

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU

**NOTICE OF PUBLIC HEARING
PROPOSED RULEMAKING**

Notice is hereby given of proposed rulemaking and public hearing by the Department of Parks and Recreation, City and County of Honolulu, to consider the adoption of new rules and regulations establishing the permit application process and charges and fees for the use of recreational facilities for special events at the Waipio Peninsula Soccer Park, Patsy T. Mink Central Oahu Regional Park, and Han L'Orange Neighborhood Park, pursuant to Section 91-3, Hawaii Revised Statutes.

The proposed rules define special events to include: (1) athletic practices and events involving professional teams; collegiate teams; national amateur teams; for-profit organizations; and teams and organizations utilizing the facilities for tournament play; (2) international, national or regional events; and (3) entertainment events. Proposed charges and fees for use of recreational facilities will be based upon the following categories of special events:

1. Type I – special event activity organized and conducted by the City;
2. Type II – special event activity open to the public and co-sponsored by the City which does not generate revenue;
3. Type II(R) – special event activity open to the public and co-sponsored by the City which generates revenue;
4. Type III(A) – special event activity organized and sponsored by a permittee which does not generate revenue;
5. Type III (Y) – special event activity organized for youth and sponsored by a permittee which does not generate revenue;
6. Type III (NR-A) – special event which does not generate revenue for which the majority of the participants are non-residents;
7. Type III(NR-Y) – special event which does not generate revenue for which the majority of the participants are non-resident youth;
8. Type IV(A) – special event activity organized and sponsored by a permittee which generates revenue;
9. Type IV(Y) – special event activity organized for youth and sponsored by a permittee which generates revenue;
10. Type IV (NR-A) – special event which generates revenue for which a majority of the participants are non-resident adults;
11. Type IV (NR-Y) – special event which generates revenue for which a majority of the participants are non-resident youth;
12. Type V – special event activity organized and sponsored by a permittee for the purpose of carrying on a profit-making enterprise;
13. Type V (NR) – special event activity organized and sponsored by a non-resident or foreign entity for the purpose of carrying on a profit making enterprise.

The proposed rules establish hourly fees which are based upon the day of the week, time of day, and the type of special event activity to be conducted by the permittee at the recreation facility.

The proposed rules establish the application process, application requirements and procedures for the processing of applications for permits requesting use of recreational facilities for special events. The proposed rules further establish the criteria for the issuance of permits; the process to resolve scheduling conflicts; deadlines for the submittal of permit applications; and grounds for denial of permit requests.

A public hearing will be held on September 3, 2009, in the Frank F. Fasi Honolulu Municipal Building, 650 South King Street, 9th floor conference room, starting at 3:00 p.m. and ending at 4:00 p.m.

All interested persons are urged to attend the public hearing and present relevant information and individual opinions in the time limit provided, for consideration by the Department of Parks and Recreation. Persons unable to attend or wishing to present additional comments may mail written testimony to the Department of Parks and Recreation, Executive Services Division, 1000 Uluohia Street, Suite 309, Kapolei, Hawaii 96707 by September 4, 2009.

Interested persons may review the proposed draft rules starting today and ending five days prior to the day of the public hearing during the hours of 7:45 a.m. to 4:30 p.m. at the Department of Parks and Recreation, 1000 Uluohia Street, Suite 309, Kapolei, Hawaii 96707.

A copy of the proposed rules will be mailed to any person who submits a written request to the above address and pays the required fee of \$4.28 for the cost of duplicating the documents and postage. A complete set of the proposed rules is also available, free of charge, on the City's internet web site: <http://www.honolulu.gov/parks/>.

Individuals interested in attending the public hearing who have special needs or require special assistance may contact the Department of Parks and Recreation at 768-3006 or by writing to the above address, at least five (5) business days before the scheduled public hearing.

LESTER K. C. CHANG., Director
Department of Parks and Recreation

CITY AND COUNTY OF HONOLULU ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF PARKS AND RECREATION

CHAPTER 9

RULES, REGULATIONS, CHARGES AND FEES FOR USE OF
RECREATIONAL FACILITIES FOR SPECIAL EVENTS

Subchapter 1 GENERAL PROVISIONS

- \$19-9-1 Purpose
- \$19-9-2 Application
- \$19-9-3 Definitions

Subchapter 2 SPECIFIC PROVISIONS

- \$19-9-4 Permit application
- \$19-9-5 Permit procedure
- \$19-9-6 Hours of operation
- \$19-9-7 Insurance
- \$19-9-8 Fee schedule
- \$19-9-9 Custodial deposits
- \$19-9-10 Vehicular traffic, parking, and security
- \$19-9-11 Set-up
- \$19-9-12 Restroom facilities
- \$19-9-13 Financial report
- \$19-9-14 Permit provisions
- \$19-9-15 Waiver
- \$19-9-16 Indemnification
- \$19-9-17 Violations
- \$19-9-18 Severability

SUBCHAPTER 1

GENERAL PROVISIONS

\$19-9-1 Purpose. The purposes of this chapter are to establish fees and charges for the use of department recreational facilities for special events and to establish rules and regulations governing the issuance of special event permits. [Eff _____] (Auth: RCH \$4-105, ROH \$10-1.3) (Imp: ROH \$10-1.3)

§19-9-2 Application. This chapter shall govern special events held at recreational facilities at Waipio Peninsula Soccer Park, Patsy T. Mink Central Oahu Regional Park, and Hans L'Orange Neighborhood Park when used for special events.
[Eff] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-9-3 Definitions. As used in this chapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

"Adult" means an individual who is 20 years of age or older.

"Application for use of parks facilities" or "permit application" means a department form to request a park permit.

"City" means the City and County of Honolulu.

"City co-sponsored" means a special event which is certified to be co-sponsored by the Mayor of the City pursuant to the criteria established by the rules and regulations governing "City Sponsorship or Co-Sponsorship of Parades and Events," effective August 4, 2008, as amended.

"Department" means the department of parks and recreation.

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

"Domestic entity" means an entity organized under the laws of this State.

"Entity" includes domestic and foreign corporations, domestic professional corporations, domestic and foreign limited liability companies, domestic and foreign nonprofit corporations, domestic and foreign business trusts, estates, domestic and foreign partnerships, domestic and foreign limited partnerships, domestic and foreign limited liability partnerships, trusts, associations and cooperative associations, but does not include any state, federal or foreign government.

"Fee" means non-refundable payment for use of a recreational facility in conjunction with a park use permit.

"Foreign entity" means an entity organized under laws other than the laws of this State.

"Fundraiser" means a special event sponsored by a nonprofit organization for the purpose of raising funds.

"Hans L'Orange Neighborhood Park" or "HLNP" means the property located at 94-1024 Waipahu Street, Waipahu, Hawaii 96797.

"Holiday" means the days of each year set apart and established as state holidays pursuant to Hawaii Revised Statutes Section 8-1, as amended.

"HRS" mean the Hawaii Revised Statutes, as amended.

"Individual" means a natural person.

"Non-resident" means every individual who is not a resident of this State.

"Park" includes recreational facilities at Waipio Peninsula Soccer Park, Patsy T. Mink Central Oahu Regional Park, and Hans L'Orange Neighborhood Park when used for special events.

"Park use permit" means a department document granting a person permission to use recreational and other areas and facilities under the control, maintenance, management and operation of the department.

"Participant" means an individual who participates, shares or takes part in the special event, but excludes any sponsor, promoter, exhibitor, tournament director, permittee, spectator, and their employees, agents, contractors, consultants and invitees.

"Patsy T. Mink Central Oahu Regional Park" or "CORP" means the property located at 94-801 Kamehameha Highway, Waipahu, Hawaii 96797.

"Permittee" means a person, including the person's employees, agents, and representatives, who is granted a park use permit for the purpose of conducting a special event.

"Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

"Resident" means an individual who lives in the State and has a fixed place of residence in this State, with the present intent of maintaining a permanent home in this State for the indefinite future. "Resident" shall include a student of any institution of learning who is claimed as a dependent of a resident.

"ROH" means the Revised Ordinances of Honolulu 1990, as amended.

"Soccer stadium" means the open-air sports arena located at Waipio Peninsula Soccer Park.

"Special event" means (1) an athletic practice involving professional teams, collegiate teams, national amateur teams, or for-profit organizations; (2) an athletic event involving professional teams, collegiate teams, national amateur teams, or for-profit organizations; (3) an athletic tournament; (4) an international, national or regional event; or (5) an entertainment event.

"Special event manager" means a person having possession, custody, or managerial control of the special event and all equipment and temporary structures at any location whether as owner, lessee, agent, or otherwise. The special event manager may be the league director, sponsor, tournament director, or other person who obtains a park use permit for the purpose of conducting a special event.

"State" means the State of Hawaii.

"Swimming complex" means the Veterans Memorial Aquatic Center located at the Patsy T. Mink Central Oahu Regional Park.

"Temporary concession" means a temporary grant to a person of the privilege to conduct operations essentially retail in nature, involving the sale of goods, wares, merchandise or services to the general public, in or on land or buildings operated or managed by the department.

"Temporary refreshment concession" means a temporary concession that provides only food and beverages.

"Tennis complex" means the tennis facility located at the Patsy T. Mink Central Oahu Regional Park.

"Tournament" means a sporting competition in which contestants play a series of games to decide the winner.

"Type I activity" means a special event organized and conducted by the City.

"Type II activity" means a special event which is City co-sponsored and which does not generate revenue from admission fees, registration fees, participation fees, or other revenue-generating sources related to the special event, but excluding revenues generated from temporary refreshment concessions.

"Type II(R) activity" means a special event which is City co-sponsored and which generates revenue from admission fees, registration fees, participation fees, temporary concessions or other revenue-generating sources related to the special event.

"Type III (A) activity" means a special event which does not generate revenue from donations, sales, admission fees, registration or participation fees, but excluding revenue generated from temporary refreshment concessions, and for which a majority of the participants are resident adults. On-going (thirty days or longer) organized adult sport leagues that assess registration or participation fees to their participants or members may qualify under this type III (A) category, provided the director confirms that the fees assessed are solely being used to offset the operating expenses of the leagues, including but not limited to equipment, insurance, officiating, permit fees and expenses.

"Type III (Y) activity" means a special event which does not generate revenue from donations, sales, admission fees, registration fees, or participation fees, but excluding revenue generated from temporary refreshment concessions, and for which a majority of the participants are resident youth.

"Type III (NR-A) activity" means a special event which does not generate revenue from donations, sales, admission fees, registration fees or participation fees but excluding revenue generated from temporary refreshment concessions, and for which a majority of the participants are non-resident adults.

"Type III (NR-Y) activity" means a special event which does not generate revenue by donations, sales, admission fees, registration fees or participation fees, but excluding revenue generated from temporary refreshment concessions, and for which a majority of the participants are non-resident youth.

"Type IV (A) activity" means a special event which generates revenue from donations, sales, admission fees, registration fees, participation fees or temporary concessions and for which a majority of participants are resident adults.

"Type IV (Y) activity" means a special event which generates revenue from donations, sales, admission fees, registration fees, participation fees or temporary concessions and for which a majority of the participants are resident youth.

"Type IV (NR-A) activity" means a special event which generates revenue from donations, sales, admission fees, registration fees, participation fees or temporary concessions and for which a majority of participants are non-resident adults.

"Type IV (NR-Y) activity" means a special event which generates revenue from donations, sales, admission fees,