

**Article 1. Use of Public Parks,
Playgrounds, Beaches and Other Public Areas**

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Sec. 10-1.1 Definitions.

“Camp” or “camping” means the use and occupation of a public park as a temporary or permanent dwelling place or sleeping place between the hours of 10:00 p.m. and 5:00 a.m.

“Commercial activity” means a use or purpose designed for profit, which includes but is not limited to the exchange or buying and selling of commodities; the providing of services relating to or connected with trade, traffic or commerce in general; any activity performed by the commercial operator or its employees or agents in connection with the delivery of such commodities or services; and the soliciting of business, including the display or distribution of notices, business cards, or advertisements for commercial promotional purposes. The use of land for utilities, and the use of the premises and facilities for official canoe regattas, shall not be considered a commercial activity.

“Dwelling place” means a place used for human habitation as an overnight accommodation, lodging, or shelter on either a temporary or permanent basis.

“Expressive activities” means speech or conduct, the principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political, religious, philosophical, or ideological opinions, views, or ideas and for which no fee is charged or required as a condition of participation in or attendance at such activity. Expressive activity generally would not include sports events such as marathons, fundraising events, beauty contests, commercial events, cultural celebrations or other events the principal purpose of which is entertainment.

“Human habitation” means the act of utilizing, occupying, or inhabiting a place of lodging or shelter on a permanent or temporary basis as a place of residence or sojourn.

“Off-leash park” means a public park designated by the director of parks and recreation where dogs, and no other animal, shall be allowed to be off-leash.

“Public park” means any park, park roadway, playground, athletic field, beach, beach right-of-way, tennis court, golf course, swimming pool, or other recreation area or facility under the control, maintenance and management of the department of parks and recreation. “Public park” does not include a public thoroughfare defined as a “mall” under Section 29-1.1 unless the public thoroughfare has been (1) accepted, dedicated, or named by the council expressly as a “public park” or “park”; (2) placed under the control, maintenance, and management of and classified expressly as a “public park” or “park” by the department of parks and recreation; or (3) constructed or situated within a larger specific recreation area or facility listed in the preceding sentence.

“Recreational stops” means the use of city beach parks by commercial tour companies for activities that may include, but are not limited to, sightseeing, spectating, picture taking, beach combing, swimming, and eating of prepared picnic lunches.

“Shopping cart” means a metal or plastic handcart on three or more wheels provided by a wholesale or retail establishment such as a supermarket.

“Sleeping place” means a place used by a person for the purpose of sleeping, where the person is asleep inside a tent, sleeping bag, or some form of temporary shelter or is asleep atop of or covered by materials such as a cot, mat, bedroll, bedding, sheet, blanket, pillow, bag, cardboard, or newspapers.

“Tent” means a collapsible structure consisting of sheets of canvas, fabric, or other material attached to or draped over a frame of poles or a supporting rope that has more than one wall.

“Traverse” means to travel continuously in a direction across or through.

“Wall” means an upright, vertical, or slanted structure, partition, or divider serving to enclose, divide, support, or protect. (Sec. 13-14.1, R.O. 1978 (1983 Ed.); Am. Ord. 01-43, 02-51, 08-22, 10-4, 10-5, 12-2, 12-26, 13-12)

Sec. 10-1.2 Park rules and regulations.

- (a) Within the limits of any public park, it is unlawful for any person to:
- (1) Willfully or intentionally destroy, damage or injure any property;
 - (2) Climb onto any tree, except those designated for climbing, or to climb onto any wall, fence, shelter, building, statue, monument or other structure, excluding play apparatus;
 - (3) Swim, bathe, wade in or pollute the water of any ornamental pool or fountain;
 - (4) Kindle, build, maintain or use any fire, other than in a grill or brazier;
 - (5) Annoy, molest, kill, wound, chase, shoot or throw missiles at any animal or bird;
 - (6) Distribute, post or place any commercial handbill or circular, notice or other advertising device or matter, except as permitted by the terms of any agreement relating to the use of park property;
 - (7) Use any surfboard or devices or materials with jagged or rough ends and edges, which are dangerous to surfers, swimmers or bathers;
 - (8) Construct or fabricate surfboards;
 - (9) Permit any animal to enter and remain within the confines of any public park area except as otherwise provided in this article;
 - (10) Feed any animal or bird when signs are posted prohibiting such feeding;
 - (11) Wash, polish or repair cars or other vehicles;
 - (12) Enter or remain in any public park during the night hours that the park is closed, provided that signs are posted indicating the hours that the park is closed, except that a person may traverse a public beach park using the most direct route during park closure hours for the purpose of reaching the shoreline;

- (13) Camp at any park not designated as a campground;
 - (14) Fail to comply with any sign or notice posted by the City and County of Honolulu;
 - (15) Utilize, place, occupy, leave, or in any other manner situate a shopping cart.
 - (b) Except as authorized by permits, and subject to the terms and conditions imposed by the department of parks and recreation, it is unlawful for any person, within the limits of any public park, to:
 - (1) Cut or remove any wood, plant, grass, soil, rock, sand or gravel;
 - (2) Sell or offer for sale any services, merchandise, article or thing, whatsoever;
 - (3) Moor, tie up, store, repair or condition any boat, canoe, raft or other vessel;
 - (4) Repair or condition any surfboard;
 - (5) Park any vehicle except bicycles on grassed areas;
 - (6) Amplify music or use battery operated loudspeakers (bullhorns);
 - (7) Ride or drive any horse or any other animal;
 - (8) Engage in or conduct any activity which creates any sound, noise or music exceeding 80 dBA sound pressure level taken at a point 10 feet in front of the source for a cumulative time period of at least five minutes when measured with a calibrated American National Standard Institute (ANSI) Type I or Type II sound level meter with weighting set at "A" and response set at "slow" except any activity which is sponsored by the city or the department of parks and recreation or authorized by permit issued by the city;
 - (9) Construct, utilize, place, occupy, leave, or in any other manner situate any tent.
 - (c) Within the limits of any public park, it is unlawful for any person, wherever signs are posted prohibiting such activities, to:
 - (1) Throw, cast, catch, kick or strike any baseball, tennis ball, football, basketball, croquet ball or other object;
 - (2) Ride upon roller skates, skateboards or bicycles;
 - (3) Engage in kite flying.
 - (d) Except in park areas specifically designated for such purposes, it is unlawful for any person to:
 - (1) Throw, cast, roll or strike any bowling ball or golf ball;
 - (2) Engage in model airplane flying;
 - (3) Engage in model boat sailing;
 - (4) Kindle, build or maintain any campfire;
 - (5) Discharge firearms for target practice only;
 - (6) Engage in archery for target practice and tournament only;
 - (7) Launch model rockets.
 - (e) In addition to the requirements of subsection (b) of this section, the repair or conditioning of any surfboard shall be performed only by a concessionaire of the department of parks and recreation who has a surfboard concession. Such repair work shall be conducted only in an enclosed building or structure, approved by the department of parks and recreation, building department, and the state department of health. The terms and conditions to be imposed by the department of parks and recreation shall include, together with the requirements necessary to safeguard the health and safety of the public, the securing of adequate insurance to protect the city from any liability resulting from such repair work.
 - (f) It is unlawful for any person, other than authorized personnel of the department of parks and recreation, or a person then golfing on the course, or such person's caddy, to gather or pick up golf balls within the boundaries of a public golf course.
 - (g)
 - (1) Within the limits of any public park, it is unlawful for any person, where signs are posted prohibiting or restricting such activities, to operate, park or stand a motor vehicle in violation of such prohibitions or restrictions. Such signs may impose any prohibition or restriction upon the operation, parking or standing of motor vehicles which the director of parks and recreation shall determine will maximize the enjoyment and use of any park by park users. Such restrictions may include the installation of parking meters in parks.
 - (2) Parking Meter Charges and Time Limits.
 - (A) Meters at the Honolulu Zoo parking lot shall have a four-hour time limit at the rate of \$1.00 per hour.
 - (B) Meters on the mauka side of Kalakaua Avenue between Monsarrat Avenue and the Paki Avenue- Poni Moi Road-Diamond Head Road intersection shall have a four-hour time limit at the rate of 50 cents per hour and shall be in effect between the hours of 10 a.m. and 6 p.m., seven days a week.
 - (3) Parking Meter Violations.
 - (A) No person shall violate any provision of Section 15-22.11.
 - (B) Every hour a vehicle remains parked, stopped, or standing in violation of any provision of Section 15-22.11 shall constitute a separate violation.
 - (h) Commercial activities, including recreational stops by tour companies, shall not be allowed at any time at Kailua Beach Park and Kalama Beach Park, except as otherwise provided in this chapter for commercial filming activities.
 - (i) Commercial activities, including recreational stops by tour companies, shall not be allowed at any time at city owned or operated beach rights-of-way and easements from Lanikai to Kapoho Point (Castle Point).
- (Sec. 13-14.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90-6, 94-05, 94-24, 97-26, 01-43, 06-20, 07-17, 09-20, 10-4, 10-5, 12-2, 12-28, 13-12)

Sec. 10-1.3 Permits.

- (a) Required. Any person using the recreational and other areas and facilities under the control, maintenance, management and operation of the department of parks and recreation shall first obtain a permit from the department for the following uses:
 - (1) Picnic groups, consisting of 50 or more persons;
 - (2) Camping;
 - (3) Sports activities conducted by a league, organization, association, group or individual;
 - (4) Recreational activities, including nonprofit fundraising activities, sponsored by community organizations, associations, groups or individuals;
 - (5) Expressive Activities.

- (A) Expressive activities held at Ala Moana Regional Park or in the following areas of Kapiolani Park require a permit when the expressive activity involves 150 or more persons:
- i. The triangle area fronting the Honolulu Zoo bordered by Kapahulu Avenue and Monsarrat Avenue, but excluding the Honolulu Zoo;
 - ii. The area within Kapiolani Park bordered by Monsarrat Avenue, Paki Avenue, Poni Moi Road, and Kalakaua Avenue;
 - iii. The Waikiki playground area bordered by Monsarrat Avenue, Leahi Avenue, and Paki Avenue, generally rectangular in shape;
 - iv. The Leahi area bordered by Leahi Avenue, Noela Street, and Paki Avenue, generally rectangular in shape; or
 - v. The archery range area bordered by Paki Avenue and Poni Moi Road, generally rectangular in shape.
- (B) For all other public parks, and areas of Kapiolani Regional Park outside of the areas specified in Section 10-1.3(a)(5)(A), a permit shall be required when the expressive activity involves 75 or more persons.
- The foregoing provisions shall not apply if the expressive activity is due to a spontaneous event occasioned by news or affairs coming into public knowledge within 48 hours of such expressive activity, in which case the organizer shall provide written notice to the city as soon as practicable prior to such expressive activity.
- (6) Meetings or gatherings or other similar activity other than expressive activities held by organizations, associations or groups;
- (7) Nonrecreational, public service activities, meetings and gatherings other than expressive activities held by organizations, communities or groups;
- (8) Right of entry into parks for installation of utilities or construction work;
- (9) The playing of musical instruments as solo or two or more instruments which fall within the standards described in paragraphs (A), (B) and (C) of this subdivision:
- (A) Musical instruments which are limited to two octaves or less, including but not limited to the following musical instruments: (i) tuba, (ii) tympani, (iii) maracas, (iv) uliuli, (v) castanets, (vi) tambourine or (vii) percussion instruments in which a human hand or drumsticks are used to create sounds therefrom;
 - (B) Musical instruments which when played do not exceed the sound pressure level established in Section 10 1.2(b)(8); and
 - (C) Musical instruments which are used or played continuously without a regular hourly break of 30 minutes, or for more than six hours within a day.
- The use or the playing of a musical instrument which requires a permit as provided hereunder shall be subject to the following restrictions, in addition to any other conditions imposed by the rules and regulations promulgated by the director:
- (A) Issuance Standards for Permits. The department of parks and recreation shall uniformly treat each application, based upon the facts presented, free from improper or inappropriate considerations and from unfair discrimination and shall exercise no other discretion over the issuance of a permit under this section, except as provided in this section and in the departmental rules.
 - (B) Judicial Review. Upon the department's refusal to issue a permit, the applicant for such permit shall be entitled to a review by the circuit court within 30 days after the date of such refusal. In such review, the department's decision shall be upheld in the absence of a judicial finding of abuse of discretion.
 - (C) Restrictions. The use or the playing of a musical instrument which requires a permit as provided hereunder shall be subject to the following restrictions, in addition to any other conditions imposed by the rules adopted by the director:
 - i. Time: Only between the hours of nine a.m. and six p.m. daily, and
 - ii. Place: The playing of such instruments shall be restricted to the facility especially constructed for such purpose, such as the bandstand at Kapiolani Park or other areas within the park that shall be clearly designated in the permit, and
 - iii. Manner: During the hours mentioned in subparagraph (i) of this paragraph, every half hour of playing period shall immediately be followed by a 15-minute break or every one hour of playing period shall immediately be followed by a half hour break; provided, that at no time shall there be any continuous playing exceeding an hour.
 - (D) Duration of Permit. The duration of a permit issued pursuant to subdivision (9) shall not exceed one month.
- (10) Hang gliding;
- (11) Commercial activities, provided that the proposed commercial activities under the permit shall be consistent with the use of the park under consideration, subject to reasonable limitations on the size of the groups, and the time and area within which the event is permitted, and subject to department of parks and recreation rules and regulations regarding the solicitation of business, advertising, and commercial promotional activities. No permit shall be issued for commercial activities, including permits for recreational stops by commercial tour companies, at Kailua Beach Park and Kalama Beach Park, except as otherwise provided in this chapter for commercial filming activities;
- (12) Constructing, utilizing, placing, occupying, or in any other manner situating any tent.
- (b) Director to Promulgate Rules and Regulations. The director shall promulgate rules and regulations pursuant to HRS
- (a) Chapter 91, to govern the use of said areas and facilities which will:
 - (b) Ensure maximum permissible use of said areas and facilities by appropriate distribution of users;
 - (c) Ensure proper, orderly and equitable use of areas and facilities through scheduling and user controls;
 - (d) Ensure protection and preservation of areas and facilities by not overtaxing facilities;
 - (e) Promote the health, safety and welfare of the users of said areas and facilities;
 - (f) Establish procedures for obtaining permits and revocation therefor; or
 - (g) Recommend to council fee schedules, based upon the cost of administration for each activity authorized under paragraph (10) of this subsection.
- (c) Conditions of Permit. Permits shall be issued pursuant to the provisions contained in this article and to the rules and regulations promulgated by the director, and they shall be subject to the conditions in this article and to any rules and regulations promulgated by the director. Any violation of the provisions contained in this article, or of any rules and regulations promulgated by the director which implement said provisions, or of any conditions contained in this article, or of any rules and regulations promulgated by the director

which implement said conditions, or of the terms or conditions contained in the permit which violation is caused by the permittee, members of the permittee's group, officers, employees or the permittee's agents shall constitute ground for revocation of the permit by the director of parks and recreation. Any permittee whose permit has been revoked by the director may appeal to the city council pursuant to the rules and regulations authorized, and said appeal must be filed by the permittee within 30 days of the mailing of a notice of said revocation to the last known address of the permittee.

(Sec. 13-14.3, R.O. 1978 (1983 Ed.); Am. Ord. 96-58, 10-4, 12-2, 12-26, 12-28)

Sec. 10-1.4 Rules and regulations pertaining to street trees, hedges and shrubs.

The director shall promulgate rules and regulations pursuant to HRS Chapter 91, relative to the planting, trimming and maintenance of all shade trees, hedges and shrubs within the public right of way on public streets of the city, and relative to the issuance of permits for the replacement, removal, planting, spraying, trimming or pruning of street trees by private citizens. (Sec. 13- 14.4, R.O. 1978 (1983 Ed.))

Sec. 10-1.5 Public beaches.

- (a) No person shall operate, park, or store or otherwise exert control over any unauthorized motor vehicle on any public beach with the exception of areas specifically designed to accommodate motor vehicles such as paved roads for boat launchings.
- (b) For purposes of this section, the following definitions shall apply:
 - "Motor vehicle" means and includes automobiles, trucks, dune buggies, motorcycles, mopeds, motor scooters or any other vehicles which are mechanically propelled.
 - "Public beach" means and includes all beach areas owned or controlled by city, State of Hawaii or United States of America seaward of the highest wash of the waves as evidenced by the line of vegetation.
 - "Unauthorized motor vehicle" means and includes all motor vehicles except vehicles of the United States Government, the State of Hawaii, the City and County of Honolulu, or contractors thereof, engaged in the care or maintenance of the beach area; any vehicles operated by water safety officers and other emergency and law enforcement vehicles, while carrying out their duties; and any vehicle with a valid permit issued by the department of parks and recreation for the purposes specified upon said permit.

(Sec. 13-14.5, R.O. 1978 (1983 Ed.))

Sec. 10-1.6 Violation--Penalty.

- (a) Powers of Arrest or Citation. Police officers and any other officer so authorized shall issue a citation for any violation of the provisions of this article or of any rule adopted by the director to administer, implement or enforce the provisions of this article, except they may arrest for instances when:
 - (1) The alleged violator refuses to provide the officer with such person's name and address and any proof thereof as may be reasonably available to the alleged violator.
 - (2) When the alleged violator refuses to cease such person's illegal activity after being issued a citation.
 - (3) The alleged violator has previously been issued a citation for the same offense within a one-year period.
- (b) Citation.
 - (1) There shall be provided for use by authorized police officers, a form of citation for use in citing violators of this article for instances which do not mandate the physical arrest of such violators. The form and content of such citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and rules of the State of Hawaii and the City and County of Honolulu.
 - (2) In every case when a citation is issued, a copy of the same shall be given to the violator, or in the case of a parking, standing or stopping violation, a copy of the same shall be affixed to said vehicle; as provided in paragraph (5) of this subsection.
 - (3) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.
 - (4) Whenever a motor vehicle is in violation of any provision, other than a parking, standing or stopping provision, of this article, any police officer and any other officer so authorized shall take the name, address and driver's license number of the alleged violator and the license plate number or vehicle identification number of the motor vehicle involved, and shall issue to such alleged violator in writing a citation, notifying the alleged violator to answer to the complaint to be entered against such person at a place and at a time provided in said citation.
 - (5) Whenever any motor vehicle is parked, standing or stopped in violation of this article, the police officer and any other officer so authorized finding such vehicle shall conspicuously affix to such vehicle a citation. The citation shall be addressed to the registered owner of the vehicle, but need not identify the registered owner by name.
 - (6) The registered owner may be unnamed, so long as the citation identifies the vehicle by its license plate number or vehicle identification number. The citation shall instruct the registered owner to answer to the charge against such registered owner at a time and place specified in the citation.
 - (7) The registered owner of a vehicle shall be responsible and accountable for the illegal parking, standing or stopping of the vehicle when:
 - (A) The registered owner committed the illegal parking, standing or stopping of the vehicle; or
 - (B) Another person committed the illegal parking, standing or stopping of the vehicle, but the registered owner gave the person explicit or implicit permission to use the vehicle at the time of the violation.
 - (8) In any proceeding for violation of a parking, standing or stopping provision of this article, the license plate number or vehicle identification number of the parked, standing or stopped vehicle shall constitute prima facie evidence that the registered owner of the vehicle was responsible and accountable for the illegal parking, standing or stopping of the vehicle.
 - (9) If a person cited for violating any provision under this article does not appear in response to a citation, a penal summons shall be issued ordering such person's appearance in court.
- (c) Severability. If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.
- (d) Penalty.

- (1) Except as otherwise provided in paragraph (2), any person convicted of a violation of any section or provision of this article shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 30 days, or by both such fine and imprisonment.
- (2) Any person who violates or causes a vehicle to violate the provisions of the following sections shall be fined not less than \$25.00, but not more than \$500.00:
 - (A) Section 10 1.2 (a)(11);
 - (B) Section 10 1.2 (b)(5);
 - (C) Section 10 1.2 (g); or
 - (D) Section 10 1.5.

(Sec. 13-14.6, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 90 77, 01-43)

Sec. 10-1.7 Animals in public parks.

- (a) Persons may bring animals into public parks as provided in this section in accordance with rules adopted by the director pursuant to HRS Chapter 91. Such rules may provide for the following:
 - (1) Pony rides may be allowed by permit in conjunction with a carnival or fair.
 - (2) Shows, classes and other events for cats, dogs, and other common domestic household pets may be allowed by permit.
 - (3) Persons having custody and control of dogs on a leash may use public parks or areas therein designated for dogs on a leash by the director in accordance with subsection (b).
 - (4) Persons having custody and control of unleashed dogs may use an off-leash park designated by the director in accordance with subsection (b).

For purposes of this subsection, "common domestic household pets" includes animals such as domesticated mice, rats, rabbits, guinea pigs, fish and birds, but excludes animals which are considered "livestock" as that term is defined in Section 21-10.1.

- (b) The director is authorized to designate areas in public parks for use by persons having custody and control of dogs on a leash and to designate public parks for use as off-leash parks for dogs. In designating parks as off-leash parks and in designating parks or areas therein for leashed dogs, the director shall consider the park's size, location, and frequency of use by members of the public, as well as the primary actual or designed use of each park or area included in the designation. The director shall post signs that notify the public of such designation that describe or map the park or park areas so designated. Signs for areas for leashed and off-leash dogs shall further display the applicable requirements in subsection (c). Parks for off-leash dogs shall be appropriately fenced to contain the dogs.
- (c) The director shall adopt rules pursuant to HRS Chapter 91 to hold persons bringing permitted animals into public parks responsible for the sanitary use of the park, the protection of shrubbery, trees, turf and other property, and the safety, health and welfare of all park users. The rules shall address the specific responsibilities associated with bringing a type of animal into a public park.
 - (1) Rules for persons bringing leashed dogs into designated parks or park areas shall include:
 - (A) Requiring the person having custody and control of the dog to restrain the dog at all times on a leash, cord, chain or other similar means of physical restraint of not more than eight feet in length;
 - (B) Requiring all dogs in the park or park areas designated for leashed dogs to display a valid license tag attached to the dog's collar;
 - (C) Requiring the person having custody and control of the dog to be eighteen years of age or older;
 - (D) Requiring the person having custody and control of the dog to carry equipment for the removal and disposal of dog feces and to clean up and dispose of feces left by the dog; and
 - (E) Allowing, notwithstanding Section 10-1.2(a)(9), persons otherwise in compliance with this article and having custody and control of a dog otherwise in compliance with this subdivision to traverse a public beach park using the most direct route for the purpose of reaching the shoreline during either hours when the park is open or hours when it is closed.
 - (2) Rules for persons bringing dogs off-leash into designated off-leash parks shall include:
 - (A) Requiring the person having custody and control of the dog to maintain voice control over the dog at all times;
 - (B) Prohibiting female dogs in estrus from entering the off-leash park;
 - (C) Requiring all dogs to display a valid license tag attached to the dog's collar;
 - (D) Notifying any person entering an off-leash park that the person enters and remains in the park at his or her own risk and the city is not liable for any injury or harm to any person or dog incurred or caused by any other person or dog entering or remaining in the off-leash park;
 - (E) Requiring the person having custody and control of the dog to be eighteen years of age or older; and
 - (F) Requiring the person having custody and control of the dog to carry equipment for the removal and disposal of dog feces and to clean up and dispose of feces left by the dog.

(Added by Ord. 01-43; Am. Ord. 03-29)