]

SUBCHAPTER 1

GENERAL PROVISIONS

**§19-8-1 Purpose.** These rules establish the process for closing parks at night for the following purposes:

- (1) To promote park purposes and to ensure the public's health, safety and welfare in the usage of its parks;
- (2) To prevent costly damage to parks and recreation facilities;
- (3) To prevent disturbances to nearby residents; and
- (4) To ensure that parks and recreation facilities are safe environments for all park users. [Eff. JUL 24 2020] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §§10-1.2, 10-1.3)

**§19-8-2 Definitions.** As used in this chapter, the following words and terms shall have the following meaning unless the context clearly indicates otherwise:

"Authorized representative" means any person authorized by the director of the department of parks and recreation to act for the department

"Crime" means an act or omission committed by an adult or juvenile that would constitute an offense against the person under the HRS title 37, Hawaii Penal Code.

"Dangerous drugs" means any substance or immediate precursor defined or specified as a "Schedule I substance" or a "Schedule II substance" by HRS chapter 329, as amended, or a substance specified in HRS section 329-18(c) (14), as amended, except marijuana or marijuana concentrate.

"Department" means the department of parks and recreation, city and county of Honolulu.

"Detrimental drug" means any substance or immediate precursor defined or specified as a "Schedule V substance" by HRS chapter 329, as amended, or any marijuana.

"Director" means the director of the department of parks and recreation, or duly authorized representative.

"Harmful drug" means any substance or immediate precursor defined or specified as a "Schedule III substance" or a "Schedule IV substance" by HRS chapter 329, as amended, or any marijuana concentrate except marijuana and a substance specified in HRS section 329-18(c)(14), as amended.

"HRS" means the Hawaii Revised Statutes.

"Intoxicating liquor" means any substance defined as "liquor" or "intoxicating liquor" by HRS section 281-1, as amended.

"Person" or "persons" means any individual, firm, partnership, corporation, company, association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"ROH" means the revised ordinances of Honolulu 1990, as amended. [Eff <sup>JUL 24 2020</sup> ] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §§10-1.2, 10-1.3)

**§19-8-3 Penalties.** Any person violating any provision of this chapter may upon conviction, be subject to punishment in accordance with HRS Sections 706-640 and 706-663, as amended. [Eff <sup>JUL 24 2020</sup> ] (Auth: RCH §6-1403; ROH §1-9.1) (Imp: ROH §§10-1.2, 10-1.3, 10-1.6)

**§19-8-4 Severability.** If any section, subsection, sentence, clause, phrase, or portion of this chapter 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. [Eff JUL 24 2020 ] (Auth: RCH §6-1403; ROH §1-9.1) (Imp: ROH §§10-1.2, 10-1.3)

## SUBCHAPTER 2

### SPECIFIC PROVISIONS

**§19-8-5 Illegal activities.** (a) Parks where repeated incidences of illegal activities occur may be considered for night closure

(b) Illegal activities include, but are not limited to:

- (1) Criminal property damage;
- (2) Illegal possession or consumption of intoxicating liquor;
- (3) Illegal possession or distribution of dangerous, harmful, or detrimental drugs;
- (4) Criminal littering; and
- (5) Other crimes. [Eff JUL 24 2020 ] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §§10-1.2, 10-1.3)

**§19-8-6 Criteria for closing a park.** The director shall consider the following factors when evaluating whether to establish night closure hours for a park:

- (a) There is a record that illegal activities frequently occur at the park at night; and
- (b) Closure will protect the health, safety and welfare of the public. [Eff JUL 24 2020 ] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §§10-1.2, 10-1.3)

**§19-8-7 Process to close a park at night.** (a) The director may, in the director's discretion and if consistent with the purposes of this chapter and in the public's interest after consideration of the factors in section 19-8-6, close a park at night.

(b) The director may seek comment from the respective neighborhood board and the board of parks and recreation concerning the proposed park closure and park closure hours.

(c) After the director has determined a park shall be closed at night, the department shall post signs notifying the public of the park closure hours and provide notice to the Honolulu police department of the park closure hours. [Eff JUL 24 2020 ]  
(Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §§10-1.2, 10-1.3)

DEPARTMENT OF PARKS AND RECREATION

The repeal of the Rules and Regulations on Procedures for the Closure of Designated City Parks at Night Due to Illegal Activities and the adoption of Title 19, Chapter 8, City and County of Honolulu Administrative Rules, Department of Parks and Recreation, Rules and Regulations Governing Park Closure, which were adopted on July 1, 2020, following a public hearing held on June 16, 2020, after public notice was given on May 15, 2020, in the Honolulu Star-Advertiser.

This chapter shall take effect ten (10) days after filing with the Office of the City Clerk.

DEPARTMENT OF PARKS AND RECREATION  
CITY AND COUNTY OF HONOLULU



Michele K. Nekota, Director

APPROVED AS TO  
FORM AND LEGALITY:



Deputy Corporation Counsel

**DAWN D. M. SPURLIN**

APPROVED this 9th day of

July, 2020.



KIRK CALDWELL, Mayor  
City and County of Honolulu

CERTIFICATION

I, MICHELE K. NEKOTA, in my capacity as 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 Title 19, Chapter 8, City and County of Honolulu Administrative Rules, entitled " Rules and Regulations Governing Park Closure ", which were adopted on July 1, 2020 following a Public Hearing held on June 16, 2020, after public notice was given on May 15, 2020, in the Honolulu Star-Advertiser.



MICHELE K. NEKOTA  
Director

Received this 14th day of  
July, 2020.



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City Clerk  
GLEN I. TAKAHASHI