

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

RULE 8
RULES RELATING TO
THE USE OF PARK FACILITIES

EFFECTIVE DATE: NOVEMBER 5, 2006

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

RULE 8. RULES RELATING TO THE USE OF PARK FACILITIES

Section 1. Scope

These rules shall apply to all park facilities administered, controlled, operated, or maintained by the Department of Parks and Recreation of the County of Hawaii, including park facilities jointly maintained with other governmental agencies, except when these rules conflict with the rules of such other agency and such other agency has primary jurisdiction over such facility or in the event that these rules are inconsistent with rules specifically applicable to a particular park facility, in which case, the rule(s) of the other agency or specific rule shall prevail.

Section 2. Definitions

A. As used in these rules, except as otherwise required by the context:

- (1) "Department" shall mean the Department of Parks and Recreation of the County of Hawaii.
- (2) "Director" shall mean the Director of the Department of Parks and Recreation or his/her authorized representative.
- (3) "Intoxicating liquor" shall have the same meaning as that term is defined by HRS §281-1, as amended.
- (4) "Adult" shall mean any individual 18 years of age or older who is competent to enter into a contractual agreement.
- (5) "Minor" shall mean any individual under 18 years of age.
- (6) "Park facility" shall mean the entire area of land or property administered, controlled, operated, or maintained by the Department of Parks and Recreation, County of Hawaii, for public recreation purposes, including land or property jointly maintained or controlled with any other governmental agency. The term "park facility" shall also mean all structures, buildings, sheds, parking areas, roads, and sidewalks located upon such land.

- (7) "Person" shall mean and include an individual, partnership, corporation, association, trust, organization, or any entity comprised of individuals.
- (8) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon, including devices moved by human power and including, but not limited to, devices such as bicycles, wagons, motor vehicles, scooters, motorcycles, skateboards, and roller skates.
- (9) "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, a record of such an impairment or being regarded as having such an impairment.
- (10) "Service Animals" 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.

Section 3. Rules Relating to Director's Authority to Prohibit Use

The Director may prohibit any person from using any park facility or portion thereof when the Director has reason to believe that such person poses a threat to the health, safety, or welfare of persons or property at such park facility or when such person has previously failed to comply with or abide by the rules and regulations of the Department. The Director may prohibit such person from using a park facility until such time as the Director is reasonably satisfied that such person intends to abide by all rules and regulations, laws, or ordinances concerning such person's conduct or use of the park facility. The person shall be notified in writing of the specific period. During this period, if any further problems arise, the Director reserves the right to extend the period. Any person aggrieved by the decision of the Director to prohibit a person's use of any park facility shall have the right to appeal the Director's decision within 30 days of such decision, pursuant to Rule 1 of the Rules and Regulations of the Department of Parks and Recreation.

Section 4. Rules Regulating Conduct in Park Facilities

- A. Only rubber-soled shoes may be worn in gymnasiums unless the floors of such gymnasium have been protected from damage with materials approved by the Director. Rubber tired-wheelchairs or other assistive mobility devices may be used in gymnasiums with discussion, inspection and permission of staff at the facilities.

- B. No person may attach or affix nails, tacks, staples, or screws in or upon any portion of the park facility or apply paint thereon, without the express permission of the Director.
- C. No person may remove, alter, or disturb any part or portion of a public building, sign, equipment, monuments, markers, or any other structure located upon a park facility without the written permission of the Director.
- D. The storage of privately-owned materials, equipment, clothing, supplies, or any other such personal property on or about any park facility without the permission of the Director shall be prohibited. The County will not be liable for any privately-owned materials that are damaged or stolen from the facility.
- E. The use of water at a park facility by any person for a purpose not connected with such person's authorized recreational use of such facility is prohibited.
- F. All trash, garbage, rubbish, and other refuse materials shall be placed in receptacles provided by the Director for such purpose or shall be removed from the park facility if such receptacles are unavailable or are filled to capacity. Failure to do so will result in forfeitures of the security deposit.
- G. No person shall transport any trash, garbage, rubbish, or other refuse materials from private households or commercial activities and discard them in litter receptacles or at any other place in a park facility.
- H. No person shall play or engage in any aspect of the sport of golf on or about any park facility, except for the Hilo Municipal Golf Course and other areas designated by the Director for golfing activities.
- I. No person shall remain in, enter upon, or be present at any park facility between the hours of 11:00 p.m. and 6:00 a.m. without a valid permit issued by the Director therefor.
- J. Any person whose intended use of a park facility poses a risk of damage to the floor of such facility must first cover such floor with a protective material approved by the Director.
- K. No animals shall be permitted on or within any park facility except as follows:
 - (1) Service animals shall be permitted in all park facilities.
 - (2) Horses, cows, bulls, calves and goats shall be permitted in park facilities designated for rodeo or other equestrian activities.
 - (3) When authorized by the Director.

Section 5. Rules Relating to Operation and Parking of Vehicles

- A. No vehicle shall be parked in a park facility except on roads, parking areas, and within stalls designated or provided by the Director for such purpose.
- B. Parking of vehicles on or about park facilities shall be prohibited between the hours of the specific park closure to 6:00 a.m., unless the person controlling such vehicle is authorized to be present at such park facility during such time by a valid permit issued by the Director or by invitation of a person having a valid permit therefor.
- C. The driving or operating of any vehicle other than upon a road in a park facility is prohibited unless for the purpose of going directly to and from an area designated by the Director for parking or loading/unloading purposes.
- D. Any person operating a vehicle on or about a park facility shall obey all traffic control devices, directional roadway markings, and other signs or signals posted by the Director.

Section 6. Rules Applicable to Persons Having Exclusive Use of Park Facilities

- A. No person shall be entitled to the exclusive use of a park facility or any portion thereof unless such person has first obtained a permit authorizing such exclusive use from the Director. The fees and charge assessed for such use, and policies related to such use, shall be in accordance with the provisions of Rule 6 of the Department of Parks and Recreation, County of Hawaii, and other rules applicable to specific park facilities.
- B. Permits for the exclusive use of any park facility or part thereof shall be issued on a first-come, first-served basis but may be denied any person when:
 - (1) The number of persons who are anticipated to use the facility exceeds the design capacity of the park facility;
 - (2) The nature of the activity to be conducted at the facility would pose an unreasonable risk of injury to persons, property, or the park facility;
 - (3) Repairs or improvements will be made to the facility during the period of intended use;
 - (4) Such person has been deemed by the Director to have violated any rule or regulation pertaining to the use of park facilities within the year preceding the date of application.

- (5) The use is deemed by the Director to be a regularly scheduled commercial, religious, or other non-recreational activity which would tend to reduce the availability of the facility for recreational use.
- C. No permit for exclusive use shall be issued to any person other than an adult.
- D. Any person to whom a permit for exclusive use has been issued shall clean and restore the park facility to its pre-use condition before departing from such park facility. The failure to clean, repair, and restore the park facility shall result in the forfeiture of any bond or security deposit tendered by such person, and the person to whom the permit was issued shall be liable for any additional costs incurred by the County in cleaning, repairing, and restoring the facility.
- E. Reservations for the exclusive use of a park facility or any portion thereof must be made in writing and submitted no less than two weeks and not more than one year prior to the date of intended use (unless approved by the Director), except for camping permits and the rental of picnic pavilions. All deposits, bonds, and/or user fees must be paid within such deadline. Upon execution of an agreement or permit for exclusive use by the Director, and upon payment of all fees, bonds, and deposits applicable thereto, the reservation shall be deemed confirmed.
- F. Unless otherwise provided, reservations canceled by any person less than one week prior to the date for which a park facility has been reserved shall result in the forfeiture of any rental payment, or user fee tendered, unless the cancellation is directly due to an act of God or circumstances beyond the control of the person making the reservations.
- G. In the event the Director cancels any reservation, all rental fees, bonds, and deposits advanced shall, be returned to the person making the reservation, without interest, and the Director shall inform such person of the cancellation as soon as possible.
- H. The Director may require that an employee from the Department attend a function sponsored under an exclusive use permit when in his opinion, considerations of health, safety, and welfare to person or property require such attendance. An hourly fee for such service shall be charged pursuant to the rates specified in these or other rules and regulations of the Department.
- I. No person to whom a permit for the exclusive use of a park facility has been issued shall assign any part or portion of the rights to the exclusive use of the park facility to any other person without the prior written consent of the Director.
- J. As a condition of the issuance of a permit for exclusive use, the Director shall require the person to whom such permit has been issued to defend, indemnify,

and hold harmless the County of Hawaii, its agents, officers, and employees, from and against any and all damages, claims, actions, demands, or proceedings for property damage, personal injury, or wrongful death, arising out of, resulting from, or connected with, the activities or use conducted at any park facility or part thereof or the violation of any rule, ordinance, or law by the person to whom the permit has been issued, except when such damages are caused solely by the negligence of the County.

- K. In order to assure that the person to whom an exclusive use permit has been issued can satisfy the duty of indemnification, the Director may require such person to procure a policy of public liability and property damage insurance, naming the County of Hawaii and its officers, agents, and employees as additional insureds, in an amount or amounts sufficient to cover anticipated risks engendered by the activity to be conducted under the exclusive use permit. Such insurance may be required whenever the nature of the activity to be conducted creates a potential risk of property damage, personal injury, or death. See Section 11 for all other insurance requirements.
- L. Proof of coverage for any insurance required under these rules shall be submitted to the Director at least two weeks prior to the scheduled date of the event for which insurance is required. The Director reserves the right to cancel the permit if insurance requirements are not met in a timely manner.
- M. 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 his authorized representative.

Section 7. Co-Sponsored Activities

- A. At all functions, activities, or events sponsored or co-sponsored by the Department and any person, the person co-sponsoring the event shall defend, indemnify, and hold the County of Hawaii and its officers, agents, and employees harmless from and against any and all damages, claims, actions, demands, or proceedings for property damage, personal injury, or wrongful death, arising out of, resulting from, or connected with the activities or use conducted at any park facility or part thereof by the person to whom the permit has been issued.
- B. In order to assure that the person to whom an exclusive use permit has been issued can satisfy the duty of indemnification, the Director may require such person to procure a policy of public liability and property damage insurance, naming the County of Hawaii, its officers, agents, and employees, as additional

insureds in an amount or amounts sufficient to cover anticipated risk engendered by the activity to be conducted under the exclusive use permit. See appendix for all other insurance requirements.

Section 8. Rules Relating to Use of the Skeet and Trap Range

- A. Attendants employed by the Department of Parks and Recreation or by the Lessee shall be on duty to open and secure facilities and to insure the enforcement of rules and regulations.
- B. The skeet and trap machine and related equipment shall be made available for public use. The loading and operation of such machines and equipment shall be the responsibility of the assigned attendant or other assigned individuals who have been cleared for operational efficiency by the attendant.
- C. All shotguns, clay birds, and other paraphernalia used in the sport of skeet shooting or trapshooting shall be supplied by each individual utilizing the facilities.
- D. Maximum size of shot allowed shall be No. 6 and minimum size shall be optional, except in competition wherein various tournament rules shall apply.
- E. Persons not authorized by attendant shall not be permitted to enter any of the skeet and trap houses. All loaders of skeet and trap machines shall be cleared for operational efficiency by the skeet attendant.
- F. Children under the age of 18 shall not be permitted to shoot unless cleared for competency to handle weapons by the attendant. Verification of an individual's age shall be required by the attendant whenever an individual's true age is in question. All children under the age of 18 shall be under the strict supervision of a parent, guardian, or a responsible adult.
- G. Individuals violating any rules contained herein shall forfeit all rights and privileges with respect to the use of the range facilities for that period of time as shall be determined by the Director or his designated representative. Appeals regarding the decision of the Director shall be submitted in writing to the Director within ten (10) days following notification of forfeiture.

Section 9. Rules Relating to the Use of the Outdoor Archery Range

- A. Archers under 18 years old must be supervised by an adult.
- B. Archers shall not point their bows at any person or animal.

- C. Archers shall inspect their equipment before shooting. Damaged equipment such as cracked or broken arrows or bows, short arrows, or frayed string shall not be used.
- D. Archers shall only shoot arrows at authorized targets. No person, animal, tree, or any other object shall be used as a target.
- E. An archer shall not shoot at a target until the archer has inspected the target and the area behind and around the target and is sure that the target is capable of stopping the archer's arrows and that no persons or animals will be endangered by the archer.
- F. Archers shall nock their arrows only on the shooting line and pointed in the direction of the target.
- G. Archers shall not retrieve any arrows any portion of which may fall over the shooting line while other archers are engaged in shooting.
- H. Archers may retrieve or pull their arrows out of the targets only after all archers on the shooting line have ceased shooting their arrows. Two archers for each target may go forward to retrieve their arrows. Archers shall stand to the side of the target when pulling their arrows and shall make sure that no one is standing behind the arrows as the arrows are being pulled out of the target. Archers shall pull out their arrows one at a time and shall place the arrows in a quiver. Archers shall return to the waiting line after they have retrieved all of their arrows.
- I. No alcoholic beverages shall be consumed or allowed on the premises. Archers shall not be under the influence of any alcohol or any drugs or medication, prescribed or unprescribed, which could affect the archer's performance or judgment.
- J. No food shall be sold to the public until the vendor has obtained all applicable permits from the Department of Health and has received prior written permission from the Department's Hilo District Supervisor and the Recreation Director of the Waiakea Recreation Center.
- K. Exclusive use of the Outdoor Archery Range may be made at the Waiakea Recreation Center.

Section 10. Rules Relating to Beach Parks

- A. The storage of all boats, rafts, jet skis, kayaks, surfboards or similar devices at any County beach park without the express permission of the Director shall be prohibited unless such activity is required for emergency purposes but in no

- B. event to exceed forty-eight hours. Refer to Hawaii County Code, Chapter 15, Section 15-32 and 15-34 for other applicable rules.

Section 11. Insurance Requirements

- A. Insurance may be required for the use of any park facility and the Lessee shall file with the County of Hawaii, upon approval of the application for use of the facility, a copy of a policy of public liability and property damage insurance in the following amounts as determined by the Director, depending upon the anticipated or potential risks engendered by the activity conducted or sponsored by the Lessee:

- (1) From ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00) minimum up to FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00) maximum for bodily injury to each person;
- (2) From THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00) minimum up to ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) for bodily injury for each occurrence;
- (3) TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) property damage;

and which meets the following requirements:

- (1) Maximum of FIFTY AND NO/100 DOLLARS (\$50.00) deductible clause permitted.
- (2) Provides coverage for "all operations of the insured conducted on County property" and contains a description of the work performed by the insured. (This may require policies covering premises occupied, products sold, amusement liability, or automobiles used.)
- (3) The County of Hawaii shall be named as an additional insured in respect to all operations of the insured. A copy of the policy and certificate of insurance shall be submitted for inspection by the Director no later than two weeks prior to the event insured.
- (4) Said policy shall contain a cancellation clause providing in substance the following language: "It is agreed that this policy shall not be canceled, altered, or amended, nor the amounts of coverage provided herein reduced, unless the Department of Parks and Recreation shall have been given thirty days' prior written notice of such cancellation, alteration, or reduction."

(5) No policy shall be acceptable unless first approved by the Department of Parks and Recreation.

B. Insurance in the following amounts shall be required for the following specific activities:

1. Carnivals and Fairs with rides:
\$1,000,000 liability each occurrence and
\$10,000 property damage.
2. Drag, Motorcycle, BMX Races:
\$1,000,000 liability each occurrence and
\$10,000 property damage.
3. Horse Races and Rodeos:
\$500,000 liability each occurrence and
\$10,000 property damage.
4. Fairs without rides:
\$300,000 liability each occurrence and
\$10,000 property damage.
5. Canoe Regattas:
\$300,000 liability each occurrence and
\$10,000 property damage.
6. Concerts, Festivals, Hoolaulea:
\$300,000 liability each occurrence and
\$10,000 property damage.

Section 12. severability clause

If any provision of these Rules and Regulations or the application thereof to any person or circumstance is held invalid by court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the Rules and Regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these Rules and Regulations are declared to be severable.

All policies, certificates, and endorsements shall be sent to the Department of Parks and Recreation, County of Hawaii, 25 Aupuni Street, Hilo, Hawaii 96720, no later than two weeks prior to the scheduled date of the event to be insured.

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 the Use of Park Facilities. Rule 8 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 8, 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.

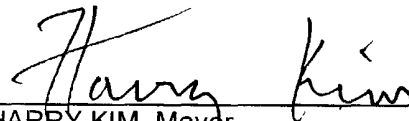
Dated this 18th day of October 2006.



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