

CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PARKS AND RECREATION

Pursuant to and by virtue of the authority set forth in Section 13-14.3, Revised Ordinances of Honolulu 1978, 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 further amends the rules and regulations governing the use of City beach parks and other beach properties under the control of the Department of Parks and Recreation to provide access to conduct shore water events.

**AMENDED RULES AND REGULATIONS GOVERNING
USE OF CITY BEACH PARKS AND OTHER BEACH PROPERTIES
UNDER THE CONTROL OF THE DEPARTMENT OF
PARKS AND RECREATION TO PROVIDE ACCESS
TO CONDUCT SHORE WATER EVENTS**

SECTION 1. Applicability and Scope

- (1) These rules and regulations shall apply to the use of City beach parks and other beach properties under the control of the Department of Parks and Recreation, City and County of Honolulu, to provide access to conduct shore water events.
- (2) If any provision of these rules and regulations or the application of such provision is held to be invalid, the remaining portions of these rules and regulations or the application of said portions shall not be affected.

SECTION 2. Definitions

- (1) "Application for Use of Parks Facilities" shall mean a form requesting use of park property to provide access to conduct shore water events.
- (2) "Certified Lifeguard" shall mean a person who has current certification in American Red Cross lifeguard training or has a United States Lifesaving Association Ocean Lifeguard Certificate, or equivalent; has an American Red Cross Standard First Aid or First Responder Certificate that meets the United States Department of Transportation's guidelines; and has a Hawaii Heart or American Red Cross Cardio-Pulmonary Resuscitation Certificate.
- (3) "Department" shall mean the Department of Parks and Recreation, City and County of Honolulu.

- (4) "Director" shall mean Director of the Department of Parks and Recreation.
- (5) "North Shore" shall mean the shoreline area which extends from Kaena Point to Kawela Bay.
- (6) "Parks Permit Section" shall mean the office responsible for the processing and final approval of Application for Use of Park Facilities form and issuing of the Park Use Permits.
- (7) "Park Use Permit" shall mean a permit authorizing use of a City property for purposes of access to conduct shore water events.
- (8) "Shore Water" shall mean any shore or water between the three nautical mile limit and the mean tide mark on the shores of the islands of the State of Hawaii.
- (9) "Shore Water Event" shall mean any organized activity taking place upon or within the shore water of the State, to include Sail Race, Jet Ski Race, Paddle Board Race, Surf Meet, Body Board Meet, Body Surf Meet, Swim Race, Canoe Race, Windsurfing Meet, etc.
- (10) "Shore Water Event Permit" shall mean a permit issued by the State Harbors Division which authorizes exclusive use of a particular area of the shore water of the State for a specific time period.

SECTION 3. General Procedures for Applicants of All Shore Water Events

An applicant may request that a particular City beach park or other City beach property be tentatively reserved by submitting an Application for Use of Park Facilities to the Parks Permit Section pending receipt of a Shore Water Event Permit from the State Harbors Division. The Shore Water Event Permit authorizes the permittee to conduct a specific shore water event at a designated location, date and time.

An applicant may be issued a Park Use Permit only upon meeting the following conditions:

- (1) The applicant must present a valid Shore Water Event Permit.
- (2) The Application for Use of Park Facilities must be approved by the Department. Application forms are available at recreation centers, and the Parks Permit Section.

- (3) The applicant agrees to provide a certified lifeguard for the event. This requirement shall be in addition to the City's water safety officer regularly on duty at the beach where the event is to be held. For large events, the Department may require the applicant to provide additional certified lifeguards. All selected lifeguards provided by applicant shall furnish proof of certification to the City's water safety officer.
- (4) The applicant shall agree to provide at least one special duty Honolulu Police Department (HPD) police officer for events which the Director determines there is a need for traffic, parking or crowd control. For large events with potential problems, the Department shall, after consulting with the HPD, require the applicant to provide additional special duty police officers.
- (5) The applicant agrees to provide portable toilets at locations where public rest rooms are not available or where existing rest rooms are determined inadequate for the anticipated crowd. Applicants shall be required to obtain a minimum of one male and one female portable toilets for up to 500 spectators if public rest rooms are not available, and one male and one female portable toilets for every 1,000 spectators if public rest room facilities are available but determined to be inadequate for the anticipated crowd.

Applicants who are required to provide portable toilets shall have them maintained in a sanitary condition (emptying, cleaning, replenishing toilet tissues) by the contractor. For events running multiple days, toilets shall be serviced before the start of each day's event. Applicants shall also insure that portable toilets are accessible to the contractor and that people, vehicles or equipment do not block access to the portable toilets.

- (6) The applicant shall have the option to execute a "Waiver and Assumption of Liability" form, which will be provided by the Department, or present comprehensive general liability insurance coverage in which the combined limit of liability for bodily injury and property damage is \$300,000 per occurrence. The insurance certificate shall name the City and County of Honolulu, its officers and employees, the State of Hawaii, its officers and employees, as additional insured, and a copy shall be filed with the Parks Permit Section.

- (7) The applicant shall agree to pay a \$100 deposit for an amateur shore water event. If cleanup or restoration of damages is not satisfactory as determined by the Director, or if damages exceed \$100, the deposit shall be increased to \$250 for the next event. For professional shore water events, including Pro-Ams, the deposit shall be \$1,000. Deposits may not be waived for Department-assisted events.
- (8) Commercial sponsors may post their signs, banners, posters, brochures, etc., at the sites, provided it announces sponsorship of the event. Size and appropriateness of signs shall be subject to the approval of the Director.
- (9) Commercial announcements over public address systems shall be limited to recognition of sponsors only.
- (10) Announcements over public address systems and music in excess of 80 dBA sound pressure level, as established by Section 13-14.2(b)(8), Revised Ordinances of Honolulu 1978, as amended, shall not be allowed except as authorized by permit.
- (11) Selling shall be allowed only with a temporary concession permit obtained from the Parks Permit Section.
- (12) All litter shall be picked up, bagged and removed from the beach park at the end of each meet day.
- (13) Except as authorized by the Director, all shore water event equipment shall be removed from the contest site immediately after the event.
- (14) Spectator bleachers, judges' stand, platforms, etc., may be allowed, provided 24-hour security is arranged by the permittee.

THE FOLLOWING PROCEDURES, LISTED UNDER (15) BELOW, SHALL APPLY TO SHORE WATER EVENTS ON THE NORTH SHORE ONLY:

- (15) Permits shall be granted for surfing, body surfing, body boarding, swimming, windsurfing, skim boarding, paddle-boarding, jet skiing, surf skiing, wave skiing, canoeing, and kayaking, with the following conditions:
 - (a) Surfing events shall be allowed only at Mokule'ia Beach Park, Haleiwa Alii Beach Park, Waimea Bay Beach Park, Ehukai Beach Park, Sunset Beach and Waiale'e Beach and other appropriate beach areas as they are acquired.

- (b) Judges' stand and platforms may be set up in front of a private residence provided written permission is obtained from the residence owner(s) and a copy presented to the Parks Permit Section.
- (c) Surf meets shall not be held longer than eight hours per day.
- (d) Except with special permission from the Director and as noted on the permit, surf meets may not be held for more than four days. No heats shall be structured with less than four surfers, and man-on-man or one-on-one heats shall not be allowed (includes trials).
- (e) No surf meets may be held on State holidays.
- (f) No surf meets may be held for more than two consecutive weekends at the same surf site.
- (g) Only four surf meets per year, or a total of 16 days of competition, may be allowed at each surf site.
- (h) In the event of a scheduling conflict, priority shall be given to those events with a record of good public relations. Recreation Committee members from the North Shore Neighborhood Board and the Sunset Beach Community Association shall assist the Department's surfing specialist and the Parks Permit Section in determining scheduling priority.
- (i) Holding or waiting periods shall not exceed 15 days, except as authorized by the Director.
- (j) There will be a cooling off or free surfing period of not less than ten days at each site between the completion of a surf meet's holding period and the start of another holding period.
- (k) Simultaneous surf meets (i.e., holding two surf meets at the same time at different surf sites) shall not be allowed.

- (16) Permittees may not enter into any arrangement with any commercial organization to be on the park premises during the shore water event, except for commercial sponsors, commercial filming (T.V., movies, stills) and the following:

(a) Nonfund-raising events:

Permittees may arrange for a commercial food caterer or lunch wagon to provide prepaid food at nonfund-raising events held on City park properties provided the following conditions are met:

--Food and refreshments are served only to event participants and not to other park users and spectators. There shall be no exchanging of monies.

--Authorization is noted on the Park Use Permit.

--Liability insurance coverage, including products liability, is provided by the commercial food caterer or the lunch wagon in the following minimum amounts:

Bodily injury - \$300,000 per occurrence.
Property damage - \$10,000 per occurrence.

--The Certificate of Insurance shall name the City and County of Honolulu and the State of Hawaii and their employees as additional insured.

(b) Fund-raising events:

Commercial food caterers and lunch wagons are allowed to operate only by prior arrangement with the nonprofit organization conducting the fund raiser and with the following conditions:

--The nonprofit organization obtains authorization from the Parks Permit Section to operate a temporary concession.

--Authorization is noted on the permit.

--Liability insurance coverage, including products liability, shall be provided by both the nonprofit organization and the commercial food caterer or lunch wagon in the minimum amounts stated above.

- (17) Any permittee who knowingly and wilfully violates these rules and regulations shall not be allowed to apply for another permit for a one year period.

ADOPTED this 9th day of October, 1991 by the Director of Parks and Recreation, City and County of Honolulu, State of Hawaii.



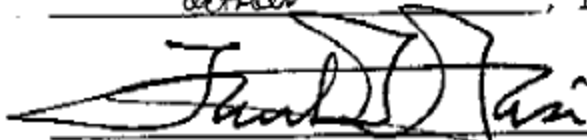
For WALTER M. OZAWA, Director
Department of Parks and Recreation
City and County of Honolulu

APPROVED AS TO FORM:



Deputy Corporation Counsel

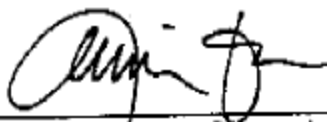
APPROVED this 24th day of
October, 1991



FRANK F. FASI, Mayor
City and County of Honolulu

CERTIFICATION

I, WALTER M. OZAWA, 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 the Amended Rules and Regulations Governing Use of City Beach Parks and Other Beach Properties Under the Control of the Department of Parks and Recreation to Provide Access to Conduct Shore Water Events, which were adopted on October 9, 1991, following a public hearing held on August 6, 1991, after public notice was given on Sunday, June 30, 1991, in the Honolulu Advertiser and the Honolulu Star-Bulletin.



For WALTER M. OZAWA, Director
Department of Parks and Recreation
City and County of Honolulu

Received this 29th day of
October, 1991.


RAYMOND PUA, City Clerk

(6049CW)