

CITY AND COUNTY OF HONOLULU

Repeal of Amended Rules and Regulations Governing Use of  
City Beach Parks and Other Beach Properties Under The  
Control of the Department of Parks and Recreation to  
Provide Access to Conduct Shore Water Events  
/ 2014

SUMMARY

1. City and County of Honolulu Department of Parks and Recreation Amended Rules and Regulations Governing Use of City Beach Parks and Other Beach Properties Under the Control of the Department of Parks and Recreation to Provide Access to Conduct Shore Water Events is repealed.

2. Title 19/ Chapter 4/ City and County of Honolulu Administrative Rules, entitled "Shore Water Events," is adopted.

CITY AND COUNTY OF HONOLULU ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF PARKS AND RECREATION

CHAPTER 4

SHORE WATER EVENTS

Subchapter 1 General Provisions

- §19-4-1 Purpose
- §19-4-2 Application
- §19-4-3 Definitions

Subchapter 2 Specific Provisions

- §19-4-4 Permit required
- §19-4-5 Permit application
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- §19-4-7 Revocation of permit
- §19-4-8 Regulations governing the shore water ,  
events
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the north shore
- §19-4-10 North shore calendar conflict resolution
- §19-4-11 Indemnification
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SUBCHAPTER 1

GENERAL PROVISIONS

§19-4-1 Purpose. The purposes of this chapter are to make public parks readily accessible to the public; to ensure maximum permissible use of park areas and facilities by appropriate distribution of users; to ensure proper, orderly and equitable use of park areas and facilities through user controls; to ensure protection and preservation of areas and facilities by not overtaxing facilities; and to promote the health/ safety, and welfare of the users of park areas and facilities. [Eff \_\_\_\_\_] (Auth: RCH §4-104, ROH § 0 -1 . 3 ) ( Imp: ROH § 1 0 - i. 3 )

§19-4-2 Application. This chapter shall govern shore water events held in public parks and the use of public parks under the jurisdiction, management, and operation of the department of parks and recreation in conjunction with shore water events held in State shore waters. [Eff \_\_\_\_\_]. (Auth: RCH §6-1203, ROH § 1- 9 . 1 ) ( Imp: ROH § 1 0 -1. 3 )

§19-4-3 Definitions. As used in this chapter/ the following words and terms shall have the following meaning unless the context clearly indicates otherwise:

"ADA" means the Americans With Disabilities Act of 1990/ 42 U.S.C.Section 12101 et. seq., as amended.

"Amateur shore water event" means a shore water event open to participants who engage in shore water event only as a pastime and not as a profession, and/or which does not offer participants the opportunity to compete for monetary prizes.

"Application for use of parks facilities" or "permit application"<sup>11</sup> means a department form to request a permit which is not transferable.

"Applicant"<sup>11</sup> means the person submitting a permit application.

"Application period" means the month of July in the year preceding the north shore calendar.' "Application review period" means the month of August in the year preceding the north shore calendar.

"Big wave event" means a surf event requiring participants to paddle into waves of minimum wave face

heights of forty feet or higher without the use of thrill craft or tow-in assistance. (Is this face or back scale? Bodysurfing & Bodyboarding have different criteria for "Big wave standard")

"Bodyboard" means a board consisting of a rectangular piece of foam shaped to a hydrodynamic form used for wave riding. The bodyboard is ridden usually in a prone position.

"Bodysurfing" means a water sport involving wave riding without the assistance of a floatation device.

"Bodyboarding" means a water sport involving wave riding with the assistance of a floatation device.

"Canoe surfing" means a water sport involving riding a canoe on a breaking wave.

"Certified lifeguard" means a person who has current United States Lifesaving Association Open Water Lifeguard Certificate Class 1; has a current American Red Cross Community First Aid or First Responder Certificate that meets the guidelines of the United States Department of Transportation; and has a current Hawaii Heart or American Red Cross Cardio-Pulmonary Resuscitation Certificate for the Professional Certificate.

"City" means the city and county of Honolulu. "Competition day" means any portion of the day not to exceed eight hours used to conduct the shore water event.

"Cooling off period" means the ten-day period preceding and following a surf event when no other shore water event will be permitted at the same park.

"Criteria rating sheet" means the rating form used in resolving north shore calendar conflicts. (Why not create a sheet to assist ACTUAL mediation ?)

"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.

"Event" means the permitted period, including setup days/ waiting period days, competition days and breakdown days.

"Fundraiser" means a special event sponsored by a nonprofit organization for the purpose of raising funds, including the exchange of monies on park properties.

"Heat sheet" means record of the ranking and scores of a participant after each competitive surfing after event.

"HRS" means the Hawaii Revised Statutes, as amended.

"IRC" means the Internal Revenue Code of 1994/' as

amended.

"Kitesurfing" or "kiteboarding" means a water sport using a power kite to pull the rider through the water on a surfboard and which may not involve wave riding.

"Nonprofit organization" means an association, corporation or other entity, organized and operated exclusively for religious, charitable, scientific, literary, cultural, educational, recreational, or other nonprofit purposes, no part of the assets, income or earnings of which inures to the benefit of any exclusively individual or member thereof, and whose charter or other enabling act contains a provision that, in the event of dissolution, the assets owned by such association, corporation or other entity shall be distributed to another association, corporation or other entity organized and operated to association, corporation or other entity organized and operated exclusively for nonprofit purposes, and which further qualifies for exemption from the general excise tax provisions of Chapter 237, Hawaii Revised Statutes, as amended, and/or under Section 501 of the Internal Revenue Code of 1954, as amended.

"North shore" means the shore water area that extends from Kaena Point to and inclusive of Kawela Bay under the jurisdiction of the department.

"North shore calendar" means the schedule of surf events to be held on the north shore from September 1<sup>st</sup> through May 31<sup>st</sup>.

"Paddleboarding" means a surface water sport in which the participant is propelled by a swimming motion using their arms while lying or kneeling on a paddleboard or surfboard in the ocean.

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

"Parks permit office II" means the office in the department responsible for processing and final approval of permit applications and issuing of park permits.

"Person" means an individual, partnership, corporation, government, or government subdivision or agency business trust, estate, association or any other legal entity.

"Power kite" means a type of dual-line kite capable of generating significant pulling power

generally used in conjunction with a vehicle or board.

"Pro-Am shore water event" means a shore water surf event that includes separate divisions for amateurs and professional participants or **allows entries from BOTH amateur and professional entrants.**

"Professional shore water event" means a shore water event limited to participants who engage in the shore water event as a means of livelihood and/or which offers participants the opportunity to compete for monetary prizes.

"ROH" means the revised ordinance of Honolulu 1990<sub>t</sub> as amended.

"Shore water" means any shore or water between the three nautical mile limit and the mean tide mark on the shores of the islands of the State.

"Shore water event" means any organized water sport event including<sub>t</sub> but not limited to sail race, jet ski race, paddle board race, surf event, swim race, canoe. race<sub>t</sub> or similar activity held in the shore water.

"Shore water event permit" means a document issued by the state division of boating and ocean recreation of the department of land and natural resources which authorizes use of a particular area of the shore water of the state for a specific time period.

"Skimboarding" or "skimming" means a water sport involving riding a board on wet sand or shallow water and which does not involve wave riding.

"Standup paddle surfing" or "stand up paddleboarding" means a wave riding water sport involving the use of a stand up paddle to propel the rider across the surface of the water while standing on a surfboard, windsurf board, or paddleboard.

"State" means the State of Hawaii.

"State division of boating and ocean recreation" means the state division of boating and ocean recreation, department of land and natural resources, State of Hawaii.

"State holiday" means the days of each year set apart and established as state holidays pursuant to HRS Section 8-1<sub>t</sub> as amended.

"Surfboard" means any type of board which is used for the sport of surfing.

"Surf event" means a water sport contest, competition<sub>t</sub> exhibition or organized event involving any form of wave riding. '

"Surfing" means a water sport involving riding a surfboard on a breaking wave.

"Tow-in surfing" means a water sport utilizing a surfboard equipped with foot straps to surf waves with the assistance of a thrill craft that is equipped with a rescue sled, bow tow-line and a tow-in-rope.

"Waiting period" means the days within the permitted days within the permit period from which the permittee selects competition days but does not include setup and breakdown days.

"Water safety administrator" means the water safety administrator of the division of ocean safety and lifeguard services, city and county .of Honolulu, in the Honolulu emergency services department or its duly authorized representative.

"Windboard" means a modified surfboard having a single sail mounted on a mast that pivots on a ball joint which is sailed by one person standing up.

"Windsurfing" means a water sport using a windboard and which does not involve wave riding. [Eff

J (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1. 3)

## SUBCHAPTER 2

### SPECIFIC PROVISIONS

§19-4-4 Permit required. No person shall use a park to hold a shore water event or use a park in conjunction with a shore water event held in State shore waters without first obtaining a park use permit from the department. [Eff ] (Auth: RCH , ROH §1-9.1) (Imp: ROH §10 -1.3)

§19-4-5 Permit Application. (a) An applicant requesting a permit to conduct a shore water event other than a surf event on the north shore shall submit an application to the department during regular business hours at least thirty days prior to the date of the shore water event but no earlier than one year prior to the date of the shore water event.

(b) An application for a permit to conduct a surf event on the north shore shall be submitted to the department during regular business hours on or before

the last business day in the month of July of the year preceding the north shore calendar. For example, an applicant desiring a permit to conduct a surf event during the 2014-2015 north shore calendar year (September 1, 2014 to May 31, 2015) must submit an application no later than the last business day in July, 2013.

(c) The permit application shall set forth the name of the applicant, nature of proposed shore water event, requested park, requested dates and time of the shore water event, requested number of competition days requested contest dates, number of days to setup and remove equipment and facilities, an estimate of the numbers of participants and spectators, a statement of equipment or facilities to be used, including site plan, proposed fees including entry fees, applicable Federal, state identification numbers and any other information as may be requested by the department

(d) The department may require an applicant requesting a permit to conduct a surf event on the north shore to provide additional information that may be considered in resolving scheduling conflicts.

(e) If the site plan indicates that judges' stands and platforms will be set up on park property fronting and adjacent to private property applicant must provide the department with evidence that applicant has obtained written permission from the private property owner before any permit will be issued by the parks permits office.

(f) The department may reject any application that contains false information. '

(g) The director 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 issue a permit on proper application, unless;

- (1) The requested park has been reserved for City or department sponsored activity;
- (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 application is requesting use of a park on the north shore for a surf event subject to scheduling on the north shore calendar
- (4) The application is subject to the conflict resolution process set forth in §19-4-10;
- (5) Issuance of a permit will result in a violation of City, State or Federal rules.

- regulations or ordinances;
- (6) It reasonably appears that based upon the information provided that the shore water event will present a clear and present danger to the public health or safety; or
  - (7) The shore water 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;

(h) 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 §1-9.10) (Imp: . ROH §10-1.3)

§19-4-6 Permit conditions. (a) Prior to the issuance of a permit, permittee shall provide a current copy of the shore water permit for the event issued by the state division of boating and ocean recreations.

(b) Permittee shall provide a minimum of one certified lifeguard for the shore water event. In meeting this permit condition, the permittee shall not include any certified lifeguard employed by the city on duty at the park where the event is to be held. The water safety administrator may require the permittee to provide additional certified lifeguards, depending on the size, type and location of the event. Permittee shall provide the names of the lifeguards and proof of certification to the water safety administrator no later than one week before the scheduled event. Certified lifeguards shall provide first aid and resuscitation equipment.

(c) 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.

(d) Permittee shall be required to provide portable toilets at locations where public restrooms are not available or not operational, or where existing restrooms are determined inadequate by the department to cover the estimated number of participants and spectators of the shore water event. Where public restrooms are not available, permittee shall be

required to provide minimum of two portable toilets for every 500 spectators. Where public restrooms are available, permittee shall provide two portable toilets for every 1,000 spectators if it is determined by the department that the public restrooms are inadequate for the estimate number of participants and spectators. Permittee shall provide at least one ADA accessible portable toilet with a minimum ratio of one ADA accessible portable toilet for every ten inaccessible portable toilets.

(e) Permittee shall service the portable toilets and public restrooms before the start of the shore water 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.

(f) 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 two million dollars per occurrence. Such policy or policies shall be placed with a company with an A.M. Best rating of At 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 his 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.

(g) Permittee shall pay to the department prior to issuance of a permit for an amateur shore water event a \$500 deposit for clean-up and restoration of damages and a deposit of \$2,500 for professional shore water event and pro-am shore water event. An additional \$250 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 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.

(h) 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 shore water event.

(i) 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 101.2(b) (8), as amended. Violation of this provision shall automatically null and void the permit.

(j) The 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.

(k) Commercial announcements over the public address systems shall be limited to recognition of sponsors.

(l) Announcements over the public address systems and music shall not be in excess of 80 dBA sound pressure level, as established by ROH section 101.2(b) (8) as amended, shall not be allowed except as authorized by permit.

(m) 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, parking attendants, and police security.

(n) Permittee shall submit a financial statement to the department together with a treasurer's detailed financial report (Profit and Loss Statement and Balance Sheet) no later than sixty business days after the completion of the shore water event. **Why is this necessary ? (C&C DPR = SURF CONTEST IRS CID ?)**

(o) A permittee conducting a surf event shall submit completed heat sheets to the ocean recreation specialist assigned to Haleiwa Ali'i Beach Park within five working days after the end of the permit period.

(p) 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. [Eff ] (Auth: ROH §1-9.1)  
(Imp: ROH §10-1.3)

§19-4-7 Revocation of permit. (a) A permit may be revoked under any of the conditions listed in Section 19-4-5(g) 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 may result in the revocation of the permit and permittee shall be ineligible to apply for any shore water 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 §6-1203, ROH §1-9.1)  
(Imp: ROH §10-1.3)

§19-4-8 Regulations governing shore water events. (a) Posting of any signage, banners, posters, brochures, or advertising shall be subject to prior approval of the director.

(b) All litter shall be picked UP and bagged and removed from the park at the end of each day, or the permittee shall provide an on-site dumpster for the purpose of daily rubbish collection. The filled dumpster(s) shall be emptied daily as needed, and removed no later than 12:00 noon of the first working day after the end of the shore water event.

(c) Equipment, including spectator bleachers, judges stand, or platforms may be allowed subject to the prior approval of the department and provided twenty-four hour security is provided by the permittee.

(d) All materials, supplies, equipment and personal property shall be removed from the park no more than three days after the end of the shore water event.

(e) Permittee may not enter into any agreement with any for-profit organization except as otherwise provided herein to be on the park property during the shore water event except for commercial sponsors, commercial filming (T.V. movies, stills).

(f) Permittee may arrange for a commercial food caterer or lunch wagon to provide prepaid food to the shore water event participants. Authorization is to be noted on the park use permit.

(g) Food and refreshments shall be served only to event participants and not to other park users or event spectators. There shall be no exchanging of monies on park properties.

- (1) Liability insurance coverage, including products liability is to be provided by the commercial food caterer or lunch wagon in the following minimum amounts: two million

dollars per occurrence for bodily injury and property damage.

- (2) The certificate of insurance shall name the city and county of Honolulu and the State of Hawaii and their officers and employees as additional insured.

(h) Fundraising shore water events. Permittee may enter into an agreement with a nonprofit organization to conduct fundraising in conjunction with the shore water event which may include sale of food and merchandise. Authorization is to be noted on the park use permit.

- (1) If authorized by law, commercial food caterers, lunch wagons, and commercial vendors are allowed to operate only by prior arrangement with the non-profit organization conducting the fundraiser.
- (2) The non-profit organization shall obtain authorization from the parks permit office to operate a temporary concession.
- (3) Liability insurance coverage, including products liability shall be provided by both the non-profit organization and the commercial food caterer or lunch wagon in the following amounts: two million dollars per occurrence for bodily injury and property damage. The certificate of insurance shall name the city and county of Honolulu and the State of Hawaii and their officers and employees as additional insured.
- (4) In parks, where a food concession is operated under contract with the city the non-profit organization shall obtain written permission from the food concessionaire to sell food and refreshments in that park. The written permission shall be presented to the parks permit office prior to obtaining a temporary concessions permit.
- (5) The permittee shall provide a copy of a state department of health temporary food concession permit for each caterer and/or a lunch wagon State health certificate to the parks permit office.

(i) Temporary structures over 2,100 square feet in size require a permit from the Honolulu fire department. Applicant is responsible to obtain all applicable permits .. Applicant shall obtain the requisite agency and department approvals. No permit

shall be issued until the department receives a copy of the temporary building permit and Honolulu fire department permit. [Eff \_\_\_\_\_] (Auth: RCH §6-1203<sub>t</sub> ROH §1-9.1) (Imp: ROH §10-1.3),

§19-4-9 Regulations governing surf events held on the north shore. (a) Use of a park for a surf event to be held on the north shore are permitted only during the period from September 1 through May 31. No permit will be issued for use of a park on the north shore for a surf event from June 1 through August 31.

(b) All surf events held on the north shore must be scheduled on the north shore calendar before a park use permit is issued.

(c) A surf event shall be permitted only at Mokulelia Beach Park, Haleiwa Ali'i Beach Park, Waimea Bay Beach Park, Ehukai Beach Park, Sunset Beach Park and other north shore parks as approved by the director.

(d) The department shall establish a north shore calendar for surf events by August 31 of the year preceding the north shore calendar.

(e) The combined total number of competition days for surf events permitted at beach park on the north shore during the period from September 1 through April 30 shall not exceed sixty-four; provided that no more than sixteen competition days may be scheduled at each beach park.

(f) The total number of competition days scheduled on the north shore calendar shall not exceed sixty-four competition days.

(g) Following the conclusion of a surf event, there shall be a ten-day cooling off period.

(h) Except as authorized by the director, no surf event shall be permitted a waiting period of more than fifteen days.

(i) Scheduling of overlapping waiting periods is prohibited; provided however, the director may approve a big wave event to have a waiting period of up to a maximum of ninety days which may overlap the waiting periods of other surf events (Why Only the "big wave event" is allowed an umbrella & overlapping waiting period?)

(j) No surf event shall be permitted more than four competition days, provided, however the director may in the director's discretion and if consistent with the purposes of this chapter and in the public's interest, permit a surf event five competition days if the maximum number of competition days scheduled at the

requested park have not been awarded after the conclusion of the conflict resolution process.

(k) Under no circumstance may two or more surf events<sub>t</sub> including big wave events<sub>t</sub> be held on the same day on the north shore.

(1) No surf event shall start before 8:00 a.m. or end after 4:30 p.m.

(m) A competition day shall not exceed eight consecutive hours.

(n) The maximum period of time a surf event shall be permitted is as follows:

- (1) A surf event awarded one day may include a portion of two calendar days not to exceed a cumulative total of eight hours to complete the event.
- (2) A surf event awarded two days may have a maximum of three calendar days not to exceed a cumulative total of sixteen hours to complete the event.
- (3) A surf event award three days may have a maximum of five calendar days not to exceed a cumulative total of twenty-four hours to complete the event.
- (4) A surf event awarded four days may have a maximum of six calendar days not to exceed a cumulative total of thirty-two hours to complete the event.

(o) Except for a big wave event (**why only for a BIG wave event?**)<sub>t</sub> a surf event shall not be held on any day observed as a state holiday. If any state holiday falls on Sunday, no surf event shall be held on the following Monday observed as a holiday. If any state holiday falls on Saturday no surf event shall be held on the preceding Friday observed as a holiday.

(p) Except as authorized by the director and as noted on the permit, no competition shall be structured with less than four participants competing in the water at any time.

(q) Judges' stand and platforms may be set up on park property fronting and adjacent to private property provided written permission is obtained from the private property owner and a copy presented to the parks permit office prior to permit issuance. Eff

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

§19-4-10 North shore calendar conflict resolution. (a) The department shall review all applications for scheduling conflicts during the first week of the month of August in the year preceding the north shore calendar or date designated by the department

(b) The department shall apply the following conflict resolution process when it receives a permit application requesting the same block of dates and park requested by another permit applicant.

- (1) Submitted information will be evaluated by a panel consisting of the windward district recreation director V<sub>t</sub> ocean recreation specialist assigned to the North Shore, the park permits officer or the assistant park permits officer. The director may designate another department employee in the event one of the above is not available.
- (2) During the first week of the permit application review period, the Department shall provide all applicants with a list of the applicants, requested dates, locations, **APPLICANT PRIORITIES AND NOTING SCHEDULING CONFLICTS**. At their own expense, the applicants will have **(21 DAYS OR MORE AFTER RECEIPT OF THE CONFLICT LIST)** to review the applications, determine conflicts, mediate solutions to the conflicts and submit an amended application, if desired. All amended applications for use of park facilities submitted by August 15, will nullify the applicant's original application.
- (3) **ON OR AFTER 21 DAYS<sub>t</sub>** if there are any remaining conflicts the department shall immediately proceed to conflict resolution and determination of all permits during the application period.

(c) For the conflict resolution process, each panel member shall complete a conflict resolution criteria rating sheet for each application in conflict and score each application in conflict using the following criteria:

- (1) Regulatory compliance (Maximum 27 points) - Whether the event comprised of the same gender categories, classification levels, and activity, held in the year before the north shore calendar complied with the following permit conditions:
  - (A) Park rules (3 points) Compliance with all park rules. **(THIS DOESN'T MAKE SENSE, What if the applicant didn't receive permit previous year ?)**

- (B) Traffic (3 points)  
Maintained traffic control at the park during the activities.
- (C) Parking (3 points)  
Controlled parking areas designated "official" parking stalls, marked parking stalls, displayed proper signs.
- (D) Honolulu Police special duty officer (3 points)  
Provided required number of HPD special duty officers for 'the event.
- (E) Signage (3 points)  
Complied with signage conditions.
- (F) Application requirements (3 points) Complied with application requirements within application deadlines.
- (G) Event description (9 points) Description of event as stated in the. permit application matched actual event conducted.
- (2) Gender Diversity of event (Maximum 6 points)
  - (A) Single gender division (0 points)
  - (B) Mixed gender division (3 points)
  - (C) Separate male division and separate female division (6 points)
- (3) Competition level diversity of event (THIS DOES NOT MAKE SENSE; is this INTERNAL or EXTERNAL Diversity ?)  
Maximum 15 points
  - (A) Amateur (15 points)
  - (B) Pro-amateur (10 points)
  - (C) Professional (5 points)
- (4) Participation index (Maximum 15 points)  
The participation index is calculated by dividing the number of projected participants by the number of competition days requested.
 

Less than 15 per competition day	(0 points)
More than 15 but less than 25	(5 points)
More than 25 but less than 40	(10 points)
More than 40 participants	(15 points)
- (5) Current Application Requirements (Maximum 10 points)
  - (A) Application complete, includes all required documents (10 points)
  - (B) Application incomplete or missing documents (0 points)
- (6) Community Service (Maximum 40 Points)
  - (A) Community Service (Maximum 20 Points)  
The applicant provided one or more of the following services to the north

shore community in the past year.

(5 points each)

- (i) Beach Cleanup
- (ii) Conducted Workshops
- (iii) Conducted clinics

(How do you quantify sweat equity?)

(iv) Sponsored or organized a community event

(B) Donations (Maximum 9 Points)

Provide monetary or equipment donations for the benefit of north shore community nonprofit organizations. Provide financial statements or other evidence (How do you quantify sweat equity?) documenting the donations shall be submitted at the same time of the application. Points assessed to be based upon a cumulative donation total:

- (i) \$100 to \$250(5 Points)
- (ii) \$251 to \$500(6 points)
- (iii)\$501 to \$800 (7 points)
- (iv) \$801 to \$1000 (8 points)
- (v) \$1001 and over (9 points)

(C) Media exposure (Maximum 10 Points) Must

be identified in publication or marketing as part of the application packet. No points for publication or marketing of the event via internet.

(i) International publication  
(5 points)

(ii) National publication (5 Points)

(d) After each application has been scored, the department shall prepare a draft north shore calendar. The dates and park site requested by the application receiving the highest total score shall be scheduled first on the draft calendar. The dates and park site requested by the application receiving the second highest score shall be scheduled on the draft calendar and so on until all requests have been calendared or the maximum number of events permitted at each park site has been calendared.

(e) An application which requests dates and park site which has already been assigned on the draft calendar to another application shall not be assigned alternate dates and/or park sites on the draft calendar.

(f) After the draft north shore calendar has been completed, the department shall review the draft calendar to determine whether the draft calendar includes a minimum of one bodysurfing event. The

(WHY, Create this arbitrary and UNFAIR Mechanism for allotting a bodysurfing event access to the North Shore Calendar?)

department shall identify any application which was subject to the conflict resolution process and which requested a permit to conduct solely a bodysurfing event, but which event was not scheduled on the draft north shore calendar.

(g) Only in the event the draft calendar does not include a bodysurfing event, the department shall make available the date and park site last scheduled on the draft calendar to the applicant requesting a permit for a bodysurfing event. If the applicant requesting a permit for the bodysurfing event accepts the proposed date and park site, the applicant shall replace the application that was tentatively scheduled on the draft calendar. In the event there are two or more applications requesting permits for bodysurfing events, the department shall conduct a separate lottery amongst the applicants. The name of each applicant shall be placed in a drawing box and the director shall conduct the drawing of the name of the applicant who will be first offered the date and park site last scheduled on the calendar. In the event the applicant does not accept the proposed date and park site will be offered to next applicant whose name is drawn and so forth until the date and park site is accepted by one of the remaining bodysurfing applicants. If no applicant accepts the date and park site, the original application that tentatively scheduled on the draft calendar will be awarded the permit for the date and park site. (WHY, Create this arbitrary and UNFAIR Mechanism for allotting a bodysurfing event access to the North Shore Calendar?)

(h) Late applications, incomplete applications submitted without required documentation and applications requesting more than four competition days shall be placed on a waiting list until all conflicts are resolved and the draft calendar completed.

(i) The department may consider late applications, incomplete applications and applications requesting more than four competition days in the order in which the applications are received if any dates and parks remain available after completion of the conflict resolution process.

(j) At the conclusion of the conflict resolution the department shall notify all permit applicants in writing of their permit application status and the department will post the final north shore calendar on the internet website of the city. [Eff

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

§19-4-11 Indemnification. Prior to issuance of a permit permittee shall submit to the department a signed agreement in a form approved by the director acknowledging that permittee assumes all risks of personal injury or wrongful death and loss or damage to property by whomsoever owned, arising out of or in connection with permittee's use of the public facilities under such permit; and agrees to indemnify, hold harmless and defend the city and county of Honolulu against any claim, cause of action, liability, loss, damage, cost or expense for bodily injury, wrongful death, or property damage, arising or resulting from permittee, its agents, employees, contractors or invitees use of the public facilities under such permit, as well as any breach of regulations or ordinances, except where such injury, death or property damage is caused by the willful act or gross negligence of the city. [Eff ] (Auth: RCH §6-1403, ROH §1-9.1 (Imp: ROH §10-1.3)

§19-4-12 Violation. Any person violating any provision of these rules shall be subject to the penalties provided in ROH sections 10-1.3(c) and 101.6, as amended. In addition, permittee shall be ineligible to apply for any shore water permit for a minimum one calendar year following revocation. [Eff ] (Auth: RCH §4-105; ROH §1-9.1) (Imp: ROH §§10-1.2, 10-1.3)

§19-4-13 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 §4-105, RCH §1-9.1) j