

RULES AND REGULATIONS
DEPARTMENT OF PARKS AND RECREATION OF THE
COUNTY OF HAWAII

RULE 10
RULES RELATING TO
RICHARDSON OCEAN PARK

EFFECTIVE DATE: NOVEMBER 5, 2006

**DEPARTMENT OF PARKS AND RECREATION
COUNTY OF HAWAII**

APA RULE 10 - RULES RELATING TO RICHARDSON OCEAN PARK

I. Purpose for Rules:

Richardson Ocean Park, situated on a 4.567-acre parcel and designated under Tax Map Key 2-1-19:10, was purchased by the County of Hawaii in 1972 as part of the County's Leleiwi Beach Park's scheme. The site was purchased with matching funds from the Federal Government's Land and Water Conservation Fund Act (hereinafter referred to as LWCF). Because of its funding, rules and regulations relating to the use of the facility and its surrounding park must comply with terms and conditions covered in the Federal grant. Rules must recognize that persons with disabilities will utilize the facilities and surrounding park and the County will assure accessibility to park facilities in accordance with the Americans with Disabilities Act (ADA). Failure on the part of the County to comply will result in the termination of the grant agreement and the forfeiture of Federal matching funds. Therefore, all rules and regulations governing the use and development of the subject site must be consistent with outdoor recreational activity, whether passive or active.

II. Authority:

The County of Hawaii, through its Department of Parks and Recreation, is the sole authority in the promulgation of the rules and regulations. Enforcement of the rules and regulations will be by the appropriate governmental authority.

III. Definitions:

As used in these rules, except in a context that clearly indicates a contrary meaning:

- A. "Director" shall mean the Director of Parks and Recreation, County of Hawaii, or his designated representative.
- B. "Department" shall mean the Department of Parks and Recreation.
- C. "Special Use" shall mean a use other than that associated with the use of a beach park.
- D. "Concessions" shall mean the sale of goods, products or services from the park or buildings therein.

- E. "Concessionaire" shall mean the individual, partnership, corporation, association, trust, organization, or any entity comprised of individuals, which has bid for and won a concession at the park.
- F. "Meetings" shall mean a gathering of individuals for the purpose of disseminating information or discussing matters of mutual concern.
- G. "Exhibit" shall mean a display, presentation or show for public entertainment or information.
- H. "Social Entertainment" shall mean parties, concerts, luaus, steak frys, etc.
- I. "Person with Disabilities" shall mean, with respect to an individual, a physical or mental impairment which substantially limits one or more major life activities of such individual, who has a record of such an impairment or is regarded as having such an impairment.
- J. "Service Animal" shall mean animals that are individually trained to perform tasks for people with disabilities; such as any guide dog, signal dog, or other animal trained to provide assistance to persons with visual, hearing, or physical impairments.

IV. Rules and Regulations:

- A. The site is part of a beach parks system and is open to the public for those uses, including, but not limited to, picnicking, swimming, and sunbathing, which are consistent with regular beach park usage under the County's jurisdiction.
- B. Requests for special uses, such as those relating to education, research and the like, will first be reviewed by both the County and the designated Federal authority responsible for the LWCF before permission for the request is permitted or denied.
- C. Because the site was purchased with matching Federal funds, no religious services or any activity with religious overtones will be permitted at the site.
- D. Programs interpreting the flora and fauna of the area, hereinafter referred to as interpretive programs, will be allowed as a special use; however, each such program will be subject to review by the Director after three months and shall be terminated after one year unless extended by the Director.
- E. No concession operation will be permitted at the site without the concessionaire being awarded the operation through a contract with the County following regular bidding procedures conducted for that operation by the County's Department of Finance.

F. Use of Building(s):

1. Meetings - meetings, upon proper application with and approval of the Department of Parks and Recreation, will be permitted provided there are no conflicts with ongoing special uses as defined above.
2. Classes - interpretive (as defined in Section D above) classes will be permitted with the approval of the Director or the Director's designated representative only when the subject matter relates to the site and/or its recreational potential.
3. Exhibits - exhibits, including, but not limited to, aquariums, charts, maps, pictures, slides, specimens, and other such items will be permitted only when the material to be displayed is interpretive of the site and approved by the Director. They shall be subject to limitations as listed in Section D above.
4. Programs - use of the facility for programs, interpretive or otherwise, may be permitted upon proper application and approval of the Department of Parks and Recreation.
5. Social Entertainment - no gatherings for social entertainment, whether the applicant is a private individual or organization, eleemosynary organization or government entity, will be permitted in any of the buildings. Light refreshments, excluding any and all alcoholic beverages, will be permitted after meetings.
6. No organization other than the Department of Parks and Recreation will maintain an office at Richardson Ocean Park.

G. Use of Ponds

1. Fish Production - for the interpretive programs, the raising of fish or other forms of marine life will be permitted. None will be harvested for consumption or sale, but will be released into the nearby ocean when deemed necessary by the Department of Parks and Recreation. The Department of Parks and Recreation will be responsible for monitoring this activity.
2. Other Activities - no other activity, unless actually connected with the interpretive programs, will be permitted. This will include swimming, diving, snorkeling, boating and the like.

H. Special Rules:

1. A committee representing user groups of the Park may be organized to act in an advisory capacity to the Department of Parks and Recreation. The committee will not exceed nine (9) members. One person will represent each user group and copies of all minutes of meetings held by the committee will be forwarded to the Director of the Department of Parks and Recreation.
2. Unless amended herein, all other Department of Parks and Recreation rules as applicable will apply to the Park.
3. Except as otherwise provided by law, no animals except service animals shall be permitted in or on any park facility or ground. Notwithstanding any other penalties permitted by law, all damages caused by service animals shall be paid for by the owner or custodian of the service animal.

I. Indemnification:

The applicant/permittee/user/etc. agrees to indemnify, defend, protect, and save harmless the County of Hawaii, its officers, agents, and employees (hereinafter referred to collectively as "County"), from and against all liability, cost, or expense resulting from any losses, damages, suits, claims, demands, costs, and like charges, including attorney's fees, which the "County" may directly or indirectly suffer, sustain, or be subject to, by reason or on account of the construction, condition, presence, use, maintenance, repair, alteration, or removal of any building, fixture, or other material appurtenant to the Richardson Ocean Park, whether attributable to the sole and active negligence or fault of the Grantor.

CERTIFICATION

I, Patricia G. Engelhard, Director of the Department of Parks and Recreation of the County of Hawaii, State of Hawaii, do hereby certify:

1. That the foregoing is a full, true and correct copy of the amendments to the Rules and Regulations of the Department of Parks and Recreation on matters relating to Richardson Ocean Park. Rule 10 changes were adopted after public hearings held on October 3, and October 10, 2006.

2. That notices of the public hearing on the foregoing Rule 10, which notice included a statement of the substance of the proposed rule changes were published in both the Hawaii Tribune Herald and the West Hawaii Today on September 3, 2006.

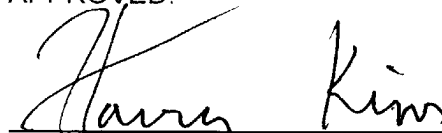
Dated this 18th day of October 2006.



PATRICIA G. ENGELHARD, Director
Department of Parks and Recreation


DATE OF PUBLIC HEARINGS:
OCTOBER 3, 2006 (East Hawai'i)
OCTOBER 10, 2006 (West Hawai'i)

APPROVED:



HARRY KIM, Mayor
County of Hawaii

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel
County of Hawaii

I hereby certify that the foregoing rule was received and filed in the Office of the County Clerk this 26th day of October 2006.



County Clerk
County of Hawaii