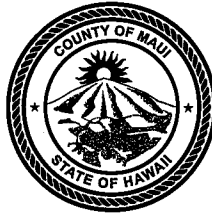


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EAR-72

ALAN M. ARAKAWA
Mayor



KA'ALA BUENCONSEJO
Director

BRIANNE L. SAVAGE
Deputy Director

(808) 270-7230
Fax (808) 270-7934

DEPARTMENT OF PARKS AND RECREATION

700 Hali'a Nakoa Street Unit 2, Wailuku, Hawaii 96793

RECEIVED
2016 DEC -7 PM 2:45
OFFICE OF THE MAYOR

December 6, 2016

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Don S. Guzman, Chair
Economic Development, Energy,
Agriculture, and Recreation Committee
County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Al Guzmán 12/9/16
Mayor Date

RECEIVED
2016 DEC 12 AM 9:38
OFFICE OF THE
COUNTY COUNCIL

Dear Chair Guzman:

**SUBJECT: ADMINISTRATIVE RULES FOR PARKS AND RECREATIONAL
FACILITIES AND PERMITS FOR THE USE OF PARKS AND
RECREATIONAL FACILITIES**

In accordance with the requirements of Chapter 91 of the Hawaii Revised Statutes, the Department of Parks and Recreation (DPR) needed to establish Administrative Rules to govern parks and recreational facilities, including the use of permits for parks and recreational facilities. I am pleased to inform you that the DPR recently completed this process through its adoption of Chapter 10-106 entitled "Rules Relating to the Administration of Parks and Recreational Facilities and Permits for the Use of Parks and Recreational Facilities, Pursuant to Chapter 13.04A, Maui County Code".

As Chair of the Council's Economic Development, Energy, Agriculture, and Recreation Committee, I am providing you with a copy of the rules primarily for information purposes.

Thank you for your attention to this matter. If you have any questions, please feel free to contact Deputy Director Brianne Savage at Ext. 7386.

Sincerely,

for Brianne Savage
KAALA BUENCONSEJO
Director of Parks and Recreation

Attachment

DANNY A. MATEO
County Clerk



JOSIAH K. NISHITA
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

2016 NOV 31 PM 2:07

10 MAYOR

December 1, 2016

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For transmittal to:

Mr. Kaala Buenconsejo, Director
Department of Parks and Recreation
County of Maui
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

A handwritten signature in black ink, appearing to read "Kaala", is written over a horizontal line.

12/1/16

Mayor

Date

Dear Mr. Buenconsejo:

Transmitted herewith for your records is a copy of the DEPARTMENT OF PARKS AND RECREATION – ADOPTION OF CHAPTER 10-106 RULES RELATING TO THE ADMINISTRATION OF PARKS AND RECREATIONAL FACILITIES AND PERMITS FOR THE USE OF PARKS AND RECREATIONAL FACILITIES, PURSUANT TO CHAPTER 13.04A, MAUI COUNTY CODE.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Danny A. Mateo", is written over a horizontal line.

DANNY A. MATEO
County Clerk

/jym

TITLE MC-10

DEPARTMENT OF PARKS AND RECREATION

SUBTITLE 01

DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION

CHAPTER 106

RULES RELATING TO THE ADMINISTRATION OF PARKS AND
RECREATIONAL FACILITIES AND PERMITS FOR THE USE OF
PARKS AND RECREATIONAL FACILITIES, PURSUANT TO
CHAPTER 13.04A, MAUI COUNTY CODE

Subchapter 1 Administrative Provisions

§10-106-1	Title
§10-106-2	Purpose
§10-106-3	Construction and severability
§10-106-4	Definitions
§10-106-5	Director's authority
§10-106-6	Appeals
§10-106-7	Hours of operation

Subchapter 2 Rules

§10-106-8	Conduct in parks and recreational facilities
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Subchapter 3 Requirements Applicable to All
Department Permits

§10-106-9	Department permits
§10-106-10	Priority for use of parks or recreational facilities
§10-106-11	Department sponsored events
§10-106-12	Application procedures
§10-106-13	Duration of use
§10-106-14	Fees and deposits
§10-106-15	Permit denial and revocation

§10-106-16	Event advertisement
§10-106-17	Indemnification
§10-106-18	Insurance
§10-106-19	Keys
§10-106-20	Display of permits
§10-106-21	Cleaning
§10-106-22	Cancellation
§10-106-23	Non-transferable
§10-106-24	Rescheduling
§10-106-25	Refund or forfeiture of deposits
§10-106-26	Rental of department equipment

Subchapter 4 Additional Requirements Applicable to Specific Permits

§10-106-27	Government permits
§10-106-28	Camping permits
§10-106-29	Community class permits
§10-106-30	General use permits
§10-106-31	Special events permits

SUBCHAPTER 1

ADMINISTRATIVE PROVISIONS

§10-106-1 Title. This chapter shall be known as the "Rules Relating to the Administration of Parks and Recreational Facilities and Permits for the Use of Parks and Recreational Facilities, Pursuant to Chapter 13.04A, Maui County Code". [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §§13.04A.010; 13.04A.240, MCC)

§10-106-2 Purpose. The purpose of this chapter is to establish procedures for use of a County park or recreational facility pursuant to Maui County Code Chapter 13.04A. [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §13.04A.020)

§10-106-3 Construction and severability. These rules shall be read in conjunction with Hawaii Revised Statutes (HRS), the Revised Charter of the County of Maui (1983), as amended (Charter), and the Maui County Code (MCC). If any provision of these rules or the application thereof to any person, property or circumstance is held to be invalid for any reason, the remaining provisions or applications that can be given effect without the invalid provision or application shall not be affected. To that extent, the provisions of these rules are severable. [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §13.04A.020, MCC)

§10-106-4 Definitions. Words defined in section 13.04A.030, MCC, shall have the same meaning wherever used herein. Words in the masculine or feminine gender shall signify any gender. Singular or plural numbers shall signify both the singular and the plural number. The following definitions for certain words and phrases used herein apply:

"Abandoned personal property" means personal property in which the owner has surrendered all claim of right, title, interest, and possession with the intent not to reclaim it.

“ADA” means the Americans with Disabilities Act of 1990, as amended.

“Advertising material” means signage, stickers, posters, flyers, brochures, banners, videos, displays, or any other means of promotion, including those described in Maui County Code, chapter 16.13.

“Annual department sponsored special event” means a recurring event conducted pursuant to a special events permit sponsored by the department that takes place around the same time of the year and at the same or a similar park or recreational facility for multiple consecutive years. Event shall be consistent with the department’s mission and shall comply with the annual department sponsored special event agreement.

“Annual special event” means a recurring event conducted pursuant to a special events permit that takes place around the same time of the year at the same or a similar park or recreational facility for multiple consecutive years.

“Applicant” means a person eighteen years of age or older, a business, group, organization or association requesting a permit to use a park or recreational facility. A permit request that includes alcohol consumption requires the applicant must be at least twenty-one years of age.

“Application” means a form provided by the department that must be submitted to initiate a permit request.

“Application fee” means a non-refundable fee charged to process an application.

“Athletic field” means an enclosed area within a park that is appropriately marked and set aside to be primarily used for playing a game or sport, such as a baseball field, basketball court, soccer field, tennis court, and other field or court.

“Authorized agent” means an executive director or officer of a corporation, or a general partner of a general or limited partnership, or an active member of an unincorporated group or organization, or another who is provided notarized written authority to represent the corporation, partnership, group or organization.

“Authorized representative” means any person designated to act for the director.

“Business” means any enterprise or establishment, such as a sole proprietorship, joint venture, partnership, corporation, fraternal organization, club, or any other profit or nonprofit entity, including any employee of the business who is acting on its behalf.

"Business location" means a permanent, fixed place of business that is identifiable by a tax map key number and street address in the County, but does not include a place that consists solely of a post office box.

"Camper" means a person who remains, or intends to remain, at a park or recreational facility for overnight accommodations pursuant to a camping permit.

"Camping" means the use and occupation of any park or recreational facility by a camper, pursuant to a camping permit.

"Camping gear" means tangible personal property used by permittees pursuant to a camping permit.

"Cancellation fee" means the forfeiture of deposits for failure to provide timely notice of cancellation, or for failure to use any facility as listed on an issued permit.

"Cigar" means any roll for smoking made wholly or in part of tobacco wrapped in any substance containing tobacco.

"Commercial activity" means an act whereby a person, organization, or entity receives a benefit, or a promise to receive a benefit, by providing goods or services to another person.

"Commercial ocean recreational activity" means engaging in, or providing instruction or guidance regarding the use of equipment in any pursuit that is primarily conducted in or on the ocean, such as kayaking, snorkeling, scuba diving, surfing, kite surfing, Hawaiian outrigger canoeing, stand-up paddle boarding (SUP), and windsurfing; excluding any pursuit requiring an operator to hold a license or permit from the State Department of Land and Natural Resources, Division of Boating and Ocean Recreation, or the United States Coast Guard. Engaging in and providing instruction or guidance to any patron regarding the use of equipment in the same pursuit shall constitute no more than one ocean recreational activity.

"Community center" means any County-operated facility generally used as a gathering place for meetings, socials, training and other activities.

"Community class permit" means a permit authorizing use of a park or recreational facility to conduct lessons, instruction or classes offered to the general public, conducted by an instructor approved by the department. Class participation charges or fees are allowed within the limits established by the department. Temporary refreshment concessions are prohibited.

"Community league" means a league organized by a person or organization which may assess dues, registration, or participation fees confirmed by the director to be used solely to offset operating expenses such as equipment, insurance, officiating, and permit fees. Community leagues shall obtain a general use permit.

"Consume any intoxicating liquor" means to possess while in a park or recreational facility any bottle, can, or other receptacle containing any intoxicating liquor as defined in Hawaii Revised Statutes, section 281-1, which has been opened, had its seal broken, or had its contents partially removed; except that this definition does not apply to the possession of a container in the trunk of a vehicle, or if the vehicle does not have a trunk, in another area of a vehicle not normally occupied by the driver or a passenger, not including the vehicle's utility or glove compartment.

"County" means County of Maui.

"County co-sponsored functions" means activities, programs, or events sponsored by the County in conjunction with another person.

"County property" means any real or personal property owned by or under the management or control of the County.

"Craft fair" means an event at which promoters, artists, crafters, and others gather together for the primary purpose of exhibiting and selling, exchanging, or otherwise conveying products to the general public, pursuant to a special events permit and regulated by "Rules Relating to Gift and Craft Fairs on Maui County Parks Properties, Title MC-10".

"Department" means the department of parks and recreation.

"Department equipment" means any electrical, electronic or mechanical device, or system, or athletic equipment rented from the department pursuant to a permit issued by the department. Rental fees shall be set forth in the annual budget ordinance.

"Department league" means a league organized and operated by the department that does not assess registration and participation fees.

"Department sponsored" means functions, activities, programs, or events sponsored solely by the department, or co-sponsored by the department and another person or organization. All department sponsored activities shall be drug, alcohol, tobacco, and litter free.

"Deposit" means a monetary assessment placed with the department as security to ensure the proper use, maintenance, and

restoration of parks and recreational facilities, including the return of key(s) and equipment rented pursuant to a permit.

“Designated parks or recreational facilities” means parks and recreational facilities under the control and management of the department and available for use pursuant to a permit issued by the department.

“Director” means the director of the department of parks and recreation or the director’s authorized representative who is designated to act for the director.

“Dog park” means an enclosed area within a park designated for dogs to run free without a leash.

“Electronic smoking device” means any electronic product that can be used to simulate smoking in the delivery of nicotine or other substances to the person inhaling from the device, such as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, or a component of the device or related product.

“Exclusive use” means the use of a park or recreational facility pursuant to a permit issued under Maui County Code, chapter 13.04A, and pursuant to these rules, which prohibits or restricts the availability of that park or recreational facility to others.

“Fee” means a financial payment by a permit applicant assessed by the department as specified in the annual budget ordinance, including an application fee, cancellation fee, permit fee, and registration fee.

“Fundraising activity” means an event or activity conducted for the purpose of gathering proceeds or resources for the cause pursuant to a permit issued by the department.

“General use permit” means a permit authorizing use of a park or recreational facility to conduct an event or activity. Dues, registration fees, or participation fees may not be assessed, or donations accepted except for youth leagues, ADA organizations, or senior citizen organizations which may assess fees to offset operating expenses, which shall be verified by the department.

“Government permit” means a permit authorizing use of a park or recreational facility to conduct an event or activity organized and conducted by the County, or another governmental unit. No revenue may be generated.

“Gymnasium” means any recreational facility used for indoor athletic activities.

“Illegal vendor” means a person or organization that is selling or intends to sell any goods, products, or services at parks or recreational facilities without a permit.

“Intoxicating liquor” means the same as the term defined in Hawaii Revised Statutes, section 281-1.

“Law enforcement officer” means the same as the term defined in Hawaii Revised Statutes, section 710-1000.

“League” means an organized group of teams or persons that compete against each other over a period of thirty days or longer, including a community league, department league, partnership league, and recreational league.

“League schedule” means a schedule of competitive activities that lists opposing teams or persons, and dates and times of competition within a specified time period.

“Non-exclusive use” means the use of a park or recreational facility pursuant to a permit issued under Maui County Code, chapter 13.04A, which does not prohibit or restrict the availability of that park or recreational facility to others.

“Nonprofit entity” means an entity approved by the Internal Revenue Service as tax-exempt under section 501(c) of the Internal Revenue Code, and which complies with all other requirements of federal, State, and County law regulating nonprofit organizations.

“Park” means a public area owned and operated by the County that is used for recreational pursuits, such as a park roadway, parking area, playground, athletic field, beach right-of-way, tennis court, and recreational area under the control, management, and operation of the department.

“Partnership league” means a league organized by a youth, senior, or ADA organization which may assess dues, registration fees, or participation fees, confirmed by the director to be used solely to offset operating expenses, such as equipment, insurance, officiating, and permit fees. Partnership leagues shall obtain a general use permit issued by the department.

“Patron” means a person who contracts to participate in an ocean recreational activity.

“Permit” means written authorization by the director to reserve a specific park or recreational facility, or a portion thereof, or department equipment, for an event or activity which restricts the general public’s use of the reserved area during the permitted event, activity, or department equipment use.

“Permittee” or “permit holder” means a person who has received written authorization to use a park, recreational facility, or department equipment through the issuance of a permit pursuant to Maui County Code, chapter 13.04A.

“Permit fee” means a non-refundable fee required prior to the issuance of a permit under Maui County Code, section 13.04A.100. All permit fees must be paid by the applicant.

“Personal mobility device” means a mobility aid belonging to any class of multi-wheeled devices and designed for and used by persons with a disability, whether the device is operated manually or by a power supply.

“Personal property” means any tangible article, whether having any value or no value, including but not limited to documents, records, photographs, medication, merchandise, baggage, toiletries, cellular phones, sleeping bags, blankets or linens. Personal property shall not include a shopping cart.

“Private party” means an event organized by a person or organization where attendance is by invitation only and no advertisements are made to the general public. Fundraising shall not be allowed for private parties. A general use permit shall be issued for private parties.

“Recreation enrichment programs” means short-term recreational programs that are not leagues or community classes.

“Recreation equipment” means tangible personal property used for recreation.

“Recreational facility” means any building or other physical structure located in, owned, and operated by the County, such as a swimming pool, gymnasium, community center, or pavilion used for recreational purposes and under the control, management, and operation of the department.

“Recreational league” means a league organized by the department which assesses registration or participation fees, as specified in the annual budget ordinance, used solely to offset operating expenses such as equipment and officiating.

“Registration fee” is a non-refundable fee required to participate in programs, services, or instructional classes operated by the department.

“Resident” means a person who resides in the State of Hawaii and possesses a valid State of Hawaii driver’s license or identification card.

“Restricted facility” means a facility which may only be used pursuant to a permit or during scheduled department programs. (See Table 2).

“Rules” means the administrative rules of the department authorized by Maui County Code, section 13.04A.240.

“Shopping cart” means a four-wheeled cart, with a basket or container space to hold personal property or other articles typically provided by a retail store for a customer’s use in collecting purchases. Removal of, or lack of merchant identification on a shopping cart, does not alter a shopping cart’s identity as a shopping cart. Shopping carts are not considered personal property.

“Smoke” or “smoking” means inhaling or exhaling upon, burning, or carrying any lit cigarette, cigar or pipe or the use of an electronic smoking device.

“Special events permit” means a permit authorizing the use of a park or recreational facility to conduct events, activities, fundraising activities, political fundraisers, or tournaments which do not meet requirements for another permit.

“Store” or “storage” means to put aside personal property for safe keeping or to place or to leave personal property in a location other than within the immediate possession or control of the owner.

“Temporary refreshment concessions” means operation of retail sales of consumable food or beverages or event related merchandise pursuant to a permit issued by the department and for the duration of the permit only. Sales shall be designed for permit event participants and spectators.

“Tobacco products” means tobacco in any form, other than cigarettes, that is prepared or intended for consumption or for personal use by humans, including cigars and any substitutes thereof other than cigarettes that bear the semblance thereof, snuff, chewing or smokeless tobacco, and smoking or pipe tobacco.

“Tournament” means a method of determining the champion or winner in a recreational activity within a pre-determined time period.

“Unattended personal property” means personal property not within the immediate control of the property’s owner, even if the owner intends to retain possession and control of the property.

“Vending” means to sell any goods, products, or services at parks or recreational facilities. Vending is a commercial activity.

“Vendor” means a person or organization authorized to participate in a permitted event or activity to sell goods, products, or services at parks or recreational facilities.

“Vessel” means all description of watercraft, used or capable of being used as a means of transportation in or on the water. Vessel does not include surf boards, boogie boards, paddle boards, or stand up paddle boards or similar self-propelled recreational items.

“Visiting swim team” means any swim team not from the County.

“Youth center” means any building, structure, or facility, including all necessary attendant or related facilities and equipment, owned or operated by a nonprofit entity or by the County for exclusive use by the youth of the community to promote the health, safety, or general welfare of the youth.

“Youth, senior or ADA organization” means an organization that exists for the sole purpose of providing services, support and/or resources to youth, senior citizens age 55 and over, and/or persons with disabilities that align with the purpose and mission of the department. [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240, MCC) (Imp: §13.04A.030, MCC)

§10-106-5 Director’s authority. The director or the director’s designated representative shall administer, implement, and enforce these rules and may exercise discretion in serving the interest of the public.

(a) The director may close a park or recreational facility at any time upon determining that such action is necessary to protect the health, safety, or welfare of the public, or for the maintenance of such park or recreational facility.

(b) The director shall determine whether events or activities are compatible with the purpose for which any park or recreational facility was designed.

(c) The director may prohibit any person from using a park or recreational 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 or recreational 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 or recreational facility until such time that the director is reasonably satisfied that such

person intends to abide by all rules and regulations, laws, or ordinances relating to such person's conduct or use of the park or recreational facility. The person shall be notified, in writing, of the specific period of prohibited use. The director may extend the prohibited use period. [Eff 12/5/16] (Auth: §91-2, HRS, §§13.04A.240, MCC) (Imp: §§13.04A.040, 13.04A.050, 13.04A.070, 13.04A.080, 13.04A.090, 13.04A.100, 13.04A.110, 13.04A.130, 13.04A.240, MCC)

§10-106-6 Appeals. (a) Any person aggrieved by the decision of the director shall have the right to appeal the director's decision pursuant to Maui County Code, section 13.04A.120.

(b) Procedure. Pursuant to the rules of the board of variances and appeals, a contested case hearing shall be held on the appeal. The department, through the director, shall be a party to the proceedings.

(c) Standard of appeal. The board of variances and appeals may affirm, reverse, or modify, in whole or in part, any decision or order of the director under appeal, provided the board of variances and appeals finds the decision or order is:

- (1) Based on a clearly erroneous finding of material fact or erroneous application of the law; or
- (2) Arbitrary or capricious in its application; or
- (3) A clearly unwarranted abuse of discretion; and
- (4) A reversal or modification of the decision or order will not jeopardize life, limb, or property. [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240, Chapter 19.520, MCC) (Imp: §13.04A.120, MCC)

§10-106-7 Hours of operation. (a) The opening and closing hours for each park and recreational facility are reflected in Table 1.

(b) All parks and recreational facilities, other than restricted facilities, shall be open to the public on a non-exclusive, first-come, first-served basis, during designated hours as reflected in Table 1. Any exclusive use or use of a restricted facility requires a permit. Restricted facilities are reflected in Table 2.

(c) Hours of operation are subject to closure by the director pursuant to section 13.04A.040, Maui County Code.

TABLE 1
Operating Hours

CENTRAL DISTRICT		
CENTRAL MAUI REGIONAL PARK	7:00 AM	7:00 PM
HOALOHA PARK	7:00 AM	8:00 PM
HONOLII PARK	7:00 AM	7:00 PM
KAHULUI COMMUNITY PARK	7:00 AM	10:00 PM
KAHULUI SCHOOL PARK	7:00 AM	7:00 PM
KAMALII PARK	7:00 AM	7:00 PM
KANAHA BEACH PARK	7:00 AM	8:00 PM
KEALOHILANI PARK	7:00 AM	7:00 PM
KEHALANI MAKAI PARK	7:00 AM	7:00 PM
KEHALANI MAUKA PARK	7:00 AM	7:00 PM
KEOPUOLANI PARK	7:00 AM	10:00 PM
KEPANIWAI HERITAGE GARDENS	7:00 AM	7:00 PM
LEISURE ESTATES PARK	7:00 AM	7:00 PM
LIHIKAI PARK	7:00 AM	7:00 PM
LUANA GARDENS PARK	7:00 AM	7:00 PM
MOKUHAO PARK	7:00 AM	7:00 PM
PAPOHAKU PARK	7:00 AM	8:00 PM
PAUKUKALO PARK	7:00 AM	7:00 PM
PAUKUKALO BEACH PARK	7:00 AM	8:00 PM
POMAIKAI PARK	7:00 AM	7:00 PM
PUUOHALA PARK	7:00 AM	7:00 PM
RICHARD "PABLO" CALDITO SR. BALLPARK	7:00 AM	7:00 PM
WAIALE PARK	7:00 AM	7:00 PM
WAIEHU BEACH PARK	7:00 AM	8:00 PM
WAIEHU HEIGHTS PARK	7:00 AM	7:00 PM
WAIEHU TERRACE PARK	7:00 AM	7:00 PM
WAIHEE BEACH PARK	7:00 AM	8:00 PM
WAIKAPU PARK	7:00 AM	7:00 PM
WAILUKU ELEMENTARY SCHOOL PARK	7:00 AM	7:00 PM
WAILUKU HEIGHTS PARK	7:00 AM	7:00 PM
WAILUKU PARKSIDE PARK	7:00 AM	7:00 PM
WAIOLANI MAUKA	7:00 AM	7:00 PM
WAR MEMORIAL COMPLEX	7:00 AM	7:00 PM

TABLE 1
Operating Hours

WAR MEMORIAL TENNIS COURTS	7:00 AM	10:00 PM
WELLS PARK	7:00 AM	7:00 PM
WELLS PARK TENNIS COURTS	7:00 AM	10:00 PM
SOUTH DISTRICT		
ALI'I VILLAGE SUBDIVISION PARK	7:00 AM	7:00 PM
CHARLIE YOUNG PARK	7:00 AM	8:00 PM
COVE PARK	7:00 AM	8:00 PM
HALE PI'ILANI PARK	7:00 AM	7:00 PM
HAYCRAFT PARK	7:00 AM	8:00 PM
KA LAE POHAKU PARK	7:00 AM	8:00 PM
KALAMA PARK	7:00 AM	10:00 PM
KALEPOLEPO PARK	7:00 AM	8:00 PM
KAMAOLE I	7:00 AM	8:00 PM
KAMAOLE II	7:00 AM	8:00 PM
KAMAOLE III	7:00 AM	8:00 PM
KAMAOLE POINT	7:00 AM	8:00 PM
KAONOULU PARK	7:00 AM	8:00 PM
KEAWAKAPU	7:00 AM	8:00 PM
KENOLIO PARK	7:00 AM	7:00 PM
KEONEKAI PARK	7:00 AM	7:00 PM
KIHEI MEMORIAL PARK	7:00 AM	7:00 PM
KILOHANA PARK	7:00 AM	7:00 PM
MAI'POIN'A OE IA'U PARK	7:00 AM	8:00 PM
MOANA ESTATES PARK	7:00 AM	7:00 PM
PALAUEA BEACH PARK	7:00 AM	8:00 PM
PI'IKEA PARK	7:00 AM	7:00 PM
POLO BEACH PARK	7:00 AM	8:00 PM
PO'OLENALENA PARK	7:00 AM	8:00 PM
SOUTH MAUI COMMUNITY PARK	7:00 AM	10:00 PM
ULUA / MOKAPU BEACH PARK	7:00 AM	8:00 PM
WAILEA BEACH PARK	7:00 AM	8:00 PM
WAIPU'ILANI PARK	7:00 AM	8:00 PM
WEST DISTRICT		
AINAKEA PARK	7:00 AM	7:00 PM
DT FLEMING PARK	7:00 AM	8:00 PM
HANAKAO'O PARK	7:00 AM	8:00 PM

TABLE 1
Operating Hours

HONOKOWAI PARK	7:00 AM	8:00 PM
KAHANANUI VILLAGE PARK	7:00 AM	7:00 PM
KAMEHAMEHA IKI PARK	7:00 AM	8:00 PM
KAUHALE MAHINAHINA PARK	7:00 AM	7:00 PM
KELAWEA MAUKA PARK	7:00 AM	7:00 PM
LAHAINA BANYAN COURT	7:00 AM	8:00 PM
LAHAINA SKATE PARK	7:00 AM	9:00 PM
LAHAINA RECREATION CENTER II	7:00 AM	8:00 PM
LAUNIUPOKO PARK	7:00 AM	8:00 PM
MALU ULU OLELE PARK	7:00 AM	7:00 PM
NAKALELE POINT LIGHT STATION	7:00 AM	7:00 PM
NAPILI PARK	7:00 AM	7:00 PM
PAPALAUA WAYSIDE PARK	7:00 AM	8:00 PM
PAUNAU PARK	7:00 AM	8:00 PM
POHAKU PARK (S-TURNS)	7:00 AM	8:00 PM
PUAMANA PARK	7:00 AM	8:00 PM
UKUMEHAME FIRING RANGE	7:00 AM	7:00 PM
UKUMEHAME BEACH PARK	7:00 AM	8:00 PM
WAHIKULI TERRACE PARK	7:00 AM	7:00 PM
WAHIKULI WAYSIDE PARK	7:00 AM	8:00 PM
LANAI DISTRICT		
LANAI BASKETBALL COURTS (5 TH STREET COURTS)	7:00 AM	10:00 PM
LANAI PARK COMPLEX	7:00 AM	8:00 PM
LANAI ENTRY PARK	7:00 AM	7:00 PM
FRASER AVE PARK	7:00 AM	7:00 PM

TABLE 1
Operating Hours

EAST DISTRICT		
4 th MARINE DIVISION MEMORIAL PARK	7:00 AM	7:00 PM
ALFRED "FLAKO" BOTEILHO SR. GYM	7:00 AM	10:00 PM
EDDIE TAM MEMORIAL PARK	7:00 AM	8:00 PM
HA BALDWIN PARK	7:00 AM	8:00 PM
HAIKU PARK	7:00 AM	7:00 PM
HAILIIMAILE PARK	7:00 AM	7:00 PM
HAROLD RICE MEMORIAL PARK	7:00 AM	7:00 PM
HOOKIPA BEACH PARK	7:00 AM	8:00 PM
KEOKEA PARK	7:00 AM	7:00 PM
KUAU BAY BEACH PARK	7:00 AM	8:00 PM
KULA PARK	7:00 AM	7:00 PM
KULA MALU	7:00 AM	7:00 PM
LOWER PAIA PARK	7:00 AM	8:00 PM
MAKANA PARK	7:00 AM	7:00 PM
RAINBOW PARK	7:00 AM	7:00 PM
SUN YET-SEN PARK	7:00 AM	7:00 PM
HANA DISTRICT		
HANA BALL PARK	7:00 AM	7:00 PM
HANA BEACH PARK	7:00 AM	8:00 PM
HONOMANU PARK	7:00 AM	7:00 PM
KAUIKI HILL LOOKOUT & TRAIL	7:00 AM	7:00 PM
KEANAE PARK	7:00 AM	7:00 PM
KIPAHULU POINT PARK	7:00 AM	7:00 PM
PA'ANI MAI PARK	7:00 AM	7:00 PM
HANA TENNIS COURTS	7:00 AM	10:00 PM
MOLOKAI DISTRICT		
DUKE MALIU REGIONAL PARK	7:00 AM	10:00 PM
HALAWA PARK	7:00 AM	7:00 PM
KAKAHAIA PARK	7:00 AM	7:00 PM
KAUNAKAKAI LIGHTHOUSE PARK	7:00 AM	7:00 PM
MAUNALOA PARK	7:00 AM	7:00 PM
KAUNAKAKAI PARK	7:00 AM	7:00 PM

TABLE 1 Operating Hours		
ONE ALI'I PARK	7:00 AM	8:00 PM
PAPOHAKU BEACH PARK	7:00 AM	8:00 PM
PUU HAOLE PARK	7:00 AM	7:00 PM
POOLS		
COOKE MEMORIAL POOL	MONDAY	9:00 AM – 4:30 PM
	TUESDAY	9:00 AM – 4:30 PM
	WEDNESDAY	10:00 AM – 4:30 PM
	THURSDAY	9:00 AM – 4:30 PM
	FRIDAY	9:00 AM – 4:30 PM
	SATURDAY	9:00 AM – 4:30 PM
	SUNDAY	Noon – 4:30 PM
KIHAI AQUATIC CENTER	MONDAY	9:00 AM – 4:30 PM
	TUESDAY	9:00 AM – 4:30 PM
	WEDNESDAY	10:00 AM – 4:30 PM
	THURSDAY	9:00 AM – 4:30 PM
	FRIDAY	9:00 AM – 4:30 PM
	SATURDAY	9:00 AM – 4:30 PM
	SUNDAY	Noon – 4:30 PM
KOKUA POOL	MONDAY	9:00 AM – 4:30 PM
	TUESDAY	9:00 AM – 4:30 PM
	WEDNESDAY	10:00 AM – 4:30 PM
	THURSDAY	9:00 AM – 4:30 PM
	FRIDAY	9:00 AM – 4:30 PM
	SATURDAY	9:00 AM – 4:30 PM
	SUNDAY	10:00 AM – 4:30 PM
LAHAINA AQUATICS COMPLEX	MONDAY	9:00 AM – 4:30 PM
	TUESDAY	9:00 AM – 4:30 PM
	WEDNESDAY	9:00 AM – 4:30 PM
	THURSDAY	10:00 AM – 4:30 PM
	FRIDAY	9:00 AM – 4:30 PM
	SATURDAY	9:00 AM – 4:30 PM
	SUNDAY	Noon – 4:30 PM

TABLE 1 Operating Hours		
OLD & NEW WAILUKU POOLS	MONDAY	9:00 AM – 4:30 PM
	TUESDAY	9:00 AM – 4:30 PM
	WEDNESDAY	10:00 AM – 4:30 PM
	THURSDAY	9:00 AM – 4:30 PM
	FRIDAY	9:00 AM – 4:30 PM
	SATURDAY	9:00 AM – 4:30 PM
	SUNDAY	10:00 AM – 4:30 PM
SAKAMOTO POOL	MONDAY	9:00 AM – 4:30 PM
	TUESDAY	9:00 AM – 4:30 PM
	WEDNESDAY	9:00 AM – 4:30 PM
	THURSDAY	10:00 AM – 4:30 PM
	FRIDAY	9:00 AM – 4:30 PM
	SATURDAY	9:00 AM – 4:30 PM
	SUNDAY	Noon – 4:30 PM
SHIRAISHI POOL	MONDAY	9:00 AM – 4:30 PM
	TUESDAY	9:00 AM – 4:30 PM
	WEDNESDAY	9:00 AM – 4:30 PM
	THURSDAY	10:00 AM – 4:30 PM
	FRIDAY	9:00 AM – 4:30 PM
	SATURDAY	9:00 AM – 4:30 PM
	SUNDAY	10:00 AM – 4:30 PM
UPCOUNTRY POOL	MONDAY	9:00 AM – 4:30 PM
	TUESDAY	9:00 AM – 4:30 PM
	WEDNESDAY	9:00 AM – 4:30 PM
	THURSDAY	10:00 AM – 4:30 PM
	FRIDAY	9:00 AM – 4:30 PM
	SATURDAY	9:00 AM – 4:30 PM
	SUNDAY	Noon – 4:30 PM

TABLE 2 Restricted Facilities
CENTRAL DISTRICT
Kahului Community Center
Velma McWayne Santos Community Center (Wailuku Community Center)

TABLE 2 Restricted Facilities	
War Memorial Gymnasium	
Wailuku Gymnasium	
Waikapu Community Center	
Iron Maehara Baseball Stadium	
SOUTH DISTRICT	
Kalama Park Pavilion	
Kenolio Recreational Complex	
Kihei Community Center	
WEST DISTRICT	
Lahaina Civic Center Complex	
LANAI DISTRICT	
Lanai Community Center	
Lanai Gymnasium	
EAST DISTRICT	
Eddie Tam Community Center and Gymnasium	
Haiku Community Center	
Haliimaile Annex and Gymnasium	
Hannibal Tavares Community Center Complex	
Keokea Community Center	
Kula Community Center	
Paia Community Center	
Waiakoa Gymnasium	
HANA DISTRICT	
Helene Hall Community Center	
Hana Community Complex	
MOLOKAI DISTRICT	
Kilohana Community Center	
Kualapuu Community Center	
Maunaloa Community Center	
Mitchell Pauole Center Complex	
Kaunakakai Gymnasium	
Duke Maliu Pavilion	
One Alii Pavilion	

[Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §13.04A.040, MCC)

SUBCHAPTER 2

RULES

§10-106-8 Conduct in parks and recreational facilities.

(a) The following rules apply to all parks and recreational facilities under the jurisdiction of the department.

- (1) **Permit Compliance.** Any applicant who wishes to conduct any activity, event, lesson, demonstration, class, or program within any park or recreational facility shall comply with the requirements of the permit application process. No person shall be allowed to conduct an event requiring a permit without properly obtaining a permit from the department. No person shall deviate from using a park or recreational facility in a manner or for a purpose other than those specified on the permit.
- (2) **ADA Compliance.** Any person who uses a park or recreational facility pursuant to a permit shall be responsible for ensuring that their use complies with current ADA requirements. The County prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, and marital or family status. It shall be the permittees responsibility to comply with all County, State, and Federal accessibility requirements, including the Americans with Disabilities Act (ADA). Permittees shall be responsible for providing reasonable accommodation when requested. Permittees may contact the department for assistance in providing reasonable accommodation.
- (3) **Park Hours.** No person shall remain in, enter upon, or be present in any park or recreational facility at any time other than the designated hours of operation determined by the director and set forth in these Rules, unless pursuant to a valid permit. See Table 1, §10-106-7.

- (4) Health and Safety.
 - (A) Use of a park or recreational facility, which poses a potential risk, threat, danger, hazard, or disturbance to public health, safety, or welfare is prohibited.
 - (B) Defecating or urinating in other than properly functioning toilets or urinals provided in public restrooms, within a park or recreation facility shall constitute a potential risk to health and/or safety.
- (5) Advertising. Posting, distributing, or placing any commercial handbill, circular, notice or other advertising material is not allowed at any park or recreational facility.
- (6) Animals. No animal shall be allowed to enter or remain within any park or recreational facility, except as authorized in Maui County Code, section 13.04A.070D, or as defined within section 6.05.010.
 - (A) Leashes Required. Any dog outside of the confines of a dog park shall be secured by a leash or lead of not more than six feet in length and shall be held by a responsible person at all times.
 - (B) Owner's Responsibilities. The owners or handlers of any animal shall be responsible for the action of their animal. Owners or handlers:
 - (1) Shall not tie any animal to any object.
 - (2) Shall pick up animal feces produced by their pet and dispose of same in a proper trash receptacle.
 - (3) Shall feed and water only their own animal and remove all remaining food or water.
 - (C) Dangerous Dogs Prohibited. A dog deemed dangerous under chapter 6.04, Maui County Code, shall not be allowed within the boundaries of any park or recreational facility at any time.
 - (D) Feeding Prohibited. No person shall feed any animal or animals, or stage any food or water for any animal or animals unless authorized under section 13.04A.070(B)(14) or (15), Maui County Code; provided that pet owners may provide water and training treats for their pets.

- (E) Exceptions.
 - (1) Dogs shall be prohibited on athletic fields except for guide, signal/hearing, and service dogs.
 - (2) The director may set aside areas for horse riding, animal shows, dog parks, and dog obedience classes and trials.
- (7) Archery. Archery within a park or recreational facility is prohibited.
- (8) Camping. Camping rules are provided in §10-106-29.
- (9) Classes/Instruction. Classes, instruction, lessons, or teaching in any park or recreational facility shall be authorized by a permit.
- (10) Commercial Activity. No person shall engage in vending, or conduct a commercial activity, including catering, food trucks, or other commercial food distribution, within a park or recreational facility except as expressly authorized by a lease, concession contract, or permit. For purposes of this section, "commercial activity" includes:
 - (A) Selling or offering to sell any article or service of any value.
 - (B) Displaying goods, or descriptions or depictions of goods or services, with the intent to engage any member of the public in a transaction for the sale of any good or service.
 - (C) Performing or engaging in any act with the intent or expectation of receiving payment therefor from any person.
 - (D) Accepting any consideration in exchange for an article or service of any value.
- (11) Concessions. Refreshment concessions located within parks and recreational facilities shall require a permit, lease or concession contract.
- (12) Firearms. Discharge of firearms, air rifles, or spring guns in a park or recreational facility is prohibited, except at a range established and regulated for that specific purpose.
- (13) Fires and cooking. No open campfires are allowed in the parks or campgrounds. Use of a personal barbeque or hibachi for cooking shall be allowed when placed in

a safe location with a non-flammable protective barrier below, whether the surface is turf or asphalt. All coals, ashes, grease, and oil must be taken away at the end of use and shall not be left on site or in any department refuse container.

- (14) Fireworks. The display or setting off of fireworks within a park or recreational facility is prohibited.
- (15) Funerals, Animal and Human Remains. No person shall dispose of any human or animal remains in any park or recreational facility. Memorial services, wakes, and celebrations of life shall be allowed pursuant to a permit, provided that no funerals, caskets, or physical remains shall be involved. Any scattering of ashes in the ocean shall require the necessary permit from Division of Ocean, Boating and Recreation (DOBOR), a division of the State of Hawaii Department of Land and Natural Resources (DLNR).
- (16) Golfing. Golfing activities are allowed only at the Waiehu Municipal Golf Course. No other park or recreational facility is suitable for golfing, putting, driving, or any other golfing activity involving golf balls or golf clubs.
- (17) Intoxicating Liquor. The consumption of intoxicating liquor shall be prohibited within a park or recreational facility:
 - (A) Between the hours of 10:00 p.m. and 6:00 a.m.
 - (B) At any time within any public restroom.
 - (C) Within a 1,500 foot radius of the boundary of any public or private pre-school, school, or youth center between the hours of 6:00 a.m. and 10:00 p.m.; except for weekends and on State and County holidays.
 - (D) At all times within the boundaries of all parks specifically identified under Maui County Code, section 13.04A.080.
- (18) Loud Speakers. Loud speakers and amplified sound shall be prohibited in park and recreational facilities unless authorized by permit.
- (19) Picnic Tables. Picnic tables shall be used for their intended purpose. Picnic tables shall not be used as a

- place for sleeping. No person shall lie upon or place personal bedding upon a picnic table.
- (20) Refuse Disposal. All trash, garbage, rubbish, and refuse material shall be placed in designated receptacles provided by the department within a park or recreation facility. Failure by permittees to satisfactorily clean or restore any park or recreational facility shall result in forfeiture of the custodial deposit. No person shall dispose of garbage or other rubbish, refuse, or debris in a parks receptacle which originated from outside the park or recreational facility.
 - (21) Rummage/Second Hand Sales. Rummage or second hand sales shall be prohibited in any park or recreational facility. This section does not apply to craft fairs which are regulated by Rules Relating to Gift and Craft Fairs on Maui County Parks Properties, Title MC-10.
 - (22) Shopping Carts. Shopping carts, whether attended or not, are prohibited in a park or recreational facility. Shopping carts are not personal property.
 - (23) Signs.
 - (A) Posting, distributing, or placing any commercial handbill, circular, notice or other advertising material at a park or recreational facility is prohibited.
 - (B) Banners and signage for permitted events shall first be approved by the department.
 - (C) Banners and signage may be placed in approved locations no more than seven days prior to the start of a permitted event and shall be removed the day the event ends. Signage posted more than seven days before a permitted event or left up after the close of the event shall be removed and may be disposed of by the department.
 - (D) The department shall not be responsible for any event signage damaged or removed by others.
 - (E) Signs and banners shall not be nailed, stapled, thumb-tacked, anchored or taped to trees or buildings or hung over permanent signs. Signs and banners may be staked into the ground or

may be tied between trees so long as no damage to the trees is incurred.

- (F) All sponsorship banners posted at events shall be displayed for viewing by the event participants only.
- (24) Tobacco/Smoking. No person shall engage in smoking or the use of tobacco products within a park or recreational facility.
- (25) Unattended/Abandoned Personal Property.
 - (A) Personal property shall not be stored, abandoned, or left unattended in any pavilion, dugout, or other structure.
 - (B) Unattended person property remaining within a park or recreational facility after operating hours is subject to collection and removal by the department.
 - (C) Unless otherwise specified, all unattended personal property collected by the department shall be inventoried and stored up to forty-five days, subject to reclamation by the rightful owner. Perishable items will be immediately disposed of and personal property containing food, human, or animal wastes shall be photographed, itemized and destroyed.
 - (D) Any personal documents or records containing personal information shall be available for reclamation for ninety days.
 - (E) All shopping carts collected by the department shall be disposed of immediately.
 - (F) Personal property must be reclaimed from the department by the rightful owner during regular business hours at the following locations, but not sooner than three business days after collection by the department.

South District Permit Office
East District Permit Office
Central District Permit Office
Molokai District Permit Office
West District Permit Office
Hana Recreation Office
Lanai Recreation Office

- (G) Receipt of recovered personal property must be acknowledged in writing by the claimant.
- (H) Vehicles left in a park or recreation facility in excess of twenty four hours, or illegally parked will be towed. Notice for reclamation of towed vehicles will be posted at each park or recreational facility.
- (26) Vandalism; protection of department property.
 - (A) No person shall destroy, break, deface, alter, damage, block, or remove any part or portion of a public structure, sign, equipment, plumbing fixture, monument, wall, fence, railing, gate, lock, device, or other property in any park or recreational facility.
 - (B) No person shall destroy, break, deface, alter, damage, injure, mutilate, or remove in any way any shrub, fern, turf, plant, flower, or other vegetation in any park or recreational facility.
 - (C) No person shall plant, prune, remove, destroy, damage, break, deface, injure, mutilate, or remove in any way any tree in any park or recreational facility without express authorization from the department.
- (27) Vehicles.
 - (A) All vehicles in a park or recreational facility shall be restricted to roads and designated parking areas or parking stalls.
 - (B) No parking or operating vehicles on grassed or sand areas except for a personal mobility device.
 - (C) No washing, polishing, or repairing cars or other vehicles.
 - (D) No storing, repairing, or conditioning of any boat, canoe, raft, or other vessel.
- (b) Penalties. Any violation of these rules shall result in penalties as set forth in Section 13.04A.270, Maui County Code. [Eff 12/5/16] (Auth: §91-2, HRS Chapter 328J, HRS, Chapter 8.20, MCC, §13.04A.240, MCC) (Imp: §§13.04A.040, 13.04A.070, 13.04A.080, 13.04A.090, 13.04A.100, 13.04A.270, 13.04A Article IV, MCC)

SUBCHAPTER 3

REQUIREMENTS APPLICABLE TO ALL DEPARTMENT PERMITS

§10-106-9 Department permits. All exclusive use of parks or recreational facilities, or a portion thereof, shall only be allowed pursuant to a permit issued by the department. Table 3 provides examples of activities, events and programs and the applicable permit for each. In addition to requirements applicable to all permits provided in subchapter 3, specific permit requirements are provided in subchapter 4. Department permits include:

- (1) Camping Permits.
- (2) Community Class Permits.
- (3) General Use Permits.
- (4) Government Permits.
- (5) Special Events Permits.
- (6) Commercial Ocean Recreation Activities (CORA) Permits

The policies and procedures relating to the exclusive use of a park and recreational facility, including the fees and deposits assessed for such use, shall be in accordance with applicable State laws; Maui County Code chapter 13.04A; the annual budget ordinance, and these rules.

Activities, events and programs and the corresponding department permit are set forth in Table 3:

TABLE 3 Applicable Permits for Activities, Events, and Programs	
Camping	Recreational camping in designated campgrounds.
Community Class	Lessons, instruction or classes such as yoga, kayaking, zumba, martial arts, or art classes.
General Use	Ho'olaule'as, lu'aus, retirement parties, wedding receptions, birthday parties, graduation parties, sports leagues, practices, games, clinics, day camps, or rehearsals for these activities.

TABLE 3 Applicable Permits for Activities, Events, and Programs	
Government	Activities, events, meetings coordinated and organized by a government department or agency.
Special Events	Festivals, fairs, carnivals, tournaments, political fundraisers, fundraisers.
Commercial Ocean Recreation Activity	Commercial activities and instruction conducted primarily in or on the ocean, such as stand up paddling, surfing, kite boarding, wind surfing, canoeing, scuba diving and kayaking.

[Eff 12/5/16] (Auth: HRS §91-2, MCC §13.04.A.220) (Imp: MCC Chapter 13.04A, Article III)

§10-106-10 Priority for use of parks or recreational facilities.
Should more than one applicant apply for a permit to use the same park or recreational facility at the same time, the priority of use shall be:

- (1) Department maintenance.
- (2) Department programs.
- (3) Department sponsored annual special events.
- (4) Partnership leagues.
- (5) Department sponsored special events.
- (6) Department sponsored general use.
- (7) Special events.
- (8) General use. [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: MCC §13.04A.090, MCC)

§10-106-11 Department sponsored events. Specific permit requirements in subchapter 4 apply to all department sponsored events. Department sponsored events include:

- (1) Department sponsored annual special events which shall meet the following criteria:

- (A) An established event that has been successfully conducted for a minimum of two years.
 - (B) Event supports the mission of the department.
 - (C) Sponsoring organization has complied with the terms of the department sponsored annual special event agreement on an annual basis.
- (2) Partnership leagues which shall meet the following criteria:
- (A) Sponsoring organization primarily serves a youth, senior, or ADA demographic.
 - (B) Organization or league supports the mission of the department.
 - (C) Sponsoring organization has complied with the Partnership League Agreement on an annual basis. [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §§13.04A.090, 13.04A.100, MCC)

§10-106-12 Application procedures. (a) Any person, entity, or organization seeking a permit pursuant to this chapter shall submit a completed application form available from the department and comply with these administrative rules. An applicant shall be eighteen years of age, or twenty-one years of age if the permit will include authorization for consumption of intoxicating liquor at a park or recreational facility. The application shall include the following:

- (1) The name of the person or organization proposing to conduct the activity.
- (2) If the activity is proposed to be conducted for, on behalf of, or by an organization, the name, address, email address, and telephone number of the headquarters of the organization, and of the authorized agent of such organization.
- (3) The name, address, email address, and telephone number of the person who will organize the activity and who will be responsible for compliance with permit terms and these rules.
- (4) The name, address, email address, and telephone number of the person or organization to whom the permit is to be issued.

- (5) The nature of the activity to be engaged in by the person or organization.
- (6) The date when the activity is to be conducted.
- (7) The hours when the activity will start and terminate.
- (8) The park or recreational facility or portion thereof for which the permit is requested.
- (9) An estimate of the anticipated number of attendees.
- (10) A statement of equipment and facilities to be used in connection with the activity.
- (11) Certification of payment in full of all required fees and deposits by the date due as set forth in section 13.04A.100(C).
- (12) Any other information as may be required by the director determining whether the permit should be granted.

(b) Application submission periods and deadlines. Permit reservations for the use of a park or recreational facility, or any portion thereof, shall be submitted within the application window identified in Table 4. Camping permits and general use permits for private parties shall be issued on a first-come, first-served, basis. All other general use permits and special events permits shall be issued according to the department's priority list. (See §10-106-10).

Table 4 Application Periods									
Government Permit	Submit up to 18 months in advance of event.								
Camping Permit	Submit up to 12 months in advance of event.								
Community Class Permit	Submit during the first two weeks of October.								
General Use Permit - Private Party	Submit up to 12 months in advance of event.								
General Use Permit Leagues/Recreational Enrichment Programs	<table> <tr> <th>Submit Date</th><th>Activity Date</th></tr> <tr> <td>First two weeks of October</td><td>January 1 – April 15</td></tr> <tr> <td>First two weeks of January</td><td>April 16 – July 31</td></tr> <tr> <td>First two weeks of May.</td><td>August 1 – August 31</td></tr> </table>	Submit Date	Activity Date	First two weeks of October	January 1 – April 15	First two weeks of January	April 16 – July 31	First two weeks of May.	August 1 – August 31
Submit Date	Activity Date								
First two weeks of October	January 1 – April 15								
First two weeks of January	April 16 – July 31								
First two weeks of May.	August 1 – August 31								
Special Events Permit - Department Sponsored	Submit up to 18 months in advance of event.								
Special Event Permit - Department Sponsored w/Revenue	Submit up to 18 months in advance of event.								
Special Event Permit-Non-profit or Political Fundraiser	Submit up to 12 months in advance of event.								
Special Event Permit-Commercial	Submit up to 12 months in advance of event.								

[Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §§13.04A.090, 13.04A.100, MCC)

§10-106-13 Duration of use. Any event conducted in a park or recreational facility for more than five consecutive days requires approval by council resolution prior to the issuance of a permit. Permit applications for events exceeding five consecutive days shall be submitted at least six months prior to the date of the activity or event. This requirement shall not apply to leagues, leases, and licenses. [Eff 12/5/16] (Auth: §91-2, HRS, 13.04A.240) (Imp: §13.04A.100D, MCC)

§10-106-14 Fees and deposits. Any applicant who wishes to conduct any activity, event, lesson, demonstration, class, or program within a park or recreational facility shall comply with the permit application process, including timely payment of all required fees and deposits as specified in Table 5.

- (1) Payment may be made by cash, cashier's check, personal checks, credit or debit cards, or money order payable to County of Maui or the Director of Finance. Third party checks shall not be accepted. Payment by personal or business check shall not be accepted within fourteen days of an event. Failure to timely pay fees and deposits shall result in the cancellation and removal of the permit application from the department's reservation system.
- (2) Refunds shall only be issued to the permit applicant, regardless of payor.

<p style="text-align: center;">Table 5 Fee and Deposit Due Dates (If due date falls on a weekend or holiday, payment is required prior to the weekend or the holiday)</p>	
Government Permit	N/A
Camping Permit	At the time the permit is issued.
Community Class Permit	Within 15 days from notice of application approval.
General Use Permit (Private Parties)	At the time the permit is issued
General Use Permit (Leagues and Recreation Enrichment Programs)	Within 15 days from notice of application approval.
Special Events Permit	<p>Within 15 days from notice of application approval.</p> <p>Permit applications submitted within 30 days of the desired activity or event may not be approved due to lack of sufficient time for processing, planning and review, especially for large-scale events.</p>

[Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §§13.04A.100(C), 13.04A.100(D), MCC)

§10-106-15 Permit denial and revocation. (a) Permit denial. The director may deny a permit application upon determining that the proposed use of a requested park or recreational facility, or part thereof, may or will:

- (1) Be inconsistent with or unsuitable for the requested location, or be likely to pose or create a risk to health, safety or welfare of persons or park property.

- (2) Be inconsistent with or not in the best interest of the general public.
- (3) Conflict with other scheduled use, repair or maintenance scheduled for the park or recreational facility during the period requested.
- (4) Violate any applicable federal, State, or County laws, including the prohibitions listed in MCC sections 13.04A.070 and 13.04A.080, or these rules.
- (5) Be unavailable because the area is open only on a first-come, first-served basis and is not eligible for exclusive use by permit.
- (6) Exceed the capacity of the requested park or recreational facility.
- (7) Constitute commercial or non-recreational activity.
- (8) Be requested by a person who is ineligible for a permit due to violating any federal, State, or County law, park rule, or prior permit terms within the year preceding the date of the current permit application.
- (b) Permit revocation. The director may revoke an issued permit upon determining that the permit holder, in using the park or recreational facility, has or will:
 - (1) Allow or create an illegal or dangerous situation to occur.
 - (2) Deviate from the use as provided in the application or permit.
 - (3) Engage in illegal or disorderly behavior.
 - (4) Violate any applicable federal, State or County laws, including the prohibitions listed in MCC sections 13.04A.070 and 13.04A.080, or these rules.
 - (5) Exceed the capacity of the permitted park or recreational facility.
 - (6) Be ineligible for a permit due to violating any federal, State, or County law, park rule, or prior permit terms within the year preceding the date of the current permit application. [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240, MCC) (Imp: Chapter 13.04A, MCC, and §§13.04A.100(F) and (G), MCC.)

§10-106-16 Event advertisement. An applicant is solely responsible for determining when to conduct advertising for events.

An applicant assumes all risks and costs of advertising in advance of the issuance of a permit, or in the event that a permit application is denied. Advertising and signs for the event are subject to §10-106-8(5) and 106-8(22). [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §§13.04A.070, MCC)

§10-106-17 Indemnification. All permittees shall execute an indemnity agreement with the County. The director shall determine whether the risk inherent to a particular activity or event requires the permittee to secure insurance, the type of insurance required, and the amount of insurance. Indemnity agreements shall provide that the permittee shall defend, indemnify, and hold harmless the County, its departments, officers, directors, employees, and agents against any and all damages, claims, actions, demands, and proceedings for property damage, personal injury, or wrongful death arising from the negligent, wrongful, or unlawful conduct by the permittee in the use of the park or recreational facility or any part thereof for which the permit was issued. [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §3.04A.110, MCC)

§10-106-18 Insurance. (a) Where applicable proof of required insurance coverage shall be submitted to the director when applying for a permit for any event that requires insurance. Types of permits subject to insurance requirements are set forth in Table 6. The director may:

- (1) Require a higher insurance coverage when higher risk activities are associated with a special event.
- (2) Cancel a permit when insurance requirements are not met by the applicant.

(b) The applicant shall be the named insured on the certificate of insurance, and the County shall be named as an additional insured. All certificates of insurance shall specify the name, location, and date(s) of the event to be conducted (dates shall include set-up and breakdown days).

(c) The certificate of insurance providing proof of insurance coverage for special event permits shall include the following information:

(d) Description of operations, locations, vehicles, and additional remarks, including:

- (1) Name of event.
- (2) Name of park or recreational facility to be used.
- (3) Date(s) of event (include all dates from set-up to clean up.)
- (4) An endorsement naming the County of Maui, its departments, officers, directors, employees, and agents as additional insured.
- (5) Certificate holder shall be:
County of Maui
200 S. High Street
Wailuku, HI, 96793
- (6) The amount of insurance required for permits is provided in Table 6.

Table 6 Insurance Requirements	
Government Permits	County - N/A State - Indemnification per permit Federal – Indemnification per permit
Camping Permits	No Insurance Required
Community Class Permits	Minimum \$1,000,000 General Liability Coverage
General Use Permits	Private Parties - None Required Leagues / Recreation Enrichment Programs - Minimum \$1,000,000 General Liability Coverage

Table 6 Insurance Requirements	
Special Events	Minimum \$1,000,000 General Liability Coverage Additional \$1,000,000 Liquor Liability Coverage if serving alcohol

[Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: Chapter 13.04A.110, MCC)

§10-106-19 Keys. All keys shall be picked up by the permittee's authorized agent during normal business hours from the permit office in the district where the park or recreational facility being permitted is located upon payment of a key deposit. District offices are located in Hana, Lanai, Molokai, Makawao, Kihei, Lahaina and Wailuku. If the permit holder's authorized agent fails to pick up keys and a parks employee has to distribute key(s) or open a park or recreational facility, the key deposit will be forfeited. Keys are to be returned within two business days after the permitted event is completed. [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: Chapter 13.04A.100(C), MCC)

§10-106-20 Display of permits. Permits shall be displayed upon request by any law enforcement officer, park ranger, park caretaker, or any other department personnel, without undue delay. [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §§13.04A.100.D, 13.04A.350, MCC)

§10-106-21 Cleaning. Any permittee who has been issued a permit for the use of a park or recreational facility shall pay a custodial deposit. The permittee shall be responsible for cleaning such park or recreational facility to its pre-use condition. [Eff

12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §§13.04A.100(C)

§10-106-22 Cancellation. Failure to provide written notice of cancellation before the scheduled event, or in advance of the dates in Table 7, shall result in a cancellation fee (equivalent to the custodial deposit). Failure to use the facility as permitted denies other potential users the opportunity to use the venue and shall result in forfeiture of the custodial deposit and the rental fee.

Table 7 Notice of Cancellation Required Prior to Scheduled Event (If the cancellation date falls on a weekend or holiday, notification must be received on the business day prior to the weekend or holiday.)	
Government Permit	N/A
Camping Permit	Prior to first day of use
Community Class Permit	7 days prior to use
General Use Permit	7 days prior to use
Special Events Permit	
Department Sponsored	7 days prior to use
Non-profit or Political	21 days prior to use
Commercial event	30 days prior to use

[Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §§13.04A.090.D, 13.04A.100.H, MCC)

§10-106-23 Non-transferable. All permits shall be nontransferable and shall only be used by the permit holder. No permittee shall transfer or assign the permit, or any part or portion of the permit, or the authorization under the permit, to another. [Eff

12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §§13.04A.100.I, MCC)

§10-106-24 Rescheduling. In the event of inclement weather or unforeseen safety hazards, requests to reschedule permits shall be accommodated to the extent possible. Permit holders shall provide written notification to the department within two business days from the occurrence of such circumstances to allow rescheduling without additional fees. [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240, MCC) (Imp: §§13.04A.090, 13.04A.100, MCC)

§10-106-25 Refund or forfeiture of deposits. Custodial deposits shall serve as security for cleaning and restoring the permitted property to its pre-use condition. Key deposits serve as security to ensure all keys are picked up and returned on time when keys are provided in conjunction with a permit. Deposits shall be refunded to the permit holder regardless of who paid the deposit, provided the permit holder fully complies with deposit requirements:

- (1) Custodial deposits will be forfeited to the department if cleaning and restoration is not completed within the time provided by the permit. If the permit holder does not satisfactorily clean and restore the recreational facility or park, the department shall perform the necessary cleaning and restoration, withhold the custodial deposit, and recover by any legal means available, any cost in excess of the deposit.
- (2) Key deposits will be forfeited to the department in the event keys are not picked up on time, or are not returned to the department within two business days after termination of the permitted event or activity. If it is necessary for a recreational facility to be re-keyed and that cost exceeds the key deposit, any excess amount shall be recovered from the permit holder by any legal means necessary, including forfeiture of the permit holder's custodial deposit. [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §13.04A.100, MCC)

§10-106-26 Rental of department equipment. (a) Subject to payment of custodial deposits and fees the director may rent:

- (1) Large department equipment (e.g, mobile stage and mobile bleachers) to a permittee, or to any County co-sponsored function, activity, program or event. Large department equipment may only be transported by department staff and is subject to staffing schedules.
 - (2) Small department equipment (e.g., picnic tables, wooden stages and stairs, small bleachers) to a permittee, any County co-sponsored function, activity, program or event, or any non-profit organization that serves the community. Transportation of rented small department equipment shall be the responsibility of the permittee, subject to coordination with department staff.
- (b) Permitted use of department equipment shall comply with the requirements of sections 10-106-17 (indemnity agreement) and 10-106-18 (insurance).
- (c) Priority of use for department equipment shall be determined in the following order:
- (1) Permits issued for the use of a park or recreational facility.
 - (2) County co-sponsored functions, activities, programs, or events that are not conducted on department property.
 - (3) Nonprofit organization events that serve the community which are not conducted on department property.
- (d) The permittee shall pay for any damage to rented equipment in an amount equal to the replacement cost determined by the director, and the permittee shall forfeit any deposit. Any excess amount shall be recovered from the permittee by any legal means available. [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §13.04A.130, MCC)

SUBCHAPTER 4

ADDITIONAL REQUIREMENTS APPLICABLE TO SPECIFIC PERMITS

§10-106-27 Government permits. (a) Rules. All rules provided in subchapters 2 and 3 apply to government permits.

(b) Application. Applicants shall submit a request letter up to eighteen months in advance providing the following:

- (1) Describe the scope and purpose of the event.
- (2) List any requests of department (e.g., equipment, opening a gate, park, or recreational facility, etc).
- (3) Provide contact information for the authorized agent for the event.
- (4) Letter must be signed by the head of the department or division applying for the permit.
- (5) Use official letterhead addressed to the director at:

700 Halia Nakoa Street

Wailuku, HI, 96793

or email the letter from an official government email address to: DPRpermits@mauicounty.gov.

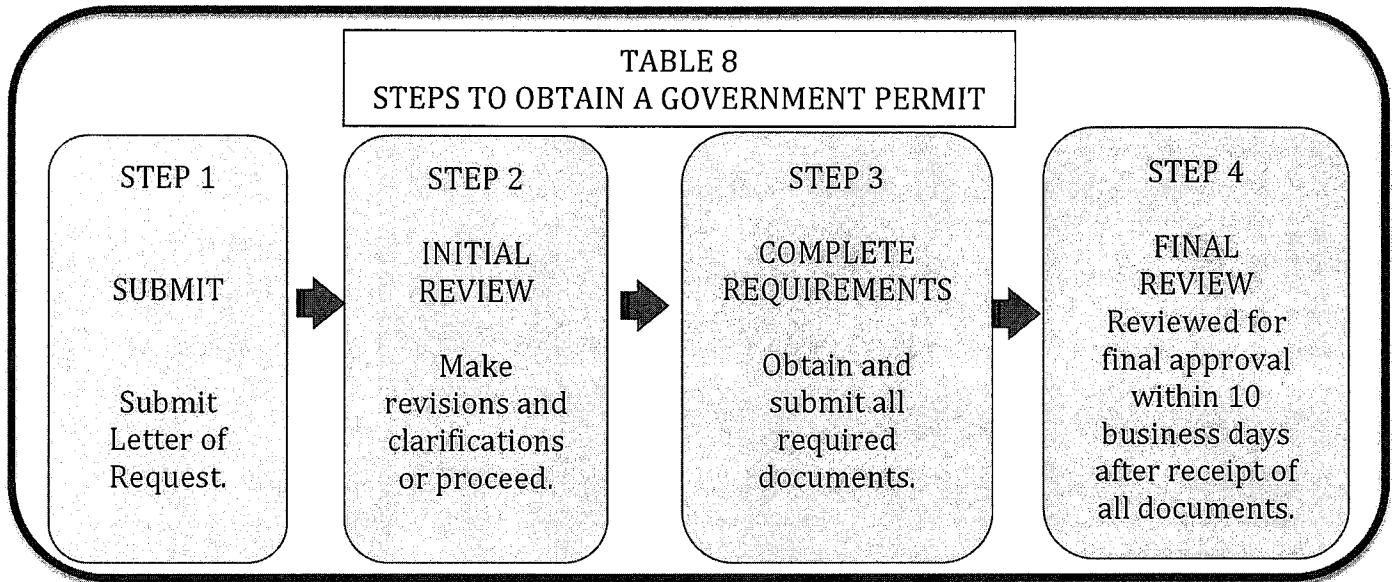
(c) Upon receipt of the request letter, the department shall review the availability of the requested facility and follow up with the event's authorized agent to complete:

- (1) A signed acknowledgement of receipt of Regulations and Policies for Use of Parks Facilities.
- (2) A signed Release, Acknowledgement and Indemnification Form.

(d) Government permits generally receive approval within ten business days.

(e) Temporary refreshment concessions must have State of Hawaii, Department of Health (DOH), temporary food establishment permits submitted to the department fourteen days prior to the event. If DOH permits are not submitted to the department, the temporary refreshment concession shall not be allowed at the event.

(f) Steps to obtain a government permit are illustrated in Table 8.



[Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240 MCC) (Imp: §§3.04.010 regarding concessions, 13.04.090, 13.04A.100, MCC)

§10-106-28 Camping permits. (a) Rules. All rules provided in subchapter 2 apply to camping permits.

(b) Permit Process. All permit requirements provided in subchapter 3 apply to camping permits.

(c) The following additional rules apply all camping permits and campsites:

- (1) Weekly scheduled maintenance closures shall be posted for each campground by the appropriate district permit office. No camping is allowed during maintenance closures.
- (2) Permits are required for all camping at designated camp sites and shall be displayed at all times.
- (3) Permits are available from any department district permit office.
- (4) Permits are limited to a maximum of four consecutive nights for each camper listed. Permits shall not be

issued to any person listed on any permit for more than eight days per month.

- (5) Applicants for camping permits shall be eighteen years of age or older.
- (6) Permittees are responsible for the conduct of all campers within their group(s).
- (7) Each permit is limited to six campers, two vehicles, and one licensed dog.
- (8) All campers shall be registered on the permit.
- (9) Vehicles are allowed in the designated campground parking lot only.
- (10) Camping gear and recreation equipment at the campsite shall not encroach on other campsites.
- (11) Campsites may be entered starting at 1:00 p.m. and shall be vacated by 11:00 a.m. on checkout day.
- (12) Only campers listed on issued permits are allowed to enter or remain in the campground between the hours of 8:00 p.m. and 6:00 a.m. No unlisted guests are allowed during these hours.
- (13) Quiet hours are from 10:00 p.m. until 7:00 a.m. Be considerate of the other campers and keep the campsite quiet.
- (14) The County is not responsible for any personal property at a campsite.
- (15) Dogs shall wear their tags, be licensed, and leashed at all times.
- (16) Pets shall not be left unattended or be allowed to encroach on other campsites
- (17) Excessive barking shall not be tolerated.
- (18) Fires and cooking. No open campfires are allowed in the parks or campgrounds. Use of a personal barbeque or hibachi for cooking shall be allowed when placed in a safe location with a non-flammable protective barrier below, whether the surface is turf or asphalt, and shall not impose on other campsites. All coals, ashes, grease, and oil must be taken away at the end of use and shall not be left on site or in any department refuse container.
- (19) Temporary refreshment concessions are not allowed at campgrounds.

- (20) All Federal, State and County laws and regulations, and the rules set forth in subchapter 2 apply in all campgrounds at all times.
- (21) Violation of any of these rules may result in revocation of the permits, forfeiture of fees and deposits and a one year eligibility suspension for any new permit. [Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240) (Imp: Chapter 13.04A, Article IV and §13.04.040, MCC)

§10-106-29 Community class permits. (a) Rules. All rules provided in subchapter 2 shall apply to community class permits.

(b) Permit Process. All permit requirements provided in subchapter 3 shall apply to community class permits.

(c) The following additional rules and procedures apply all community class permits:

- (1) Classes shall be scheduled at the discretion of the department.
- (2) Scheduling and class topics shall be based on the recreational needs of each district. Class topics shall be approved by the department.
- (3) Classes shall be related to recreation, health, or culture.
- (4) Classes shall be made available to the general public.
- (5) Department or department sponsored program(s) take precedent if a scheduling conflict occurs. If possible the department shall notify the instructor ten business days in advance of any conflict impacting a class.
- (6) Promotional periods assist the department in determining if the community class is meeting the needs of the community through observation and evaluation of the instructor and the class.
- (7) The department shall help to promote and advertise each class prior to the promotional periods.
- (8) A scheduled two week promotional period shall be held three times during the year, at the beginning of each community class session. Promotional Period Dates:
 - First two weeks of November.
 - First two weeks of March.
 - First two weeks of July.

- (d) Instructors.
- (1) Individuals interested in being an instructor shall contact the department and complete the Instructor Informational Sheet and submit online.
- (2) The department shall review the Instructor Informational Sheet and check availability of the park or recreational facility.
- (3) The department shall confirm availability. If no facility is available, the department shall contact instructor and place them on a waitlist.
- (4) Instructor shall meet with the department to review and complete the following:
 - (A) Certification from a certified body that the instructor received the proper training and meets the qualifications to instruct the subject class.
 - (B) References and letters of recommendation that support instructor's skill level.
 - (C) Awards or recognition received in subject matter of class.
 - (D) Acknowledge receipt of a policy and procedure packet.
 - (E) Review class registration fees being assessed to participants.
 - (F) Provide proof of insurance.
 - (G) Receive all necessary community class paperwork for participants.
 - (H) Instructors shall be approved for community class instruction upon completing:
 - (1) All instructors shall have a federal criminal history background check and fingerprinting done at their own expense. Background checks shall be clear of any criminal history that may endanger participants. (HRS 846.2.7) Background checks and fingerprints shall not be accepted from current job positions. The department shall assist with the fingerprinting and background checks by appointment only.
 - (2) Submission of proof of a General Excise Tax (GET) license.

- (3) Payment for a community class permit, which can be made at any department permit office.
- (5) Additional instructors may teach under the direct supervision of the primary instructor holding the permit.
- (e) Permittees shall use the County seal and the wording, "Sponsored by the Department of Parks and Recreation" on all program advertisement only after the class has been approved. All fliers, on-line websites, public signs, etc. shall be approved by the department before circulation, distribution, or advertisement.
- (f) Display of program banners or signs at permitted County parks and recreational facilities shall be limited to the day of the class session and may be displayed no earlier than 7 a.m. Banners and signs shall be removed immediately after the end of each class. Failure to remove banners in a timely manner may result in:
 - (1) Banner removal by department staff.
 - (2) Prohibition of future use of banners or signs.
 - (3) Non-compliance warning being issued which may result in class suspension for that session.
- (g) Community classes shall consist of three sessions during one twelve-month period starting November 1. Permits may be renewed on an annual basis. New classes may be started at any time at the discretion of the department.
- (h) Permits for use of park or recreational facilities shall not be confirmed unless space is available and all requirements have been met.
- (i) Payments shall be made on an annual or tri-annual basis at any of the department permit offices.
- (j) Permits shall not be issued if all required paperwork is not submitted or current.
- (k) A community class shall not exceed two hours per class.
- (l) The department shall determine the amount of similar classes/activities that shall be permitted at the same facility or district.
- (m) Facility fees shall be assessed per class (two hours maximum) in accordance with the annual budget ordinance.
- (n) The department may terminate classes upon thirty days written notice. The decision to terminate classes shall be based on whether the class meets the following:

- (1) Meeting the needs of the community.
- (2) Professionalism of class and/or instructor.
- (2) Space availability.
- (4) Future trends.
- (5) Cooperation with department staff.
- (6) Number of class participants.
- (7) District's reports on instructor and/or class.
- (8) Participant surveys.
- (9) Fulfilling program requirements in a timely manner.

Should a permittee disagree with termination of a community class, they may send a letter for reconsideration within seven calendar days to the director, and appeal pursuant to section 10-106-6.

(o) All community classes shall maintain a minimum of five participants per class session.

(p) Aquatic-related programs shall require a ratio of four or fewer students per instructor.

(q) Evaluations. Evaluations provide accountability for quality recreational programs. The following evaluations may be required.

- (1) Participant evaluations. Each registered participant shall complete a participant evaluation of the community class at least once every six months. Participant evaluations may be filled out online.
- (2) Instructor evaluations. Each instructor shall complete an instructor evaluation of their class at least once every six months. Instructor evaluations may be filled out online.
- (3) Drop-in evaluations. Each instructor may have drop-in evaluations of their class conducted by the department every six months.

(r) Instructors are required to fill out monthly attendance logs of all class participants. For instructors who teach more than one class, separate logs shall be completed for each class.

(s) During the two-week promotional period, instructors may:

- (1) Promote and advertise an upcoming session to generate interest.
- (2) Allow free promotional classes to help generate new participant interest and registration. New registrations

shall be submitted online or to the department permit office.

(t) Instructors shall maintain satisfactory responses from participant, instructor and class evaluations.

(u) Fees: (Maximum of two hours per class)

(1) Youth (17 & under), and senior citizen classes (55 & over) may charge up to \$5.00 per hour.

(2) Adult classes may charge up to \$8.00 per hour.

(3) All participant fees shall be collected by the instructor with a copy of the receipt made available to participants and/or the department upon request. Strict adherence to fee scale shall be enforced.

(4) All fees during promotional periods shall be waived for both registered participants and new students.

(v) The number of class participants shall not supersede the park or recreational facility's capacity. It is the instructor's responsibility to ensure each community class remains within the park or recreational facility's capacity.

(w) Temporary refreshment concessions shall not be allowed at community classes.

(x) Instructors shall be responsible for:

(1) Cleaning and locking the park or recreational facility.

(2) Picking up and disposing of rubbish.

(3) Locking restrooms.

(4) Removing all signs or banners before leaving the premises.

(5) Completing the department's accident or incident form within twenty-four hours of any accident or incident resulting in any injury or damage to any person or property during or in conjunction with the class. Emergency notification should be made by phone and augmented with the form.

(6) Reporting any broken items discovered while using the park or recreational facility.

(7) The accident or incident form shall be filed with the department within twenty-four hours, or on the next business day.

[Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240) (Imp: §§13.04A.090, 13.04A.100, 13.04A.110, 13.04A.130, 13.04A.140, MCC)

§10-106-30 General use permits. (a) Rules. All rules provided in subchapter 2 apply to general use permits.

(b) Permit process. All permit requirements provided in subchapter 3 apply to general use permits.

(c) The following additional rules and procedures additionally apply to general use permits.

(1) A general use permit shall fit into one of three categories:

(A) Private Parties.

(B) Leagues.

(C) Recreation Enrichment Programs.

(2) Private Parties. These permits are issued on a first-come, first-served basis. Reservations may be made no more than one year in advance at the district permit office of the park or recreational facility. Steps to obtain a private party general use permit are illustrated in Table 9.

TABLE 9

ONE STEP TO OBTAIN A PRIVATE
PARTY GENERAL USE PERMIT

SUBMIT AT WINDOW:

- DPR Permit Application
- Payment of fees and deposits
- Regulations and policies for use of parks facilities
- Release, Acknowledgement, and Indemnification

APPROVE AT WINDOW:

Issuance of recreational facility permit request at
the time of application.

- (A) Reservations shall not be made more than one year in advance.
- (B) Dates that are unavailable for the recreational facility rental shall be posted at the district permit office at least five business days in advance.
- (C) Reservations that are for the year to date must be made in person, at the district permit office in which the desired facility is located. After two weeks past the year to date reservations may be made at any of the department permit offices.
- (D) Temporary refreshment concessions shall not be allowed at private parties.
- (E) If liquor is being consumed, permit applicant must be a minimum of twenty one years of age. Identification for legal consumption is the requirement of the permittee.
- (F) Community center and pavilion kitchens.
 - (1) Facility to be opened and closed at the exact times listed on the issued permit.
 - (2) Open and close windows carefully. Report broken or unsafe condition(s) to the department immediately.
 - (3) Do not use nails, staples, tacks, etc. on any walls, tables, doors, posts, beams, or the stage floor. Decorations must be free-standing. Remove all decorations after the completion of the activity.
 - (4) Tables with wheels should not be set up on the stage or used as buffet tables. Only eight foot tables may be used for buffets.
 - (5) Do not sit or stand on the top of the tables.
 - (6) Do not block fire exits and/or fire extinguishers.
 - (7) Do not dump grease, oil, coffee grounds, etc. into the sinks or on the grounds of the community center.
 - (8) Wipe down all tables used. Set up tables and chairs according to the posted diagrams.
 - (9) You must provide your own trash bags. Do not remove trash cans from inside of the

- community center. A dumpster may be available for your convenience. If filled, you must haul away any remaining trash.
- (10) Sweep and mop all floors, including the kitchen, stage, bathrooms, and main hall.
 - (11) Remove all food from the refrigerator and freezer. Wipe up any spills, etc. inside of the appliances and on all of the counters in the kitchen. Clean all sinks and sink strainers, including those located in the restrooms.
 - (12) Turn off all lights and fans. Make sure the doors are locked and secured. Check the perimeter of the center for any trash that may have been left behind by your guests, including in the parking lot and other surrounding areas.
- (3) Leagues and Recreation Enrichment Programs.
- (A) Activities shall be organized at a minimal cost to the participant based on the cost of operating and conducting the event. Fundraising shall not be allowed for leagues and recreation enrichment programs.
 - (B) Applications and required attachments shall be submitted during the application periods set forth in Table 10. If the league or recreation enrichment program spans more than one activity window the application shall note that in the application information.

TABLE 10

<u>League/Program Period</u>	<u>Application Period</u>	<u>Activity Window</u>
Winter/Spring	October first two weeks	January 1 – April 15
Summer	January first two weeks	April 16 – July 31
Fall	May first two weeks	August 1 – December 31

- (C) Application Submittal. Completed applications shall be submitted by mail or by delivery to the DPR Permit Office located at the War Memorial Complex in Wailuku, at this address:
- DPR Permit Office
700 Hali'a Nakoa Street
Wailuku, HI, 96793
- or may be sent via email to DPRPermits@mauicounty.gov. Only completed applications shall be accepted. Completed applications shall include the following:
- (1) Application Request Form. Detailed participant information including the gender and age groups and anticipated number of participants/teams.
 - (2) Preliminary schedule for the requested park or recreational facility being requested. Ocean recreation events shall include desired rain out dates due to the potential for inclement weather conditions.
 - (3) Authorized agent letter for organizations, signed by an officer of the organization, clearly stating who is authorized to sign on behalf of the organization and the contact information for the authorized agent.
 - (4) Tentative practice/game/activity schedule that includes times/dates /locations, with practices and games listed separately.
 - (5) Detailed fee and charge explanation provided on the department form.
- (D) Application Review. The department shall review all submitted applications within the time frames set forth in Table 11 and shall notify applicants concerning availability of requested activities by email or mail as identified on the permit application form.

TABLE 11

<u>League/Program Period</u>	<u>Application Review /Notification Period</u>	<u>Activity Window</u>
Winter/Spring	Starting mid October	January 1 - April 15
Summer	Starting mid January	April 16 - July 31
Fall	Starting mid May	August 1 - December 31

- (E) Priority. The department shall determine priority of permit requests based on the following:
 - (1) Partnership Leagues.
 - (2) Community Leagues.
 - (3) DPR Annual Recreation Enrichment Programs.
 - (4) Recreation Enrichment Programs.
 - (5) General requests for park or recreational facility use.
- (F) Once notified of application approval, applicants shall have fifteen business days to submit the additional permit requirements.
- (G) Failure to completely provide the following requirements within this time frame shall result in the removal of the request and available times shall be provided to the next requestor. Additional permit requirements include:
 - (1) Payment of fees and deposits.
 - (2) Written acknowledgement of receipt of regulations and policies for use of parks facilities.
 - (3) Signed release, acknowledgement and indemnification form.
 - (4) Insurance (for partnership and community leagues).

- (H) Waitlist. When more requests are received than can be accommodated in the schedule of available park or recreational facilities, a prioritized waitlist shall be generated and maintained by the department. Applicants shall be notified of their status on the waitlist by email or mail as identified on the permit application. As the schedule permits, the waitlist shall be used to fill openings in the schedule.
- (I) Once all requirements have been met, permits shall be issued as set forth in Table 12:

TABLE 12

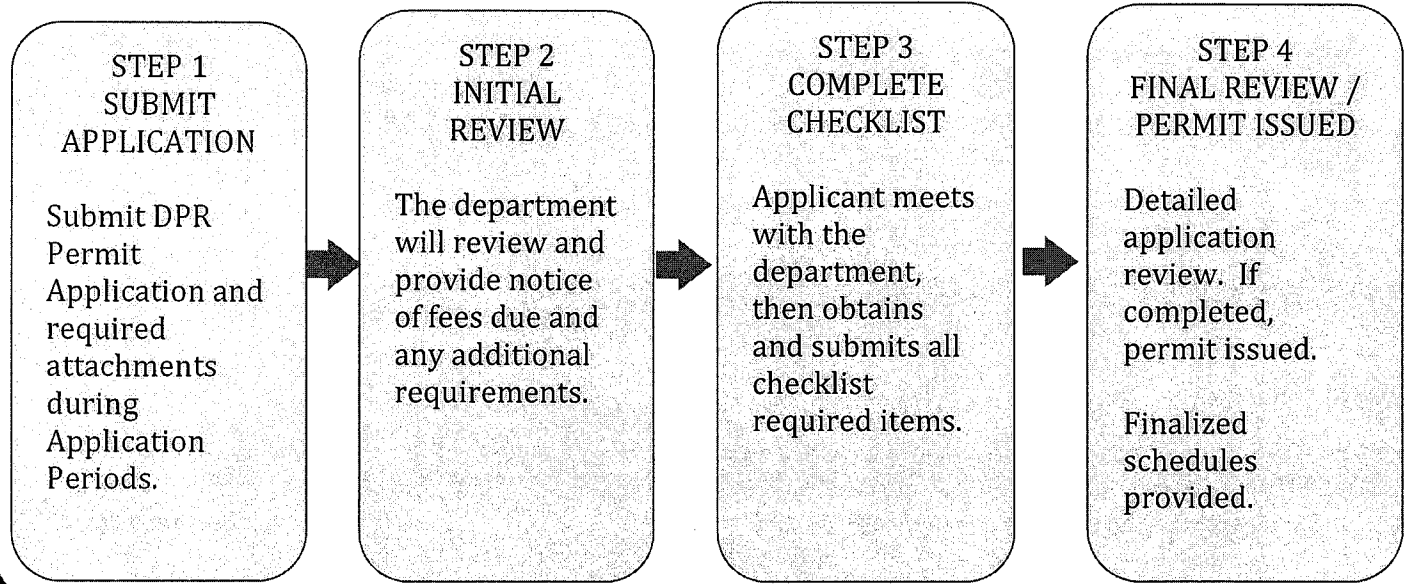
<u>League/Program Period</u>	<u>Permit Issuance</u>	<u>Activity Window</u>
Winter/Spring	By November 25	January 1 - April 15
Summer	By February 25	April 16 - July 31
Fall	By June 25	August 1 - December 31

- (J) The department may hold a master scheduling meeting prior to the issuance of approved permits. Attendance at this meeting is required for all leagues or ongoing recreation enrichment programs.
- (K) After issuance of permits, the waitlist shall be used to fill scheduling availabilities. Additional requests will be placed at the bottom of the priority wait list and accepted only after permits are issued for that activity window. Once the waitlist is exhausted, or if no waitlist exists, openings in the schedule shall be filled on a first-come, first-served basis, provided:
- (1) Incomplete applications shall not be accepted.
 - (2) Permit fees and deposits were paid at the time of application submission.

- (3) Additional permit requirements shall be provided within ten business days of receipt of payment. Failure to complete the requirement will result in removal of the reservation from the system and the dates shall be released to other applicants.
- (L) All leagues shall submit finalized practice schedules that include the teams and locations of practice two weeks prior to the start of practice.
- (M) All leagues shall submit a finalized game schedule that includes the detailed requirements of the regulation field or recreational facility three weeks prior to the start of their first game. This allows the department to release dates and park or recreational facilities not being used to those on the waitlist, or if no waitlist exists, to any person who may wish to use a park or recreational facility.
- (N) Temporary refreshment concessions shall have State of Hawaii Department of Health temporary food establishment permits submitted to the department fourteen days prior to the event. If these permits are not submitted to the department, the event permit will not be impacted but temporary refreshment concessions shall not be allowed.
- (O) The steps to obtain a league or recreational program general use permit are set forth in Table 13.

TABLE 13

STEPS TO OBTAIN A LEAGUE OR RECREATIONAL PROGRAM GENERAL USE PERMIT



[Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240, MCC) (Imp: §§13.04A.040, 13.04A.100, 13.04A.110, 13.04A.130, 13.04A.140, MCC)

§10-106-31 Special event permits. (a) Rules. All rules provided in subchapter 2 apply to special event permits.

(b) Permit process. All permit requirements provided in subchapter 3 apply to special event permits.

(c) The following additional rules and procedures apply special event permits:

- (1) A special event permit shall be issued for events, activities, fundraising activities, political fundraisers, or tournaments determined to require a permit which do not meet other permit requirements. There shall be four categories of special events: department sponsored

special event with no revenue; department sponsored special event with revenue; non-profit special event or political fundraiser, and commercial special event. All requirements and processing requirements shall be the same. The requirements and processes for department sponsored special events shall be described in section 10-106-11(b).

- (2) Application Window. Applications may be submitted no more than one year in advance. Based on past experience, the department recommends that a person apply no later than:
 - (A) Six months prior to any large event (approximately 1,000 people or more).
 - (B) Four months prior to any medium event (approximately 300-1,000 people).
 - (C) Two months prior to any small event (approximately 300 people or less).
- (3) Department sponsored and department sponsored annual special events may be scheduled up to eighteen months in advance.
- (4) Only completed permit applications shall be accepted; no tentative reservations shall be accepted.
- (5) A reservation may be denied by the department when there is insufficient time to properly prepare the event set-up in a manner that ensures public health, safety, and welfare.
- (6) Applications submitted within thirty days of the desired event dates are considered too late to be properly planned and conducted and shall not be permitted.
- (7) Recurring department sponsored annual special events shall reapply within one month after the completion of their event in order to maintain their priority. Otherwise, the date shall be made available to other events.
- (8) Applications shall clearly identify the permit applicant and provide up-to-date contact information for the applicant's authorized contact to enable the department to provide notices and resolve questions.
- (9) The department shall review all submitted applications to determine if the proposed event may be conducted at

the requested location as desired, or if changes need to be made.

- (10) If the park or recreational facility cannot accommodate the request because of a conflict in scheduling, location, design, or scope, other locations may be offered based on availability and/or feasibility.
- (11) If the department has concerns with the application or event, these concerns shall be addressed with the applicant prior to processing the application to ensure that the department and the applicant have the same understanding of the scope of what shall be allowed and where. Failure to provide current information or failure to respond to the department may cause an application to lapse and another application for the same location or date to take priority.
- (12) The department's permit office shall contact the authorized agent once the initial review has been completed.
- (13) If the application request was not authorized by the department, the permit shall be denied, the applicant shall be notified, and this shall the end the process.
- (14) If the department authorizes the application, a meeting shall be scheduled to complete the application process, review the checklist of additional requirements, and accept payment of required fees.
- (15) Applicants shall make arrangements to fulfill the additional requirements with any outside agencies or private companies. Items may be submitted to the department's permit office or the appropriate district permit office and shall be due thirty days prior to the event, with the exception of the State Department of Health (DOH) permits and vendor lists, which shall be provided fourteen days prior to the event date.
 - (A) DOH permit. If the event involves the preparation, sale, or serving of food and/or beverages, including prepackaged or sealed items, a temporary food establishment permit known as a DOH health permit shall be required. A permittee shall submit a list of food and/or beverage, or event merchandise, with the permit application and shall obtain a health permit for

each food or beverage item. The list may be modified no less than fourteen days prior to the event. The application for a temporary food establishment permit may be obtained from the DOH.

- (B) Law enforcement review. Events often require review and/or approval of the Maui Police Department (MPD), depending upon requests for street closures, traffic, safety, or security issues.
- (C) Fire review. Event site plans shall require the review of the Department of Fire and Public Safety (MFD) through the Fire Prevention Bureau. The review shall include consideration of event exits, any heat or cooking sources, and review of tents and/or structures. Compliance with all MFD requirements, including an original stamp and MFD's signature, shall be required on the final site plan and shall be obtained prior to the department's approval.
- (D) Safety plans shall include emergency action and evacuation plans that provide information indicating who will be involved in the activity and what should be done in the case of an emergency. These plans shall identify the primary and secondary entrance and exits as well as emergency vehicle access before, during, and after the event. The role of volunteers, event staff, security, emergency personnel, etc., shall be identified in this plan and how communication between staff should be handled. Everyone involved with the event shall be briefed on the plan to ensure successful execution should it become necessary. Depending on the nature of the event, additional medical personnel, physicians, first aid, first responders, MPD off-duty officers, may be applicable.
- (E) Security plan. Certified security guards may be required if an event has a large number of under-aged minors attending, crowd control may be an issue, alcohol is being served, public safety issues have occurred in previous years, or if it is deemed

necessary by the MPD. Additionally, if any set-up remains in a park overnight, an overnight monitor shall be required to watch the equipment. Professional security guards shall be contracted through a security guard company with a valid license number and the guards shall have valid guard card numbers. A copy of the security company contract showing the hours of service shall be submitted fourteen days prior to the event as proof of compliance along with the license number and the names and guard card numbers of the security guards.

- (F) Portable toilets. Depending on the size of the event, permittee shall be required to provide portable toilets. At least ten percent of the portable toilets shall be ADA accessible. These portable toilets shall be provided at the expense of the event. Permanent on-site bathrooms shall not be factored in when determining the number of restrooms needed. Some events may be required to have toilets serviced during the day if the volume of people and the duration of the event necessitate it.
- (G) Additional items, such as a building permit, an SMA exemption permit, marine ocean activity permit, liquor permit, professional cleaning contract, electrician contract, physician information, etc., may be required by the director upon review of the application.
- (H) The event site plan and/or route map (drawn to scale) shall be submitted with the permit application to accurately depict requests. The following items shall be shown:
 - (1) An outline of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. If the event involves any moving route, indicate the direction of travel and all street or lane closures.

- (2) The location of fencing, barriers, and/or barricades. Indicate any removable fencing for emergency access.
 - (3) The provision of minimum twenty-foot emergency access lanes throughout the event venue.
 - (4) The location of first aid facilities and ambulances if applicable.
 - (5) The location of all stages, platforms, scaffolding, bleachers, grandstands, light towers, canopies, tents, portable toilets, booths, beer gardens, cooking areas, trash containers and dumpsters, and other temporary structures (including measurements).
 - (6) A detail or close-up of any food booth and cooking area configuration including booth identification of all vendors cooking with flammable gases or barbecue grills.
 - (7) Generator locations and/or source of electricity.
 - (8) Placement of vehicles and/or trailers.
 - (9) Evacuation and exit locations for outdoor events that are fenced and/or locations within tents and tent structures.
 - (10) The location of all crossing guards, course marshals, security personnel (e.g., volunteers, staff, or law enforcement officers) and parking monitors, etc.
 - (11) Identification of all event components that meet accessibility standards.
 - (12) Field measurements, dimensions, and requirements for any tournament.
 - (13) Other related event components not listed above as may be required by the director.
- (I) Steps to obtain a special event permit are illustrated in Table 14.

TABLE 14

STEPS TO OBTAIN A SPECIAL EVENTS PERMIT

STEP 1

SUBMIT APPLICATION

Submit DPR Permit Application and required attachments.

STEP 2

INITIAL REVIEW

The department will notify applicant of availability, fees due and additional requirements.

Applicant makes revisions for department to proceed.

STEP 3

COMPLETE CHECKLIST

Possible in person meetings with the department as needed.

Applicant obtains and submits all checklist required items.

STEP 4

FINAL REVIEW / PERMIT ISSUED

Detailed application review. If completed, permit issued.

Pre/Post Event meetings as needed.

[Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240) (Imp: §§13.04A.090, 13.04A.100, 13.04A.110, 13.04A.130, 13.04A.140, MCC)

2016-0711 13.04A standard

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Applicant
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required items.

STEP 4

FINAL
REVIEW /
PERMIT ISSUED

Detailed
application
review. If
completed,
permit issued.

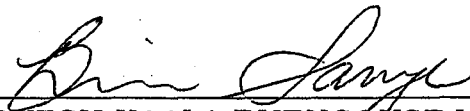
Pre/Post Event
meetings as
needed.

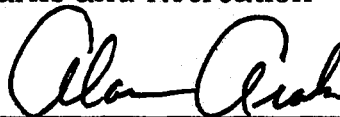
[Eff 12/5/16] (Auth: §91-2, HRS, §13.04A.240) (Imp: §§13.04A.090, 13.04A.100, 13.04A.110, 13.04A.130, 13.04A.140, MCC)

2. Chapter 10-106, "Rules Relating to the Administration of Parks and Recreational Facilities and Permits for the Use of Parks and Recreational Facilities, Pursuant to Chapter 13.04A, Maui County Code", shall take effect ten days after filing with the Office of the County Clerk.

ADOPTED this 23 day of November,
20 16, at Wailuku, Maui, Hawaii.

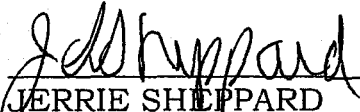
COUNTY OF MAUI


BUTCH KAALA BUENCONSEJO
Director of the Department of
Parks and Recreation

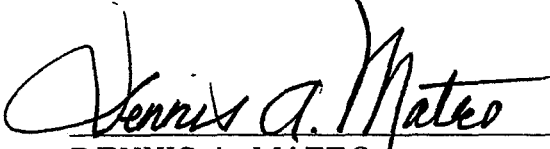

ALAN M. ARAKAWA
Mayor, County of Maui

Approved this 24th day
of November, 20 16

APPROVED AS TO FORM
AND LEGALITY:


JERRIE SHEPPARD
Deputy Corporation Counsel
County of Maui
2016-0711

Received this 25th day of
November, 20 16.


DENNIS A. MATEO
Clerk, County of Maui

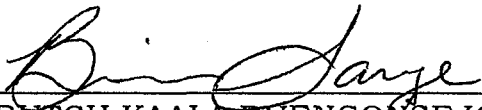
CERTIFICATION

I, BUTCH KAALA BUENCONSEJO, Director of the Department of Parks and Recreation, County of Maui, do hereby certify:

1. That the foregoing is a full, true, and correct copy of the rules drafted in Ramseyer format, pursuant to the requirements of Section 91-4.1, Hawaii Revised Statutes, which were adopted on the 23 day of November 2016, following a public hearing that closed on November 22, 2016.

2. That the notice of the public hearing on the foregoing Rules was published in the Maui News on the 19 day of October 2016.

COUNTY OF MAUI


for BUTCH KAALA BUENCONSEJO
Director of the Department of
Parks and Recreation