



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 10, ARTICLE 1, REVISED ORDINANCES OF HONOLULU, 1990, AS AMENDED, RELATING TO THE DEPARTMENT OF PARKS AND RECREATION.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to regulate tents in the parks maintained by the City and County of Honolulu.

SECTION 2. Section 10-1.1, Revised Ordinances of Honolulu 1990, is amended by adding a new definition of "tent" to read as follows:

"Tent" means a collapsible structure consisting of sheets of canvas, fabric, or other material attached to or draped over a frame of poles or a supporting rope."

SECTION 3. Section 10-1.2 of the Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 10-1.2 Park rules and regulations.

- (a) Within the limits of any public park, it is unlawful for any person to:
- (1) Willfully or intentionally destroy, damage or injure any property;
 - (2) Climb onto any tree, except those designated for climbing, or to climb onto any wall, fence, shelter, building, statue, monument or other structure, excluding play apparatus;
 - (3) Swim, bathe, wade in or pollute the water of any ornamental pool or fountain;
 - (4) Kindle, build, maintain or use any fire, other than in a grill or brazier;
 - (5) Annoy, molest, kill, wound, chase, shoot or throw missiles at any animal or bird;



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- (6) Distribute, post or place any commercial handbill or circular, notice or other advertising device or matter, except as permitted by the terms of any agreement relating to the use of park property;
 - (7) Use any surfboard or devices or materials with jagged or rough ends and edges, which are dangerous to surfers, swimmers or bathers;
 - (8) Construct or fabricate surfboards;
 - (9) Permit any animal to enter and remain within the confines of any public park area except as otherwise provided in this article;
 - (10) Feed any animal or bird when signs are posted prohibiting such feeding;
 - (11) Wash, polish or repair cars or other vehicles;
 - (12) Enter or remain in any public park during the night hours that the park is closed, provided that signs are posted indicating the hours that the park is closed;
 - (13) Camp at any park not designated as a campground;
 - (14) Fail to comply with any sign or notice posted by the City and County of Honolulu.
- (b) Except as authorized by permits, and subject to the terms and conditions imposed by the department of parks and recreation, it is unlawful for any person, within the limits of any public park, to:
- (1) Cut or remove any wood, plant, grass, soil, rock, sand or gravel;
 - (2) Sell or offer for sale any services, merchandise, article or thing, whatsoever;
 - (3) Moor, tie up, store, repair or condition any boat, canoe, raft or other vessel;



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- (4) Repair or condition any surfboard;
 - (5) Park any vehicle except bicycles on grassed areas;
 - (6) Amplify music or use battery operated loudspeakers (bull horns);
 - (7) Ride or drive any horse or any other animal;
 - (8) Engage in or conduct any activity which creates any sound, noise or music exceeding 80 dBA sound pressure level taken at a point 10 feet in front of the source for a cumulative time period of at least five minutes when measured with a calibrated American National Standard Institute (ANSI) Type I or Type II sound level meter with weighting set at "A" and response set at "slow" except any activity which is sponsored by the city or the department of parks and recreation or authorized by permit issued by the city;
 - (9) Construct, utilize, place, occupy, leave, or in any other manner situate any tent that contains one or more walls.
- (c) Within the limits of any public park, it is unlawful for any person, wherever signs are posted prohibiting such activities, to:
- (1) Throw, cast, catch, kick or strike any baseball, tennis ball, football, basketball, croquet ball or other object;
 - (2) Ride upon roller skates, skateboards or bicycles;
 - (3) Engage in kite flying.
- (d) Except in park areas specifically designated for such purposes, it is unlawful for any person to:
- (1) Throw, cast, roll or strike any bowling ball or golf ball;
 - (2) Engage in model airplane flying;
 - (3) Engage in model boat sailing;
 - (4) Kindle, build or maintain any campfire;



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- (5) Discharge firearms for target practice only;
 - (6) Engage in archery for target practice and tournament only;
 - (7) Launch model rockets.
- (e) In addition to the requirements of subsection (b) of this section, the repair or conditioning of any surfboard shall be performed only by a concessionaire of the department of parks and recreation who has a surfboard concession. Such repair work shall be conducted only in an enclosed building or structure, approved by the department of parks and recreation, building department, and the state department of health. The terms and conditions to be imposed by the department of parks and recreation shall include, together with the requirements necessary to safeguard the health and safety of the public, the securing of adequate insurance to protect the city from any liability resulting from such repair work.
- (f) It is unlawful for any person, other than authorized personnel of the department of parks and recreation, or a person then golfing on the course, or such person's caddy, to gather or pick up golf balls within the boundaries of a public golf course.
- (g) (1) Within the limits of any public park, it is unlawful for any person, where signs are posted prohibiting or restricting such activities, to operate, park or stand a motor vehicle in violation of such prohibitions or restrictions. Such signs may impose any prohibition or restriction upon the operation, parking or standing of motor vehicles which the director of parks and recreation shall determine will maximize the enjoyment and use of any park by park users. Such restrictions may include the installation of parking meters in parks.
- (2) Parking Meter Charges and Time Limits.
- (A) Meters at the Honolulu Zoo parking lot shall have a four-hour time limit at the rate of \$1.00 per hour.
 - (B) Meters on the mauka side of Kalakaua Avenue between Monsarrat Avenue and the Paki Avenue-Poni Moi Road-Diamond Head Road intersection shall have a four-hour time limit at the rate of 50 cents



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per hour and shall be in effect between the hours of 10 a.m. and 6 p.m., seven days a week.

- (3) Parking Meter Violations.
 - (A) No person shall violate any provision of Section 15-22.11.
 - (B) Every hour a vehicle remains parked, stopped, or standing in violation of any provision of Section 15-22.11 shall constitute a separate violation.”

SECTION 4. Section 10-1.3 of the Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

“Sec. 10-1.3 Permits.

- (a) Required. Any person using the recreational and other areas and facilities under the control, maintenance, management and operation of the department of parks and recreation shall first obtain a permit from the department for the following uses:
 - (1) Picnic groups, consisting of 50 or more persons;
 - (2) Camping;
 - (3) Sports activities conducted by either a league, organization, association, group or individual;
 - (4) Recreational activities, including nonprofit fundraising activities, sponsored by community organizations, associations, groups or individuals;
 - (5) Meetings or gatherings or other similar activity held by organizations, associations or groups;
 - (6) Nonrecreational, public service activities, meetings and gatherings held by organizations, communities or groups;
 - (7) Right of entry into parks for installation of utilities or construction work;



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- (8) The playing of musical instruments as solo or two or more instruments which fall within the standards described in paragraphs (A), (B) and (C) of this subdivision:
- (A) Musical instruments which are limited to two octaves or less, including but not limited to the following musical instruments: (i) tuba, (ii) tympani, (iii) maracas, (iv) uliuli, (v) castanets, (vi) tambourine or (vii) percussion instruments in which a human hand or drumsticks are used to create sounds therefrom;
 - (B) Musical instruments which when played do not exceed the sound pressure level established in Section 10-1.2(b)(8); and
 - (C) Musical instruments which are used or played continuously without a regular hourly break of 30 minutes, or for more than six hours within a day.

The use or the playing of a musical instrument which requires a permit as provided hereunder shall be subject to the following restrictions, in addition to any other conditions imposed by the rules and regulations promulgated by the director:

- (A) Issuance Standards for Permits. The department of parks and recreation shall uniformly treat each application, based upon the facts presented, free from improper or inappropriate considerations and from unfair discrimination and shall exercise no other discretion over the issuance of a permit under this section, except as provided in this section and in the departmental rules.
- (B) Judicial Review. Upon the department's refusal to issue a permit, the applicant for such permit shall be entitled to a review by the circuit court within 30 days after the date of such refusal. In such review, the department's decision shall be upheld in the absence of a judicial finding of abuse of discretion.
- (C) Restrictions. The use or the playing of a musical instrument which requires a permit as provided hereunder shall be subject to the following restrictions, in addition to any other conditions imposed by the rules adopted by the director:



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- (i) Time: Only between the hours of nine a.m. and six p.m. daily, and
 - (ii) Place: The playing of such instruments shall be restricted to the facility especially constructed for such purpose, such as the bandstand at Kapiolani Park or other areas within the park that shall be clearly designated in the permit, and
 - (iii) Manner: During the hours mentioned in subparagraph (i) of this paragraph, every half-hour of playing period shall immediately be followed by a 15-minute break or every one hour of playing period shall immediately be followed by a half-hour break; provided, that at no time shall there be any continuous playing exceeding an hour.
- (D) Duration of Permit. The duration of a permit issued pursuant to subdivision (8) shall not exceed one month;
- (9) Hang gliding;
- (10) Commercial activities designed for profit, which include but are not limited to the exchange or buying and selling of commodities, or the providing of services relating to or connected with trade, traffic or commerce in general. For purposes of this subdivision, the use of land for utilities shall not be considered a commercial activity. The proposed commercial activities under the permit shall be consistent with the use of the park under consideration, subject to reasonable limitations on the size of the groups, and the time and area within which the event is permitted;
- (11) Constructing, utilizing, placing, occupying, or in any other manner situating any tent that contains one or more walls.
- (b) Director to Promulgate Rules and Regulations. The director shall promulgate rules and regulations pursuant to HRS Chapter 91, to govern the use of said areas and facilities which will:
- (1) Ensure maximum permissible use of said areas and facilities by appropriate distribution of users;



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- (2) Ensure proper, orderly and equitable use of areas and facilities through scheduling and user controls;
 - (3) Ensure protection and preservation of areas and facilities by not overtaxing facilities;
 - (4) Promote the health, safety and welfare of the users of said areas and facilities;
 - (5) Establish procedures for obtaining permits and revocation therefor; or
 - (6) Recommend to council fee schedules, based upon the cost of administration for each activity authorized under paragraph (10) of this subsection.
- (c) Conditions of Permit. Permits shall be issued pursuant to the provisions contained in this article and to the rules and regulations promulgated by the director, and they shall be subject to the conditions in this article and to any rules and regulations promulgated by the director. Any violation of the provisions contained in this article, or of any rules and regulations promulgated by the director which implement said provisions, or of any conditions contained in this article, or of any rules and regulations promulgated by the director which implement said conditions, or of the terms or conditions contained in the permit which violation is caused by the permittee, members of the permittee's group, officers, employees or the permittee's agents shall constitute ground for revocation of the permit by the director of parks and recreation. Any permittee whose permit has been revoked by the director may appeal to the city council pursuant to the rules and regulations authorized, and said appeal must be filed by the permittee within 30 days of the mailing of a notice of said revocation to the last known address of the permittee."

SECTION 5. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring.



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SECTION 6. This ordinance shall take effect upon its approval.

INTRODUCED BY:

[Signature] (br)

DATE OF INTRODUCTION:

JAN 21 2010

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY;

Deputy Corporation Counsel

APPROVED this _____ day of _____ 20_____.

MUFU HANNEMANN, Mayor
City and County of Honolulu