

DEPARTMENT OF PARKS AND RECREATION

Adoption of Title 19, Chapter 13
City and County of Honolulu Administrative Rules

December __, 2022

SUMMARY

Title 19, Chapter 13, City and County of Honolulu Administrative Rules, entitled "Outdoor Courts," is adopted.

CITY AND COUNTY OF HONOLULU ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF PARKS AND RECREATION

CHAPTER 13

OUTDOOR COURTS

Subchapter 1 Rules of General Applicability

- §19-13-1 Findings and Purpose
- §19-13-2 Application
- §19-13-3 Definitions
- §19-13-4 Violations
- §19-13-5 Severability

Subchapter 2 Permit and Fees

- §19-13-6 Permit required
- §19-13-7 Application process
- §19-13-8 Permit fees
- §19-13-9 Permit conditions
- §19-13-10 Denial or revocation of a permit

Subchapter 3 Regulations Governing Use of Courts

- §19-13-11 General regulations
- §19-13-12 Competitions
- §19-13-13 Instructional classes
- §19-13-14 Waiver

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§19-13-1 Findings and Purpose.

Findings and Purpose. Pursuant to Ordinance 82-28 and Section 8 of these rules and regulations, a public hearing was conducted to determine the propriety of tennis and pickleball instruction as commercial activities at those City beach parks. The Department duly received written and verbal comments from various individuals and organizations to conduct these activities, pursuant to Section 7 of these regulations. As a result of the public hearing, the Department finds the proposed commercial activities to be essentially recreational in nature and complementary to the facilities of the parks. These activities are hereby designated authorized activities in accordance with the definition provided in these rules, subject to the limitations and conditions hereinafter described.

This chapter governs the use of outdoor courts that are used for basketball, tennis, pickleball, or volleyball:

- (1) To ensure that courts are readily accessible to residents and the public at large;
- (2) To ensure maximum permissible use of the courts and appropriate distribution of users;
- (3) To ensure proper, orderly and equitable use of the courts through user controls;
- (4) To ensure maintenance, protection and preservation by not overtaxing use of the courts;
- (5) To authorize limited number of courts for commercial tennis and pickleball instruction; and
- (6) To maintain a courteous and pleasant atmosphere for the enjoyment of all of use the courts. [Eff _____] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-13-2 Application. These rules shall govern outdoor courts in public parks under the jurisdiction, management, and operation of the department of parks and recreation, except for outdoor courts at the Patsy T. Mink Central Oahu Regional Park and department-sponsored classes, activities, and concessions. [Eff] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-13-3 Definitions. As used in this chapter, the following words and terms shall have the following meaning unless the context clearly indicates otherwise:

"Application for use of park facilities" or "permit application" means a department form to request a permit.

"Applicant" means any person eighteen years of age or older submitting a permit application or any person eighteen years of age or older acting as an authorized agent for the applicant listed on the application.

"Authorized representative" means any person authorized by the director of the department of parks and recreation to act for the department.

"City" means the city and county of Honolulu.

"Competition" means an event or contest, including a league or tournament, in which an individual or team compete.

"Court" means an outdoor quadrangle area, marked or striped with lines for ball games such as tennis, basketball, volleyball, or pickleball.

"Department" means the department of parks and recreation, city and county of Honolulu.

"Director" means the director of the department of parks and recreation, or duly authorized representative.

"HRS" means the Hawaii Revised Statutes.

"Instruction class" or "instructional class" means a class or clinic providing training,

instruction on the fundamental or advanced skills, or both, of a sport.

"League" means a group of teams or players in a sport who take part in competitions against each other.

"Organization" means an organized body of people who work together for a shared purpose.

"Parks permit" or "permit" means a non-transferrable department document granting a permittee permission to use recreational and other areas and under the control, maintenance, management and operation of the department.

"Person" or "persons" means any individual, firm, partnership, corporation, company, association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"ROH" means the Revised Ordinances of Honolulu 1990, as amended.

"State" means the State of Hawaii.

"Tournament" means a competition involving teams or single players in which a series of games are played, and the winner of each game play against each other until only one winner is left. [Eff

] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-13-4 Violations. Any person violating any provision of this chapter shall be subject to the penalties provided in ROH sections 10-1.3(c) and 10-1.6, as amended. [Eff] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §§10-1.2, 10-1.3)

§19-13-5 Severability. If any chapter, section, subsection, sentence, clause, phrase, or portion of these rules is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining

portions thereof. [Eff] (Auth: RCH
§6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

SUBCHAPTER 2

PERMIT AND FEES

§19-13-6 Permit required. (a) A permit is required to reserve a court to conduct a basketball, pickleball, tennis, or volleyball competition or instruction class. [Eff] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §§10-1.2, 10-1.3)

§19-13-7 Application process. (a) A permit to reserve a court to conduct a basketball, pickleball, tennis, or volleyball competition or instruction class is available only to organizations or public and private schools which do not have their own courts.

(b) The permit application shall set forth the following:

- (1) Name of the applicant;
- (2) Detailed description of the competition or instruction class;
- (3) Requested park;
- (4) Requested dates and time;
- (5) Requested number of hours and days; and
- (6) Requested number of courts.

(c) An applicant requesting a permit to reserve a court shall submit an application to the parks permit section of the department at least three weeks prior to the date of the activity, but no earlier than one year prior to the date of the activity, except for applications for tennis instructional classes, which process is described in section 19-13-13.

(d) An applicant shall submit all deposits and fees upon receipt of the final approved permit.

(e) The department may reject any application that contains false, fictitious or fraudulent information or that is incomplete.

(f) The department may require an applicant to provide additional information to assist the department in its review of the application.

(g) All permits are issued on a first come, first serve basis except for instructional classes, which process is described in section 19-13-13.

(h) The department may issue a permit, without unreasonable delay and provided that an application is submitted with reasonable timeliness and applicant has met all permit application requirements, unless;

- (1) The requested court has been reserved for city or department sponsored activity. Department and city activities shall have the highest scheduling priority over all permit application requests;
- (2) A prior application for a permit for the same time and place has been made that has been or will be granted;
- (3) The requested court is closed or will be closed because of damage or scheduled for or is subject to ongoing construction, repair or maintenance activities.
- (4) Issuance of a permit will result in a violation of city, state or federal rules, regulations or ordinances;
- (5) It reasonably appears that based upon the information provided that the event will present a clear and present danger to the public health or safety;
- (6) The event is of such nature or duration that it cannot reasonably be accommodated in the particular location applied for, considering factors such as probable damage to the park's resources or facilities, interference with program activities, or impairment of the operation of the public use facilities or services of city concessionaires or contractors;

- (7) A state of emergency is declared by the director or other proper authorities;
- (8) Natural or civil disturbances including, but not limited to tsunamis, floods, earthquakes, storms, riots, demonstrations and employee strikes, which may be occurring or threatening to occur;
- (9) Applicant fails to pay required fees or deposits, or if a payment made by check is returned unpaid;
- (10) Applicant knowingly gives false, fictitious or fraudulent statements of representations made on the permit application; or
- (11) Applicant fails to correct a violation of a permit term or condition after reasonable notice is provided to applicant by the department.

(i) If a permit is denied, the applicant shall be informed in writing, with the reasons for the denial set forth. [Eff _____] (Auth: RCH \$6-1403, ROH \$1-9.1) (Imp: ROH \$10-1.3)

§19-13-8 Permit fees. (a) An applicant shall pay the fees and deposits established by ordinance and department rules and regulations for use of a court for a basketball, tennis, volleyball, or pickleball competition or instruction class prior to receipt of the permit. Fees to be assessed shall be the fees established in the fee ordinance and rules and regulations effective at the time of application.

(b) Acceptable forms of payment include check, money order or cashiers' check payable to the city and county of Honolulu, and acceptable forms of electronic payments, such as credit and debit cards.

(c) All fees are non-refundable except that the director may, in the director's discretion and if consistent with the purposes of these rules and in the public interest, waive the no-refund rule.

[Eff] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-13-9 Permit conditions. (a) Prior to the issuance of a permit, permittee shall present to the department a certificate of comprehensive general liability insurance in which the combined limit of liability for bodily injury and property damage is one million dollars per occurrence. Such policy or policies shall be placed with a company with an A.M. Best rating of A, Class 7, or better. The insurance certificate shall name the city and county of Honolulu, its officers and employees, the State, its officers and employees, as additional insured, and a copy of the certificate of insurance shall be filed with the parks permit section. Said coverage to commence from the first day the equipment is set up on the park for the event to the last day of the event or the last day the equipment is removed from the park, whichever is the later. All policies and coverages required by this section are subject to the approval by the city risk manager as to content and form. If at any time in the judgment of the city risk manager said policies and/or coverages are not sufficient for any cause or reason, the city risk manager may require the permittee to replace said policies and/or coverages within five days with other policies and/or coverages acceptable in accordance with this section. If said permittee fails to replace said policies within said period, the permit issued or to be issued shall be, by such failure, automatically suspended until such time said requirement is complied with, and the director or director's designated representative is hereby authorized to halt the activities of the permittee and enforce such suspension after receiving written notice from the city risk manager that said policies and/or coverage have not been replaced with good and sufficient policies and/or coverage.

(b) Permittee shall pay to the department prior to issuance of a permit a deposit for clean-up

and restoration of damages. An additional deposit shall be required of any permittee who obtains approval from the department to drive or park vehicles on the grass at the park site. Any damage to utilities, including sprinklers, water and electrical lines, facilities and grounds shall be repaired by a licensed contractor, retained by the permittee, immediately and to the satisfaction of the department. Should clean-up and repair be deemed unsatisfactory by the department, the department shall clean-up and repair any damage to the park caused by the event or the permittee and use the deposit as full or partial payment for the clean-up and repair costs incurred by the department. If clean-up or restoration of damages is not satisfactory as determined by the director, or if clean-up and repair costs exceed the amount of the deposit, permittee shall be responsible for any costs incurred by the department exceeding the deposit.

(c) Permittee shall be required to provide portable toilets at locations or where existing restrooms are not operational or determined inadequate by the department to cover the estimated number of participants (players and anticipated spectators) at the competition. Where public restrooms are not available, permittee shall be required to provide minimum of 1 portable toilet to every 50 participants. Where public restrooms are available, permittee shall provide 1 portable toilet to every 150 participants if it is determined by the department that the public restrooms are inadequate for the estimate number of participants. Permittee shall provide at least 1 ADA accessible portable toilet at all times, with a minimum ratio of 1 ADA accessible toilet for every 5 inaccessible portable toilets. If there are fewer than 5 inaccessible portable toilets, then at least 1 must be an ADA accessible toilet. If only 1 portable toilet, then it must be an ADA accessible toilet.

(d) Permittee shall service the portable toilets and public restrooms before the start of the

event and shall maintain the portable toilets and public restrooms in a clean and sanitary condition throughout the event. Portable toilets shall be serviced and remain open on the event day. The portable toilets can be locked and remain locked until the start of the event day. Permittee shall insure that the portable toilets are accessible to the service contractor and that access to the portable toilets is not blocked by park users, vehicles or equipment. Permittee, at its own expense, is responsible to pump portable toilets as well as park toilets when the toilets are close to capacity.

(e) Permittee shall provide special duty police officers as determined necessary by the department for traffic, parking, security and crowd control in consultation with the Honolulu police department.

(f) Permittee shall be responsible to provide security using bonafide security company or special duty police officers for all materials, supplies, equipment, and personal property stored on park property during the event. Permittee assumes full responsibility for the risk of property damage or loss which may arise from, or is in any way connected with the storage of permittee's property on park property or the competition.

(g) Permittee shall be responsible for monitoring and controlling noise levels generated by the event, loudspeaker system and other equipment in order to comply with HRS Chapter 342F and ROH Section 10-1.2(b)(8), as amended. Violation of this provision shall automatically null and void the permit.

(h) Permittee shall not transfer, assign, or sell any or all rights granted by the permit or grant the use of any or all of the permit period to a third party or relinquish possession or use of the whole or any parts of the part granted to permittee under the permit. Any transfer, assignment, sale, grant or relinquishment of the permit shall automatically null and void the permit.

(i) Commercial announcements over the public

address systems shall be limited to recognition of sponsors.

(j) Announcements over the public address systems and music shall not be in excess of 80 dBA sound pressure level, as established by ROH section 10-1.2(b)(8), as amended.

(k) The permit may contain such conditions as are reasonably consistent with the protection and use of the park for the purposes for which the park is managed. It may also contain reasonable limitations on equipment to be used and the time and area within which the event is allowed, and may require the permittee to provide additional portable toilet facilities, restroom maintenance, pumping of portable toilets as well as park restroom toilets, parking attendants, and police security.

(l) Permittee shall comply with all applicable laws, rules, and regulations of the federal, state, and county governments. Issuance of a permit is not a grant of any other approvals that may be required of the permittee for the permitted activity, nor does a permit exempt the permittee or the permitted activity from any applicable laws, rules, ordinances, and regulations of any federal, state, or county government.

(m) Permittee shall confine its activity to only those courts assigned by permit during the authorized permit days and hours. [Eff]
(Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-13-10 Denial or revocation of permit.

(a) A permit may be denied or revoked under any of the conditions listed in Section 19-13-7(e) that constitute grounds for the denial of a permit. Such revocation shall be in writing, with the reasons for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension of the permit may be made, to be followed by written confirmation within seventy-two hours.

(b) Violation of the terms and conditions of a permit issued in accordance with these rules and regulations shall result in revocation of the permit and permittee shall be ineligible to apply for any permit for a minimum of one calendar year following revocation and other penalties provided in ROH sections 10-1.3(c) and 10-1.6, as amended.

[Eff] (Auth: RCH §6-1403, ROH §1-9.1)

(Imp: ROH §10-1.3)

SUBCHAPTER 3

REGULATIONS GOVERNING USE OF COURTS

§19-13-11 General regulations. (a) The following are prohibited on courts:

- (1) Shoes with hard soles;
- (2) Shoes with raised heels, cleats or spikes;
- (3) Animals;
- (4) Bicycle and ebikes;
- (5) Unicycle;
- (6) Trikes;
- (7) Roller skates;
- (8) Roller blades;
- (9) Roller shoes;
- (10) Skateboards;
- (11) Hoverboards;
- (12) Razorboards;
- (13) Caster board, vigorboard, or wave board;
- (14) Skateboards;
- (15) Multi-wheeled scooters;
- (16) Segways; and
- (17) Any other wheeled recreational object designed to propel the person using the object.

(b) Players shall wait in person for their turn to use the court.

(c) A lone player shall not use a court if multiple players are waiting to use the court.

(d) Use of courts for basketball games shall be limited to half-court games; full-court games are permitted only if there are ten or more participants in the basketball game.

(e) Time limits for regular play shall be as follows:

- (1) Basketball and volleyball games are limited to 45 minutes from the time of possession, including time to warm-up, and excluding time lost due to wet courts;
- (2) Pickleball games are limited to 60 minutes from the time of possession for singles or doubles, including time to warm-up, and excluding time lost due to wet courts; and
- (3) Tennis games are limited to 45 minutes from the time of possession for singles or double, including time to warm-up, and excluding time lost due to wet courts; Everyone on or alongside the tennis court, the players as well as anyone providing instruction, guidance or coaching from the sidelines or adjacent to the court, must vacate the court after 45 minutes if other players are waiting for courts, and may not play or instruct, guide or coach from the sidelines on any other court at that facility for at least 45 minutes, unless it is a facility where instruction is permitted and the instructor/coach has a permit to conduct instructional classes.

(f) If there is no one waiting to use the court, time of possession starts when the next players waiting to play arrive at the court.

(g) Use of the courts are limited to the game or permitted activity.

(h) Court rules apply to all players regardless of age or playing ability. [Eff] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-13-12 Competitions. (a) The department shall designate the courts that may be permitted for competitions.

(b) No more than seventy-five percent (75%) of the basketball or volleyball courts at the requested park may be permitted at one time, provided that at least one comparable court remains available for public use.

(c) No more than fifty percent (50%) of the pickleball or tennis courts may be reserved at a park facility with four (4) or more courts.

(d) Public spectators shall not be excluded from viewing any competition.

(e) Permittee shall post the permit on the fence or appropriate location of the court(s) identified on the permit at least one week prior to use of the court(s) along with information stating the court numbers, competition starting and ending dates and times.

[Eff] (Auth: RCH §6-1403, ROH §1-9.1)
(Imp: ROH §10-1.3)

§19-13-13 Instructional classes.

Pursuant to Section ___ of these rules and regulations, a public hearing was conducted and an additional public survey was conducted, to determine the propriety of tennis and pickleball instructions as commercial activities at City parks. The Department received input from various individuals and organizations to support permitting these activities in a regulated manner. As a result of the public hearing, the Department finds the proposed commercial activities to be essentially recreational in nature and complementary to the facilities of the parks. These activities are hereby designated authorized activities in accordance with the definition provided in these rules, subject to the limitations and conditions hereinafter described.

(a) The department shall designate the courts that may be permitted for instructional classes. Commercial instructional classes are authorized at the

designated courts tennis and pickleball facilities at the designated times.

(b) Permits for instructional classes are limited to the hours from 11:00 a.m. through 7:00 p.m. on weekdays and from 11:00 a.m. to 2:00 p.m. on Saturdays, excluding federal, state and city holidays.

(c) Instructional classes shall start at the top of the hour. After 15 minutes has passed, any tennis or pickleball court without at least two people (player and/or instructor), shall forfeit the permitted use for the remainder of that hour, and any two or more recreational users may use the court for the remainder of that hour.

(d) Permits for instructional classes for pickleball and tennis shall be issued for individual courts, on a four-hour basis for weekdays and a 3-hour basis on Saturdays, in three (3) month increments: January 1st through March 31st (Increment 1); April 1st to June 30th (Increment 2); July 1st to September 30th (Increment 3) and; October 1st to December 31st (Increment 4). An applicant requesting a permit to reserve a court for pickleball or tennis instructional classes shall submit an application to the department by December 1st for Increment 1, March 1st for Increment 2, June 1st for Increment 3 and September 1st for Increment 4, but no earlier than one year prior to each deadline. For example, an applicant submitting an application for January 1, 2023 through March 31, 2023, the deadline is December 1, 2022. If any deadline day falls on a weekend or holiday, the deadline is the next business day. Current documents required by these rules shall be on file or submitted with the completed application by the deadline as described above. Amendments to any deficient documents shall be submitted no later than 4 p.m. of the 5th work day following the deadline for the application. Non-submittal of the required documents and non-submittal of the amended documents shall result in the rejection of the application. It shall be the responsibility of the applicant to be familiar with the requirements of the rules. Should the number of applications exceed any allotted courts/time slots for

instructional permits, the department shall conduct a lottery within five working days after the deadline to determine who will be awarded the instructional permits for those courts. The department shall award the permits to the first applicant selected for each court/time slot and select up to three (3) additional applicants in each court/time slot as alternates. In the event other courts designated for instructional use at the same facility have open time slots at the facility, alternates may be offered those courts/time slots. If any of the permits awarded to the first applicants are declined or not picked up by the deadline as provided below, the permits shall be awarded to the alternates. Alternates shall be determined in the sequence of the drawing of the lottery and alternate permits awarded accordingly. Upon completion of the lottery, applicants awarded the permits shall obtain the permits no later than 4 p.m. of the second work day following the lottery. Any courts/time slots not permitted for instructional use at a designated facility shall remain open for recreational users.

(f) The maximum number of courts that may be reserved for instructional classes are as follows:

(1) Pickleball instructional classes - Courts may be reserved only at a park facility with four (4) or more courts and no more than twenty-five percent (25%) of the courts may be permitted at one time.

(2) Tennis instructional classes - Courts may be reserved only at a park facility with eight (8) or more courts.

(A) No more than four (4) courts may be permitted at a facility containing ten (10) or more stand-alone courts.

(B) No more than three (3) courts may be permitted at a facility containing eight (8) courts.

(C) The number of courts that may be permitted may be reduced in the event courts are not available due to a permitted competition.

(g) Public spectators shall not be excluded from viewing the instructional class.

(h) Permittee shall post the permit on the fence or appropriate location of the court(s) identified on the permit at least one week prior to use of the court(s) along with information stating the court numbers, instructional class starting and ending dates and times.

(i) Permittee shall notify the department no later than 24 hours before the start of an instructional class in the event the class is cancelled or rescheduled and shall be responsible for removing or modifying the posted permit at the appropriate court to reflect the open time.

(j) A permittee's failure to provide the required notice set forth in subsection (h) above may result in future permits being denied.

[Eff] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-13-14 Waiver. The director may, in the director's discretion, waive any provision of this chapter, if the waiver is consistent with the purposes of this chapter and in the public interest.

DEPARTMENT OF PARKS AND RECREATION

The Department of Parks and Recreation Rules adoption of Title 19, Chapter 13, City and County of Honolulu Administrative Rules, Department of Parks and Recreation, Outdoor Courts, which was adopted on _____, 2022, following a public hearing held on _____, 2022 after public notice was given on _____, 2022, in the Star Advertiser.

This chapter shall take effect ten (10) days after filing with the Office of the City Clerk

LAURA H. THIELEN, Director

APPROVED AS TO FORM
AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of
_____, 2022.

RICK BLANGIARDI, Mayor
City and County of Honolulu

CERTIFICATION

I, LAURA H. THIELEN, in my capacity as Director of the Department of Parks and Recreation, City and County of Honolulu, do hereby certify that the foregoing is a full, true and correct copy of Title 19, Chapter 13, City and County of Honolulu Administrative Rules, entitled "Outdoor Courts" that was adopted on _____, 2022, following a public hearing held on _____, after public notice was given on _____, in the Honolulu Star-Advertiser.

LAURA H. THIELEN, Director

Received this ____ day of _____, 2022

City Clerk