

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

RULE 6
RULES RELATING TO
USER FEES

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

RULE 6 RULES RELATING TO USER FEES OF THE DEPARTMENT OF PARKS AND RECREATION COUNTY OF HAWAII

Section 1. Policy

- A. It shall be the policy of the County of Hawaii to assess fees for the use of facilities, property, services, or equipment when any or all of the following conditions exist:
- (1) When exclusive use is expected which may result in non-availability to others.
 - (2) When financial gain accrues to a sponsor or user.
 - (3) When the general public interest is not served.
 - (4) When regulation of use can be achieved through assessment, resulting in greater accessibility to the general public. When regulation of use resulting in greater accessibility to the general public is not being achieved through the assessment of fees, the Director may exercise such powers and duties so as to achieve this end.
- B. To the extent that these rules are not inconsistent with other rules and regulations of the Department of Parks and Recreation, these rules shall be applicable to all facilities, equipment and property administered, maintained, supervised, or controlled by said Department, except for the Hoolulu Park Complex, Panaewa Recreation Complex, Japanese Tea Ceremony House, the Municipal Golf Course and all swimming pools.

Section 2. Transitional Provisions

- A. Following the effective date of these rules, user fees of the Department of Parks and Recreation shall be embodied in this rule. For those user fees which were imposed prior to the effective date of these rules by other rules and regulations or ordinances, such fees shall remain in effect unless they are modified by these rules.

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Section 3. Definitions

A. Unless specially defined hereafter, or unless the context in which specific words are used clearly indicated a contrary meaning, it is intended that the following terms shall be defined as indicated below for purposes of these rules.

- (1) "Director" shall mean the Director of Parks and Recreation, County of Hawaii or his/her designated representative.
- (2) "Department" shall mean the Department of Parks and Recreation.
- (3) "Non-Benefit" shall mean functions, activities and uses limited to members and invited guests of the sponsoring group or individuals. There will be no admission charges or donations solicited for entry and no sales (except for concession operations) of real property, goods, products, services, or space at the facility. "Non-Benefit" includes parties, socials, political gatherings, and product displays and demonstrations at which no admission fee or donation is solicited.
- (4) "Financial Benefit" shall mean functions, activities, and uses of County facilities or property for the financial gain of the sponsor or vendor and shall include events at which entry is limited to admission paying customers or at which the sponsor or vendor uses such facilities or property for the sale of real property, goods, products, services, or space at the facility.
- (5) "Professional Promoters" shall mean entities such as individuals, associations, clubs, joint ventures, trusts, partnerships, and corporations: (1) who operate businesses directed at promoting, conducting, or sponsoring activities or events for fees, and (2) who realize financial benefits from the promotion, conduct, or sponsorship of such activities, and (3) where such financial benefits are sources of personal or business revenue, and (4) where such monies realized are or may be used substantially for personal purposes as opposed to public or charitable purposes.
- (6) "Others" shall mean all individuals, clubs, churches and organizations other than the County of Hawaii and professional promoters.
- (7) "After-Hour Charge" shall mean the fee assessed for use of a County facility before or after the normal work hours of personnel assigned to that facility.
- (8) "Attendant" shall mean an employee or representative of the County, who will be present prior to scheduled time of closure to inspect and assure the facility is restored to its pre-use condition.
- (9) "Athletic Activity" shall mean an exercise, sport, or game requiring physical strength, agility, or stamina.

- (10) "Ballfield" shall mean any County-operated open ground naturally or artificially turfed, and generally utilized for athletic activities.
- (11) "Band" shall mean any County-administered body of musicians formed for the purpose of providing musical performances on a regular basis.
- (12) "Camping Facility" shall mean any County-operated park, grounds or structure in which overnight stay is allowed.
- (13) "Cemetery" shall mean any County-operated cemetery in which plots are available and sold to the general public.
- (14) "Community Center" shall mean any County-operated facility generally utilized as a gathering place for meetings, socials, training and other related activities.
- (15) "Concession" shall mean the sale by the sponsor of an activity of food or beverage for immediate consumption specifically to spectators or participants of an event or activity. (Note: Section 1.B for controls necessary to prevent total diversion.)
- (16) "County Sponsored" shall mean any activity conducted by the Department of Parks and Recreation or other County department as a planned budgeted or staffed activity, in entirety, or on a co-sponsored basis. An activity shall not be "County Sponsored" without the proper approval of the Director and Mayor.
- (17) "Department Sponsored" shall mean all functions, activities, or events sponsored or co-sponsored by the department and a person or an organization. The co-sponsor of the event shall defend, indemnify, and hold the County of Hawaii and its officers, agents, and employees harmless from and harmless against any and all damages, claims, actions, demands and proceedings for property damage, personal injury, or wrongful death arising out of, resulting from, or connected with the activities or uses conducted at any Parks and Recreation facility. Department sponsored activities will be Drug, Alcohol, Tobacco and Litter Free.
- (18) "Day" shall mean any fractional hours up to the closing hour of the specific park.
- (19) "Equestrian Center" shall mean any County-operated facility primarily utilized for equine activities.
- (20) "Equipment" shall mean any electrical or mechanical device or system, recreational furniture, athletic equipment, vehicles, and construction and

maintenance equipment under the custodianship of the Department.

- (21) "Exclusive" shall mean the use of a facility or space by an organization, group or individual on a reservation, permit or agreement basis in non-benefit and financial benefit categories, which results in the non-availability of that facility or space to others.
- (22) "Function" shall mean any activity such as a social gathering, performance, meeting, tournament or event conducted over three (3) or more consecutive days including closure for preparation or cleanup included as day of use.
- (23) "Government Sponsored" shall mean activities conducted by Federal, State, or County agencies. See Section 4.A.
- (24) "Gymnasium" shall mean any County-operated facility utilized for indoor athletic activities such as basketball, volleyball, and badminton.
- (25) "League" shall mean a group of teams formed to play one another on a regular basis for a limited period of time as determined by facility staff.
- (26) "Meeting" shall mean the gathering of members of any community or social organization, convened for the purpose of conducting business normally associated with that organization.
- (27) "Park" shall mean County-operated recreational areas with or without structures not otherwise defined in this section.
- (28) "Person or Organization" shall mean and include individuals, associations, clubs, joint ventures, trusts, partnerships, corporations, nonprofit or otherwise, and any group of persons organized for a specific purpose.
- (29) "Picnic Pavilion" shall mean any County-operated facility, generally an open structure, utilized for picnicking and related activities.
- (30) "Playground" shall mean any County-operated open area with or without play equipment.
- (31) "Sale" shall mean the selling of products or services for immediate consumption or use or for future delivery. "Sale" includes activities such as bazaars, plant sales, rummage sales, specialty food sales, and car washes.
- (32) "Security Deposit" shall mean any monetary or other assessment imposed to insure the proper maintenance and care of the County facility.
- (33) "Sponsor" shall mean any person or organization conducting and assuming responsibility and liability for an activity.

- (34) "Student" shall mean any individual who is between the ages of 6 and 17, inclusive.
- (35) "Summer Fun" shall mean the recreation/enrichment program conducted by the Department during the summer recess for school age children.
- (36) "Tea House" shall mean the Japanese Tea Ceremony House located in Lili'uokalani Park.
- (37) "Team practice" shall mean scheduled practice sessions conducted by teams in organized leagues.
- (38) "Tennis Court" shall mean any County-operated facility primarily equipped and utilized for the playing of tennis.
- (39) "User Fee" shall mean financial or other forms of contribution or payment assessed in return for the use of County facilities, services or instructional classes.
- (40) "Vendor" shall mean and include all persons and organizations permitted or invited by a sponsor to sell goods, products, or services (except concessions) at a function or activity conducted or supported by the sponsor at facilities or property of the County of Hawaii.
- (41) "Zoo" shall mean any County-operated facility utilized specifically for the purpose of the care and exhibition of flora and fauna.

Section 4. Special Provisions

- A. Government (County, State, Federal) sponsored activities of Free Public or Non-Benefit nature shall be exempt from user fees. Security deposit and attendant fees may be assessed.
- B. Student teams participating in department sponsored leagues shall be exempt from user fees but shall not be exempt from insurance or security deposit requirements. Duration of exempt period shall be determined by the Department.
- C. The security deposit assessed for the use of a County facility shall be refundable, unless it is otherwise stipulated by agreement, without interest, when the facility is restored to its pre-use condition. The security deposit shall be paid when the signed application for use form is submitted for special events, and tournaments. Failure on the part of the user to restore the facility to its pre-use condition before departing from the facility (unless otherwise permitted by the Department) shall result in forfeiture of the

deposit. The Department may seek additional damages when the cost of repair or litter removal exceeds the deposit. The deposit shall be forfeited if notice of cancellation is received by the Department less than one week before the activity date.

- D. No person or organization shall be permitted to sponsor functions or activities or be a vendor at any one County park or facility for financial benefit for more than one period consisting of a day or consecutive days per quarter for each calendar year.

A community center may be used to sponsor events for financial benefit on a weekly basis where:

- (1) all financial gain accruing to the sponsor shall be used by the sponsor to pay the operating expenses of the community center, and
 - (2) such a plan for weekly events for financial benefit has been specifically contracted for with the Department as part of a long term cooperative use agreement.
- E. All sponsors who invite or permit vendors to conduct sales of goods, products, or services at activities, events, or functions conducted by the sponsor have the duty to notify each vendor that at least one week prior to the event, function, or activity, the vendor must apply for and receive from the Director, a permit to sell goods, products, or services at the activity, event or function conducted by the sponsor and to tender the required fee.
- F. Vendors who will sell goods, products, or services at any event, function, or activity conducted at a County park facility shall comply with the following conditions:
- (1) At least one week prior to the start of such event, function, or activity, such vendor shall apply for and obtain a permit to sell goods, products, or services from the Director, and at such time, present to the satisfaction of the Director, evidence of compliance with the provisions of the "General Excise Tax Laws of the State of Hawaii", such permit shall be on a form approved by the Director for such purposes.
 - (2) Each vendor shall be in possession of the permit at all times when such sales are being conducted. Failure to immediately produce such a permit upon request of the Director or the Director's designated representative shall be cause for the immediate ejection of the vendor from the facility or property and any vendor's fee shall be forfeited.
- G. Failure of any person or organization to comply with all applicable rules and regulations contained herein or other applicable rules and regulations of the

Department shall be cause for the Director to refuse the use of County facilities and properties to such person or organization, whether as a sponsor or vendor, for a period of one year beyond the date of noncompliance.

- H. Security protection may be required by the Director, for large functions, special events and tournaments by the hiring of either Special Duty Hawaii County Police Officers or licensed security guards. The renter shall submit written evidence confirming the hiring of the required number of security personnel fourteen (14) days prior to the scheduled activity. The minimum number of security personnel required for any activity shall be determined by the Director or authorized department representative.

Section 5. User Fee Schedule

FACILITY	USER CATEGORIES AND FEES				SECURITY DEPOSIT	AFTER HOUR CHARGE
	Non-benefit		Financial Benefit			
	Athletic Activity	Non-Athletic Activity	Professional Promoter	Other (Athletic Activity)		
Gymnasium	N/C	\$100/day	\$500/day	\$50/day \$15/team/season \$200/day non-athletic	Professional Promoters: \$500/day All Others: \$200	\$4/hour
Ballfield	N/C	\$100/day	\$200/day	\$50/day \$15/team/season \$200/day non-athletic	Professional Promoters: \$300/day All Others: \$200	\$6/hour
Park	N/C	\$100/day	\$200/day	\$50/day \$100/season \$200/day non-athletic	Professional Promoters: \$300/day All Others: \$200	N/A
Rodeo Arena	N/C	\$20/day	\$200/day	\$50/day	Professional Promoters: \$300/day All Others: \$200	\$6/hour
Community Center	N/C	\$100/day	\$500/day	\$150/day	Professional Promoters: \$500/day All Others: \$200	\$4/hours
Picnic Pavilion	N/C	\$10/day \$25/day w/kitchen	\$200/day	\$50/day	Professional Promoters: \$100/day All Others: \$50	N/A

Coconut Island	N/C	\$25/day	\$200/day	\$50/day	Professional Promoters: \$300/day All Others: \$200	N/A
Bayfront Parking Lot 1&2 Bayfront Canoe Area	N/C	\$25/day	\$200/day	\$50/day	Professional Promoters: \$500/day All Others: \$200	N/A
Mooheau Park Bandstand	N/C	\$25/day	\$200/day	\$50/day	Professional Promoters: \$300/day All Others: \$200	N/A
Mooheau Concession Area	N/C	\$10/day	\$200/day	\$50/day	Professional Promoters: \$300/day All Others: \$200	N/A

B. Vendors' Fee Schedule

<u>Facilities</u>	<u>Vendors</u>	<u>User Fee</u>
All Facilities	All vendors	\$25.00/day

C. County Band Fee Schedule

Sponsor Categories for Band

<u>Financial Benefit *1</u>				
<u>Public Performance</u> N/C	<u>Non-benefit prohibited</u>	\$100 a Performance	<u>Others</u> Prohibited	<u>Meals *2</u> Cost of meals

*1 open to public only

*2 see Section 5.D(3) (4)

D. Special Rules and Exceptions Applicable to General Fee Schedule

- (1) The facility rented, shall be restored to its pre-use condition immediately following the rental or use period. The permittee shall remove and dispose of all foliage and other refuse resulting from use. Failure to do so may result in the forfeiture of security deposit posted by permittee. The permittee may be additionally charged for any costs incurred by the County in restoring or repairing the County property to its pre-use condition.
- (2) Business meetings of community associations and government sponsored activities which are open to the general public shall be exempted from payment of Non-Benefit fees at all community centers and picnic pavilions.
- (3) A sponsor shall be responsible for the cost of meals for band members who must travel or perform during regular meal hours.
- (4) County Band: If materials such as ribbons, buttons, hats, etc, are required to attend an event, it shall be the responsibility of the sponsor to provide such materials free of charge to the Band.

E. Camping Fee Schedule

- (1) Adults (18 years of age and older) - (FY 1999)
\$3.00 per night (FY 2000 +) \$5.00 per night
- (2) Juniors (13 years to 17 years) - (FY 1999)
\$1.00 per night (FY 2000 +) \$2.00 per night.
- (3) Children (12 years and under) - (FY 1999)
\$.50 per night (FY 2000 +) \$1.00 per night.

Note: Groups exceeding 10 persons must pay camping fees no later than one month before the date reserved. Failure to pay fees will result in cancellation of reservations. Government sponsored programs shall be exempted from all fees.

Other regulations regarding camping are addressed in Hawaii County Code Article 4, Section 15.

F. Cemetery Fee Schedule

\$250.00 per plot purchase (does not apply to Veterans Cemetery).

G. Outdoor Tennis Courts

	<u>Per Hour Rent</u>	<u>Per Day Rent</u>	<u>Security Deposit</u>
(1) Non-exclusive- individual play	N/A	N/A	N/A
(2) Exclusive use - non-benefit	\$2.00/court per hour	\$25/court per day	\$50.00

Note: (a) Reservations shall be accepted only for non-profit-making tennis tournaments which are open to the general public, interscholastic tennis matches, school and County of Hawaii sponsored instructional sessions approved by the Department of Parks and Recreation. The Department reserves the right to limit the number of courts for which reservations will be permitted.

(B) Except for State of Hawaii and County-sponsored instructional classes, the outdoor courts shall not be used to conduct tennis lessons for which a fee or donation is paid in exchange for the lesson.

G. Standard Classes Fee Schedule

- (1) One hour class session - \$2.50 per session or adequate to recover cost of instructor, supplies, equipment and faculty use.
- (2) Two hour class session - \$5.00 per session or adequate to recover cost of instructor, supplies, equipment and facility use.
- (3) Special classes or workshops conducted by "Masters of the Arts," or specific field of study will be offered at the cost of instructor's fee, plus equipment, supplies, number of participants and facility use fee.

DEPARTMENT OF PARKS AND RECREATION
COUNTY OF HAWAII



DIRECTOR

Notice of Public Hearing: Hawaii Tribune-Herald-April 14, 1998.
And West Hawaii Today-April 14, 1998.

APPROVED:



MAYOR

DATE

6/25/98

APPROVED AS TO FORM
AND LEGALITY



CORPORATION COUNSEL
COUNTY OF HAWAII

DATE

6-24-98

I hereby certify that the forgoing rules were received and
filed in the Office of the County Clerk this 25th day
of June, 1998.



COUNTY CLERK