

CHAPTER 15

PARKS AND RECREATION

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CHAPTER 15**PARKS AND RECREATION****Article 1. General Provisions.****Section 15-1. Purpose of chapter.**

The purposes of this chapter are:

- (1) Preservation of the beauty of Hawai'i, its way of life and its Aloha spirit;
- (2) Moral, physical and economic well-being of the citizens and residents of the County;
- (3) Utilization of land resources in the County in an intelligent and reasonable manner based on the capabilities and characteristics of the soil, its physical surroundings, climate, and the needs of the people in the County together with any other relevant and material considerations;
- (4) Establishment of recreational and cultural facilities that will provide healthful, educational, and aesthetic advantages for the people in the County and its visitors, and for the orderly and progressive development of such facilities to accommodate the expanding and diversified needs of the people; and
- (5) Protection and enhancement of the scenic and historic resources of the area.

(1983 CC, c 15, art 1, sec 15-1.)

Section 15-2. Applicability and scope of chapter.

- (a) This chapter shall apply to all County parks and recreational areas.
- (b) The provisions in this chapter, including provisions for the imposition upon any person of the penalties by fine or imprisonment for any violation of this chapter, are not to be construed to exclude the operation of applicable State statutes or other County ordinances. In the case of conflict with other County ordinances, the stricter ordinance may apply.
- (c) The director, or the director's authorized representative, shall implement and administer the provisions of this chapter.

(1983 CC, c 15, art 1, sec 15-2; am 2001, ord 01-3, sec 1.)

Section 15-3. Definitions.

As used in this chapter:

- (1) "Authorized person" means any person authorized to enforce the provisions of this chapter.
- (2) "Camper" means any person who remains in a park area between the hours of 11:00 p.m. and 6:00 a.m.
- (3) "Camping" means the act of remaining in any park area between the hours of 11:00 p.m. and 6:00 a.m.
- (4) "Department" means the department of parks and recreation.
- (5) "Director" means the director of the department of parks and recreation.

- (6) "Park area" means all County-owned or controlled areas administered by the County.
 - (7) "Recreational area" means all beach parks, and all other park areas administered by the department primarily for the purpose of public recreation.
 - (8) "Picnicking" means an outing by one or more persons who consume or intend to consume food while within the boundaries of a public premises under the jurisdiction of the department of parks and recreation, but who do not remain or intend to remain on the premises past the hour of 11:00 p.m. If the outing is past the hour of 11:00 p.m., it shall be known as camping and shall be governed by those provisions relating to camping.
 - (9) "Picnicker" means any person on an outing, who consumes or intends to consume foodstuffs while within the boundaries of a public premises under the jurisdiction of the department of parks and recreation, but who does not remain or intend to remain upon the premises past the hour of 11:00 p.m. If any person remains past the hour of 11:00 p.m., the person shall be known as a camper and shall be governed by those provisions relating to camping.
- (1983 CC, c 15, art 1, sec 15-3; am 1979, ord 479, sec 1; am 1987, ord 87-130, sec 2.)

Section 15-4. Animal or agricultural use of public land restricted.

The running at large, herding, driving across, or grazing of animals of any kind on the public lands of an area, or the use of such lands for agricultural purposes, is permitted only under a valid lease, contract, or special use permit issued by the County or pursuant to law.

(1983 CC, c 15, art 1, sec 15-4.)

Section 15-5. Special rules for Kahalu'u Park, North Kona.

Camping and the use of trailers or other camper units are prohibited at Kahalu'u Park.

(1983 CC, c 15, art 1, sec 15-5.)

Section 15-6. Removal of beach composition from certain parks; penalty.

Except as otherwise provided by law, no unauthorized person shall remove sand, coral, rocks, soil, or other beach composition from any County beach park.

(1983 CC, c 15, art 1, sec 15-6; am 1978, ord 340, sec 1; am 2001, ord 01-3, sec 2.)

Section 15-7. Penalty.

Any person convicted of violating any provision contained in this chapter shall be punished by a fine not exceeding \$1,000 or by imprisonment not to exceed thirty days, or both, and shall be adjudged to pay all costs of the proceedings. In addition to the penalties provided herein, the County may recover for damages to its property, the measure of which shall be the cost of repairing, replacing, or rebuilding the property injured or destroyed.

(1983 CC, c 15, art 1, sec 15-7; am 1986, ord 86-100, sec 2; am 2007, ord 07-2, sec 2.)

Article 2. Restrictions and Prohibitions.**Division 1. Park Areas.****Section 15-8. Visiting hours; closing areas.**

The director may establish a reasonable schedule of visiting hours for all or portions of a park area and close or restrict the public use of all or any portion of a park area, when necessary for the protection of the area or the safety and welfare of persons or property by the posting of appropriate signs indicating the extent and scope of closure. All persons shall observe and abide by the officially posted signs and designating closed areas and visiting hours.

(1983 CC, c 15, art 1, sec 15-8.)

Section 15-9. Disorderly conduct prohibited; defined.

- (a) Disorderly conduct is prohibited.
- (b) A person is guilty of disorderly conduct if, with purpose to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, the person:
 - (1) Engages in fighting or in threatening, violent, or tumultuous behavior;
 - (2) Makes unreasonable noise or subjects another person to offensively coarse utterances, gestures, displays, or abusive language in a manner which is likely to provoke a violent response; or
 - (3) Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

(1983 CC, c 15, art 1, sec 15-9; am 2015, ord 15-52, sec 2.)

Section 15-10. Explosives and fireworks prohibited; exception.

- (a) The use or possession of explosives is prohibited except upon written permission of the director. Any authorized use or possession of explosives shall conform with all applicable Federal, State, and County laws.
- (b) The use or possession of fireworks and firecrackers is prohibited, except upon written permission of the director.

(1983 CC, c 15, art 1, sec 15-10.)

Section 15-11. False reports prohibited.

The giving of any false or fictitious report or other information to any authorized person investigating an accident or any violation of law or regulations is prohibited.

(1983 CC, c 15, art 1, sec 15-11.)

Section 15-12. Weapons restricted.

In recreational areas the use and possession of all firearms or other implements designed to discharge missiles, which are capable of destroying animal life, shall conform with all applicable Federal, State and County laws. Such firearms or other implements shall not be used in a manner so as to endanger persons or property. The possession of loaded firearms or other implements, except by law enforcement officers, in developed, populated, or concentrated use areas is prohibited.

(1983 CC, c 15, art 2, sec 15-12.)

Section 15-13. Regulation of fires.

(a) The kindling of any fire is permitted only:

- (1) In designated camping and picnicking grounds when the fire is confined in a fireplace provided for the use of visitors, in grills, or in locations marked by the director; or
 - (2) In other locations, including backcountry, wilderness, and remote sections of the park areas when a written permit has been secured from the director;
 - (3) In portions of the park areas designated by the director where fires may be kindled without a written permit. Portions of the park areas so designated shall be marked on a map which shall be available for public inspection in the office of the department of parks and recreation; or
 - (4) In stoves or lanterns using gasoline, propane, butane gas or other fuels.
- (b) Fires must be kindled in such manner that no tree, shrub, grass, or other inflammable or combustible matter will be set on fire or caused to be set on fire.
- (c) When no longer needed, the fire shall be completely extinguished. Leaving a fire unattended is prohibited.
- (d) Throwing or dropping a lighted cigarette, cigar, pipe heel, match, or other burning material is prohibited.

(1983 CC, c 15, art 2, sec 15-13.)

Section 15-14. Fishing regulations.

- (a) In addition to the restrictions set forth in subsections (b) and (c) herein, fishing shall be in accordance with the laws and regulations of the State, and such laws and regulations which are now or may be in effect are hereby adopted and made a part of this chapter.
- (b) Use of the following are prohibited in the gathering and collection for any purpose of fish, crustaceans or mollusks from any body of water located in any park area owned or controlled by the County, including, but not limited to, the pond at Lili'uokalani Park, Richardson Ocean Park, and Kahalu'u Beach Park:
- (1) Cross nets;
 - (2) Throw nets;
 - (3) Spears;
 - (4) Bows and arrows;
 - (5) Chemicals;

- (6) Explosives;
 - (7) Electrical devices;
 - (8) All types of nets which measure more than three feet at the widest span.
- (c) No aquatic life taken from waters within park areas shall be sold or offered for sale.
(1983 CC, c 15, art 2, sec 15-14; am 1987, ord 87-74, sec 1.)

Section 15-15. Gambling prohibited.

Gambling in any form, or the operation of gambling devices, whether for merchandise or otherwise, is prohibited.
(1983 CC, c 15, art 2, sec 15-15.)

Section 15-16. Person under the influence of alcohol or drugs.

Entering or remaining in a park area when manifestly under the influence of alcohol, narcotics or other drugs, to a degree that may endanger oneself or other persons or property, or unreasonably annoy persons in the vicinity is prohibited.
(1983 CC, c 15, art 2, sec 15-16.)

Section 15-17. Returning lost property.

All lost articles shall be deposited by the finder at the office of the director or at the nearest police station, leaving the finder's name and address.
(1983 CC, c 15, art 2, sec 15-17.)

Section 15-18. Abandoned property prohibited; impoundment.

- (a) No person shall abandon any vehicle or other personal property. Any abandoned property shall be subject to removal and impoundment by the director or the police to be dealt with according to law.
 - (b) Leaving any vehicle or other personal property unattended after 11:00 p.m. and before 7:00 a.m., without prior permission of the director shall be considered abandoned and is prohibited. Any property so left shall be subject to impoundment by the director or the police. In the event unattended abandoned property interferes with the safe and orderly management of the park area, it shall be subject to impoundment by the director at any time.
- (1983 CC, c 15, art 2, sec 15-18; am 2001, ord 01-3, sec 3.)

Section 15-19. Use of audio devices restricted; permits; authorization.

- (a) The operation or use of any audio devices including radios, television sets, musical instruments, and noise producing devices such as electric generating plants, or other equipment driven by motors or engines in such a manner and at such times so as to unreasonably annoy persons in campgrounds, picnic areas, or at other public places or gathering is prohibited.

- (b) The operation or use of public address systems, whether fixed, portable, or vehicle mounted, on lands, waters, and highways, is prohibited except when such use or operation is in connection with public gatherings or special events for which permits have been issued.
 - (c) The installation of aeriels or other special radio, telephone, or television equipment is prohibited unless authorized by the director.
- (1983 CC, c 15, art 2, sec 15-19.)

Section 15-20. Hitchhiking and commercial activities; exceptions.

- (a) Hitchhiking or the soliciting of transportation is prohibited.
 - (b) Commercial activity without a permit is prohibited; provided, that this section shall not apply to transactions with authorized concessionaires. Commercial activity includes, but is not limited to, the exchange or buying and selling of commodities; the providing of services related to or connected with the trade, traffic or commerce in general; any activity performed by the commercial operator or its employees or agents in connection with the delivery of such commodities or services. Commercial activity does not include commercial speech or the distribution of handbills.
- (1983 CC, c 15, art 2, sec 15-20; am 2015, ord 15-52, sec 3.)

Section 15-21. Repealed.

(1983 CC, c 15, art 2, sec 15-21; rep 2015, ord 15-52, sec 6.)

Section 15-22. Permission required for television and motion pictures.

Before any motion picture may be filmed or any television production or sound track may be made, which involves the use of professional casts, settings, or crews, by any person other than bona fide newsreel or news television personnel, written permission must first be obtained from the director.

(1983 CC, c 15, art 2, sec 15-22.)

Section 15-23. Permission required for installation of commemoratives.

The installation of any monument, memorial, tablet, or other commemorative installation in a park area without permission of the director is prohibited.

(1983 CC, c 15, art 2, sec 15-23.)

Section 15-24. Nuisances prohibited.

The creation or maintenance of a nuisance in a County park area is prohibited.

(1983 CC, c 15, art 2, sec 15-24.)

Section 15-25. Residence in park area restricted.

Residing in park areas is prohibited, except in accordance with a permit or other written agreement with the County authorizing such use, or by employees of the department of parks and recreation.

(1983 CC, c 15, art 2, sec 15-25.)

Section 15-26. Parking restricted.

No unauthorized vehicle shall be driven upon or parked within a park area except on roads and parking areas laid out and provided for public use. Parking of motor vehicles shall be in places designated by appropriate signs and within stalls as they may be provided.

(1983 CC, c 15, art 2, sec 15-26.)

Division 2. Recreation and Park Areas.**Section 15-27. Permission required for advertising and signs in park areas.**

(a) Commercial notices or advertisements shall not be displayed, posted or distributed on County lands within a park area unless prior written permission has been given by the director. Such permission may be granted by the director under any of the following circumstances:

- (1) If the notice or advertisement is of goods, services or facilities available within the park area and such notices and advertisements are found by the director to be desirable and necessary for the convenience and guidance of the public; or
- (2) If a sign is temporary in nature and is exhibited only during the time the event is actually occurring, provided that a payment is made to the County of Hawai'i as established by administrative rules.

(b) Permanent signs.

- (1) The Council, by resolution, may allow a permanent sign in a County park which displays the name and/or logo of any company or organization that sponsors, constructs or donates the permanent sign for the purpose of displaying future and current public events in exchange for the construction of the permanent sign and/or for advertising purposes. The permanent sign shall comply with chapter 3, Hawai'i County Code.
- (2) Permanent signs are allowed in the Ho'olulu Complex only.

(c) Notwithstanding any provision to the contrary, the director may allow any type of commercial advertising on golf scorecards.

(1983 CC, c 15, art 2, sec 15-27; am 1987, ord 87-11, sec 2; am 1995, ord 95-145, sec 1.)

Section 15-28. Prohibited activities in recreational areas.

The following activities are prohibited in recreational areas:

- (1) The intentional or wanton destruction, defacement or removal of any natural feature or nonrenewable natural resource.
- (2) The intentional or wanton possession, destruction, injury, defacement, removal, or disturbance, in any manner of any public building, sign, equipment, monument, marker, or other structure, or of any relic, artifact, ruin, or historic or prehistoric feature or of any other similar public property.

- (3) Gathering or collecting for personal use, reasonable quantities of natural products of a renewable nature, including, but not limited to, seashells, fruits, berries, driftwood, and marine deposits of natural origin, and the gathering or collecting of such products for the purpose of sale.
- (4) The destroying, digging, removing, or possessing of any tree, shrub, or other plant.
- (5) The gathering or collecting of small quantities of pebbles or small rocks by hand for personal use is permitted. The collection of such objects for the purpose of sale is prohibited.

(1983 CC, c 15, art 2, sec 15-28.)

Section 15-29. Injury or damage report required.

All incidents resulting in injury to persons or damage to property must be reported by the person or persons involved as soon as possible to the director. This report does not relieve persons from the responsibility of making any other accident reports which may be required under State or County law.

(1983 CC, c 15, art 2, sec 15-29.)

Section 15-30. Sanitation and refuse regulations.

- (a) All garbage, papers, cans, bottles, waste materials, and rubbish of any kind must be burned in authorized fires or disposed of only at points or places designated for the disposal thereof, or removed from the area. All noncombustible waste materials shall be deposited only in places designated for the disposal of such materials or removed from the area. Removal of refuse or garbage from refuse containers and removal or relocation of such containers, except by authorized persons, are prohibited.
- (b) Draining or dumping refuse or wastes from any trailer or other vehicle except in places or receptacles provided for such use is prohibited.
- (c) Cleaning food or washing clothing or articles of household use is permitted only in designated areas.
- (d) Polluting or contaminating in any manner any watershed, water supplies, or water used for drinking purposes is prohibited.
- (e) Fish entrails or other inedible parts of fish may be disposed of into salt waters except within two hundred feet of boat docks or swimming areas but shall not be thrown into fresh waters or onto park area lands in areas of public concentration.
- (f) Depositing any body waste in or on any portion of any comfort station or other public structure except into fixtures provided for that purpose is prohibited. Placing any bottle, can, cloth, rag, metal, wood, or stone substances in any of the plumbing fixtures in such station or structure is prohibited. All comfort stations shall be used in a clean, sanitary, and orderly manner.

- (g) Urinating or defecating other than at the place provided therefor is prohibited, except in backcountry, wilderness, or other remote areas.
- (h) Using government refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought as such from private property is prohibited.

(1983 CC, c 15, art 2, sec 15-30.)

Section 15-31. Skating and skateboards restricted.

The use of roller skates and skateboards is prohibited except in locations designated by the director by the posting of appropriate signs.

(1983 CC, c 15, art 2, sec 15-31.)

Section 15-32. Swimming, bathing, surfing and use of flotation devices.

- (a) Swimming and bathing are permitted except in waters and at times where such activities are prohibited in the interest of public health or safety, which excepted waters shall be designated by the posted signs.
- (b) The director may prohibit the use of flotation devices within designated swimming areas by the posting of appropriate signs.
- (c) The use of surfboards and similar devices is prohibited within the limits of designated swimming beaches.

(1983 CC, c 15, art 2, sec 15-32.)

Section 15-33. Tampering with vehicle or vessel.

Tampering or attempting to tamper with any vehicle, vessel, or other equipment which is not lawfully in one's possession or control, or entering or going upon, moving or manipulating any of the parts or components of any vehicle, vessel, or other equipment or starting or setting the same in motion, except under such lawful possession or control is prohibited.

(1983 CC, c 15, art 2, sec 15-33.)

Section 15-34. Boating in swimming areas prohibited.

No vessel, including but not limited to, boat, motorboat, houseboat, rowboat, powerboat, jet boat, sailboat, fishing boat, towboat, scow, flatboat, cruiser, motor vessels, ship barge, tug, floating cabana, party boat, charter boat, ferryboat, canoe, raft or any buoyant device permitting or capable of free flotation, shall be operated or anchored within the swimming areas of all beach parks.

(1983 CC, c 15, art 2, sec 15-34.)

Article 3. Public Meetings and Assemblies.**Section 15-35. Public assembly; permit required; exception.**

- (a) As used in this section, “expressive activities” means speech or conduct, the principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political, religious, philosophical, or ideological opinions, views, or ideas and for which no fee is charged or required as a condition of the participation in or attendance at such activity. Expressive activity generally would not include sports events, fundraising events, beauty contests, commercial events, cultural celebrations or other events where the principal purpose is entertainment.
- (b) Public meetings, assemblies, gatherings, demonstrations, parades, and other expressive activities are permitted within park areas on lands which are open to the general public, provided a permit issued by the director shall be required when the public meeting, assembly, gathering, demonstration, parade, or expressive activity involves seventy-five or more persons.
- (c) Exceptions. This section shall not apply:
 - (1) To expressive activities organized or planned fewer than twenty days in advance of such expressive activity in response to news or affairs coming into public knowledge in which case the organizer shall provide written notice to the County as soon as practicable prior to such expressive activity; or
 - (2) To students when constituting a part of their educational activities and under the immediate direction and supervision of the proper school authorities or to any government agency within the scope of its functions.

(1983 CC, c 15, art 3, sec 15-35; am 2015, ord 15-52, sec 4.)

Section 15-36. Permits for special events required; conditions.

- (a) Sports events, pageants, re-enactments, regattas, entertainments, and the like, characterized as public spectator attractions, are prohibited unless written permission therefor has been given by the director. Such permits may be issued only after a finding that the issue of the permit will not be inconsistent with the purposes for which the area is established and maintained, and will cause the minimum possible interference with use of the area by the general public.
- (b) The permit may contain such reasonable conditions and restrictions as to duration and area occupied as are necessary for protection of the area and public use thereof.

(1983 CC, c 15, art 3, sec 15-36.)

Section 15-37. Application for permit; filing.

- (a) Applications for a permit shall be filed with the director at least twenty days but not more than one hundred eighty days before the date on which it is proposed to conduct any such activity, provided that this requirement shall not apply to “expressive activity” as defined in section 15-35.

- (b) The application shall state:
- (1) The name of the person or organization proposing to conduct such activity;
 - (2) If the activity is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of headquarters of the organization, and of the authorized agent of such organization;
 - (3) The name, address, and telephone number of the person who will be the chairman of such activity and who will be responsible for its conduct;
 - (4) The name, address, and telephone number of the person or organization to whom the permit is to be issued;
 - (5) The date when such activity is to be conducted;
 - (6) The park or portion thereof for which such permit is desired;
 - (7) An estimate of the anticipated attendance;
 - (8) The hours when such activity will start and terminate;
 - (9) If the activity is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the director a communication in writing from the person proposing to hold such activity, authorizing the applicant to apply for the permit on that person's behalf; and
 - (10) A statement of equipment and facilities to be used in connection with the activity.

(1983 CC, c 15, art 3, sec 15-37; am 2015, ord 15-52, sec 5.)

Section 15-38. Permit issuance; denial; conditions.

- (a) The director shall issue a permit on proper application unless:
- (1) A prior application for the same time and place has been made which has been or will be granted;
 - (2) The event will present a clear and present danger to the public health or safety; or
 - (3) The event is of such nature or duration that it cannot reasonably be accommodated in the particular park area applied for.
- (b) The permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is maintained. It may also contain reasonable limitations on the time and area within which the event is permitted.

(1983 CC, c 15, art 3, sec 15-38.)

Article 4. Camping.

Section 15-39. Camping and trailer areas.

Camping and the use of trailers or other camper units are only permitted as follows:

- (1) At Laupāhoehoe Beach Park, Kolekole Beach Park, Isaac Hale Memorial Park,* Punalu'u Black Sand Beach Park, Whittington Beach Park, Miloli'i Beach Park, Ho'okena Beach Park, Mahukona Park, Kapaa Park, and Samuel Spencer Beach Park,* the use of trailers or other camper units are permitted on any suitable place other than picnic or lawn areas. The camper shall give due regard to the rights and convenience of other users of the park, shall not obstruct any roadway or pathway, and shall not monopolize any facility intended for the use of all users of the park.
- (2) At Samuel Spencer Beach Park,* camping is permitted in two camping areas known as areas "A" and "B." Area "A" is mauka of the large pavilion between the Hapuna boundary of the park and the outdoor courts. Area "B" is between the north side restroom and the central restroom.

(1983 CC, c 15, art 4, sec 15-39; am 2001, ord 01-3, sec 4.)

* **Editor's Notes:** Samuel Spencer Beach Park was renamed "Spencer Park at Ōhai'ula Beach" pursuant to Ordinance 03-135. Isaac Hale Memorial Park was renamed "Isaac Kepo'okalani Hale Beach Park" pursuant to Ordinance 08-35.

Section 15-40. Maps of camping areas.

The areas described in section 15-39 are outlined in red on the maps marked Exhibit A for Samuel Spencer Beach Park,* and by reference made a part of this chapter. Copies of these maps are kept on file and are available for public inspection in the office of the department of parks and recreation.

(1983 CC, c 15, art 4, sec 15-40; am 2001, ord 01-3, sec 5.)

* **Editor's Note:** Samuel Spencer Beach Park was renamed "Spencer Park at Ōhai'ula Beach" pursuant to Ordinance 03-135.

Section 15-41. Director to establish time limits.

The director may establish limitations on the length of time persons may camp within a park area, either in a single period or in combined separate periods. Such limitations shall be posted at campgrounds or other appropriate locations.

(1983 CC, c 15, art 4, sec 15-41.)

Section 15-42. Regulations governing camping areas.

- (a) The installation of permanent camping facilities is prohibited.
- (b) The digging or leveling of the ground at any campsite is prohibited, except with the permission of the director.
- (c) Camping equipment must be completely removed and the sites cleaned before departure.

- (d) Camping within twenty-five feet of any water hydrant, main road, or well-defined water course, except upon the direction of the director is prohibited.
 - (e) Quiet shall be maintained in all campgrounds between the hours of 11:00 p.m. and 6:00 a.m.
 - (f) The gathering of wood for use as fuel in campgrounds or picnic areas shall be limited to dead material on the ground, except where such gathering is prohibited by the director by the posting of appropriate signs.
- (1983 CC, c 15, art 4, sec 15-42; am 1987, ord 87-131, sec 2.)

Section 15-43. Camping permit required; issuance; denial.

- (a) Any person eighteen years of age or older, representing such person or such person's family, a group, organization, or association wishing to camp at a designated camping area shall be required to obtain a camping permit authorizing the use of the grounds and facilities for camping purposes.
- (b) These permits may be obtained from the administrative office of the department of parks and recreation in Hilo or from any official of the department designated by the department to issue such permits. Each permit will reserve the use of the desired camping area for the stated date requested. The means of requesting for camping permits and receiving confirmation of the same can be done either through a direct visit to the above office or designated authority or by means of telephone or through the mail.
- (c) All permits shall be issued on a first-come, first-served basis but may be denied any person, group, organization or association when the use of the desired camping area may be dangerous to the campers or unreasonably inconvenient to the department such as:
 - (1) When the group is of an extraordinarily large size;
 - (2) When severe weather conditions are threatening;
 - (3) When there are inadequate facilities to meet the immediate needs of the camper or campers; or
 - (4) When repairs or improvements are being made to develop the campsite.

(1983 CC, c 15, art 4, sec 15-43.)

Section 15-44. Time limits.

No person shall be allowed to remain at any one specific camping area for a period longer than one week during the months of June through August and for a period not longer than two weeks during the other nine months of the year unless special permission is granted to extend the stay by the director. A camping period for the use of pavilions and sheds in camping areas is limited to three days and two nights' duration throughout the year unless special permission is granted by the director to extend the time limit.

(1983 CC, c 15, art 4, sec 15-44.)

Section 15-45. Assigned camping spaces.

The department may apportion and delineate the space within the camping area for the exclusive use of any person granted a permit to utilize the area; but the area shall not be less than forty square feet nor more than eighty square feet per person. (1983 CC, c 15, art 4, sec 15-45.)

Section 15-46. Camping permit; minors.

All responsible persons eighteen years of age or older shall be allowed to secure a permit on their own to camp in any of the campsites. All minors below the age of eighteen shall be allowed to camp in the camping area provided that they will be under the direct supervision of a responsible adult for every ten minors. All minors from the same family accompanied by at least one of their parents shall be allowed to camp, regardless of the ratio of supervision between parent and children. (1983 CC, c 15, art 4, sec 15-46.)

Section 15-47. Cancellation of permits.

Permits shall be automatically cancelled if they are not picked up or if the department is not notified of final verification of usage by the requesting party within forty-eight hours of actual usage. The department also reserves the right to terminate camping privileges, aside from natural causes, for the following reasons:

- (1) Tampering with or injuring signs, posters, markers, plants and other ornamental artifacts in the area;
- (2) Abuse of and physical damage to any building or other facility in the area;
- (3) Unnecessary and excessive littering of the area;
- (4) Common nuisance and disorderly behavior;
- (5) Being uncontrollably under the influence of liquor; and
- (6) For the violation of any other provision covered in this chapter.

(1983 CC, c 15, art 4, sec 15-47.)

Section 15-48. Display of permit.

The holder of a camping permit shall, upon request, show the permit to any law enforcement officer, park caretaker or any personnel of the department. (1983 CC, c 15, art 4, sec 15-48.)

Article 5. Picnics.**Section 15-49. Director to establish locations and time limit.**

In recreational areas picnicking is permitted except in those locations designated by the director by the posting of appropriate signs. The director may also establish reasonable limitations on the length of time any person may use any picnicking facility by the posting of appropriate signs when such limitations are necessary for the accommodation of the visiting public. (1983 CC, c 15, art 5, sec 15-49.)

Section 15-50. Picnic permit; reserved spaces.

- (a) Any group larger than fifteen members shall be allowed to reserve specified space and facilities within a public picnic area by obtaining a picnic permit from the administrative office of the department of parks and recreation in Hilo or from any official designated by the department to issue such permits. Each permit shall reserve the space or facility in the desired picnic area for use on the stated date requested. The means of requesting for a picnic permit and receiving confirmation of the same can be done by a direct visit to the above office or designated authority or by telephone or through the mail.
- (b) All permits shall be issued on a first-come, first-served basis but may be denied to any person when the use of the desired picnic area may be dangerous to the picnickers or unreasonably inconvenient to the department such as:
- (1) When the group is of an extraordinarily large size;
 - (2) When severe weather conditions are threatening;
 - (3) When there are inadequate facilities to meet the needs of the picnicker or picnickers; or
 - (4) When repairs or improvements are being made to develop the picnic area.

(1983 CC, c 15, art 5, sec 15-50.)

Section 15-51. Hours of use.

Permits for use of picnic areas shall be granted on requests for any particular day between the hours of 6:00 a.m. and 11:00 p.m. An earlier starting time may be granted by the department to accommodate special functions. Requests for use of pavilions and shed facilities within picnic areas shall be for the same duration as above.

(1983 CC, c 15, art 5, sec 15-51; am 1987, ord 87-132, sec 2.)

Section 15-52. Picnic permit; minors; hours.

All persons eighteen years or older shall be allowed to secure a permit on their own to reserve space in any of the picnic areas for their group. All minors below the age of eighteen shall be allowed to picnic in the picnic areas on their own if the adult who secures the permit for them will be responsible for them and also provided that their picnicking is done during the normal daylight hours of 6:00 a.m. to 6:00 p.m. Minors staying beyond 6:00 p.m. shall be under the supervision of adults on the same ten minors to one adult ratio as is required in camping. All minors from the same family, who are accompanied by at least one of their parents, shall be allowed to remain in the picnic area past the 6:00 p.m. deadline regardless of the ratio of supervision between parent and children.

(1983 CC, c 15, art 5, sec 15-52.)

Section 15-53. Display of permit.

The holder of a picnic permit shall, upon request, show the permit to any law enforcement officer, park caretaker, or any personnel of the department.

(1983 CC, c 15, art 5, sec 15-53.)

Section 15-54. Use of portable engines or motors restricted.

The operation or use of a portable motor-driven electric generating plant, pump or other equipment driven by a portable engine or motor outside any developed or public use area without written permission from the director, is prohibited. The director may issue a permit for the use if the director determines that the applicant has submitted satisfactory justification for the use of such equipment, that natural resources will not be impaired, and that no undue interference with public enjoyment of the park area will result.

(1983 CC, c 15, art 5, sec 15-54.)

Article 6. Credit Against User Fees for Private Improvements to Parks and Recreational Facilities.**Section 15-55. Purpose.**

Private citizens and civic groups wish to make improvements to County parks and recreational facilities to enable the general public to benefit from those improvements and wish to make such improvements by advancing the cost of improvements from their own funds.

Budgetary constraints limit the County in making improvements which the department of parks and recreation wishes to make to its parks and recreational facilities.

The council wishes to provide a means by which private citizens and civic groups may be encouraged to make such improvements with the approval of the department of parks and recreation.

The council wishes to provide a means by which such private citizens or civic groups may, after donating the completed improvements to the County for the use and benefit of the general public, receive a setoff against certain user fees imposed by the department of parks and recreation for the use of the facility at which the improvements are made.

(1983 CC, c 15, art 6, sec 15-55.)

Section 15-56. Procedure.

A credit against user fees of the department of parks and recreation may be allowed as provided in this section. In order to receive a credit under the provisions of this section, the following procedure shall be followed:

- (a) Persons proposing to make any improvement at their expense to real property of the County used for or set aside for recreational purposes shall submit to the department of parks and recreation, a written proposal with attached plans and description of the proposed improvement together with an itemized list of those anticipated expenses that the persons wish to use in computing any credit against future user fees of the department.

- (b) After receipt of the written proposal, the director shall review the proposal. On review, the director will decide whether the proposal is in the public interest and is consistent with the goals and priorities of the director's department. Among the factors that the director may consider are future maintenance costs of the improvement, the demand for the improvement, the ability of the director's department to provide alternative facilities with equivalent improvements.
- (c) The director may require further information and plans and, with mutual consent of the person making the proposal, may alter the proposal. The original proposal with any alterations made by mutual consent shall constitute the final proposal.
- (d) After the director reviews the final proposal, the director may reject the proposal or authorize the proposal.

(1983 CC, c 15, art 6, sec 15-56.)

Section 15-57. Duties of director.

Upon authorization of the proposal, the director shall:

- (a) Allow entry on the land for construction of improvements upon such terms and conditions as the director finds necessary for protecting the public health, safety and welfare or the convenience of operation of the department of parks and recreation. If the work is not done in accordance with the terms and conditions imposed, the director may halt construction and terminate the work. In such event, there shall be no credit allowed against user fees for any such work.
- (b) Require compliance with all applicable rules, regulations, ordinances, statutes and other laws. Obtain all permits, including building, plumbing, electrical and construction permits, which are required by County, State or Federal laws.
- (c) Set a dollar amount to be credited against user fees of the department of parks and recreation which are incurred for the facility on which the improvements will be located.
- (d) Compute the amount of credit by allowing:
 - (1) Reasonable expenses paid out for materials actually used in construction of the improvement.
 - (2) Reasonable expenses paid out for use of equipment used in construction of the improvement.
 - (3) Reasonable expenses paid out for labor used in construction of the improvement.
 - (4) Proof of expenditures made may be by receipt or affidavit or any other means which satisfies the director that such expenditures were made.
- (e) Require the persons proposing the improvement to submit a written document offering the improvement as constructed for dedication to the County before allowing any credit against user fees.

(1983 CC, c 15, art 6, sec 15-57.)

Section 15-58. Limitation on application of credit.

- (a) The amount of credit allowed in section 15-57 shall be applied only as a credit against user fees otherwise payable for the facility on which the improvements will be located.
- (b) No credit shall be allowed against user fees incurred more than twenty years after the date that the improvement is accepted by the County.
- (c) The credit may not be assigned or transferred to any other person.
- (d) The credit shall not be used in lieu of any fee or charge not a user fee, including security or clearing deposits or fees, nor shall the credit be used in lieu of any requirement of insurance or surety.

(1983 CC, c 15, art 6, sec 15-58.)

Section 15-59. Application of credit against user fees.

Subject to the limitations in section 15-58, the department of parks and recreation shall apply against user fees, incurred by a person allowed credit under this section, the amount of credit in dollars specified by that person, provided, that the amount of credit used shall not exceed the credits of that person nor shall it exceed the amount of applicable user fee. The application of such credit to reduce user fees shall reduce the amount of credits remaining to that person by a dollar amount equal to the reduction in user fees.

(1983 CC, c 15, art 6, sec 15-59.)

Section 15-60. Restoration of credits.

Credits applied under section 15-59 above may be restored by the department of parks and recreation under the same terms and conditions applicable for refund of users fees, provided that no cash payment shall be made by or on account of a restoration of credit authorized by this provision.

On or before January 1, 1980, any person, who has made improvements on County land before July 16, 1979 and which improvements have not been accepted for dedication by the council, may apply to the director for credit in the manner prescribed above. The director shall allow a credit only if such improvements are in dedicable condition and only upon submission of a written document offering the improvement as constructed for dedication to the County. The director shall compute the credit as provided above.

(1983 CC, c 15, art 6, sec 15-60.)

Article 7. Veterans Advisory Committee.**Section 15-61. Organization.**

The veterans advisory committee shall be composed of twelve members, who shall be appointed by the mayor, confirmed by the council, and may be removed by the mayor with the approval of the council. In addition, the Hawai'i Island Veterans Services Counselor of the Office of Veterans Services (Department of Defense of the State of Hawai'i) and the Director of the Department of Parks and Recreation, or their designated representatives, shall serve as ex-officio members of the committee, without the power to vote.

(1986, ord 86-123, sec 2; am 1990, ord 90-5, sec 2; am 1994, ord 94-21, sec 1; am 2002, ord 02-117, sec 2; am 2006, ord 06-159, sec 1; am 2017, ord 17-57, sec 2.)

Section 15-62. Membership and tenure.

- (a) The members shall serve staggered terms of five years.
- (b) The membership of the committee shall include one representative each from the American Legion, Big Island National Guard Retirees Association, Big Island Retired Military Association, Disabled American Veterans, Hawai'i Island Veterans Memorial, Inc., Veterans of Foreign Wars, Military Order of the Purple Heart, Korean War Veterans Organization, Camp Tarawa Detachment #1255 of the Marine Corps League, Navy League of the United States, and the Combat Infantrymen's Association. The committee shall also include one at-large member.
- (c) Initially, two members shall be appointed for a term of one year, two members shall be appointed for a term of two years, three members shall be appointed for a term of three years, three members shall be appointed for a term of four years, and three members shall be appointed for a term of five years.
- (d) Any vacancy on the committee shall be filled for the remainder of the unexpired term, but members whose terms have expired may continue to serve until their successors have been appointed and confirmed.
- (e) Members shall be eligible to succeed themselves for an additional term, provided that no member shall serve on the committee for more than two consecutive terms.

(1986, ord 86-123, sec 2; am 1990, ord 90-5, sec 3; am 1994, ord 94-21, sec 1; am 1996, ord 96-124, sec 1; am 1997, ord 97-125, sec 1; am 2002, ord 02-117, sec 2; am 2006, ord 06-159, sec 2; am 2007, ord 07-53, sec 2; am 2017, ord 17-57, sec 3.)

Section 15-63. Meetings of the committee.

There shall be a chairman and vice-chairman of the committee who shall be elected biennially by the members from their membership. The meetings of the committee shall be called at the discretion of the chairman or at the request of the majority of the members of the committee with the time and place to be determined by the chairman.

(1986, ord 86-123, sec 2; am 1994, ord 94-21, sec 1.)

Section 15-64. Powers and duties of the committee.

It shall be the duty of the committee to act in an advisory capacity to the mayor and the council concerning all matters pertaining to the operation, management, and maintenance of the veterans cemeteries in the County. At the request of the mayor or the council, the committee shall discuss and make recommendations on other veterans-related issues. The committee may recommend such rules and regulations as it may deem necessary for the enhancement and proper management of the veterans cemeteries, or for the orderly transaction of matters referred to it.

(1986, ord 86-123, sec 2; am 1994, ord 94-21, sec 1.)

Article 8. Naming of Facilities.**Section 15-65. Purpose.**

The council wishes to establish systematic guidelines to be used in the naming of County parks and recreational facilities.

(1987, ord 87-134, sec 1.)

Section 15-66. Definitions.

As used in this article:

- (1) "Aesthetic areas" shall include scenic and historic sites, ponds and waterfalls.
- (2) "Open areas" shall include parks, playgrounds, fields and totlots.
- (3) "Recreational facilities" means all County facilities classified herein as aesthetic areas, open areas, special interest areas, and structures.
- (4) "Special interest areas" shall include tennis courts, golf courses, zoos, botanical gardens, equestrian center and rodeo arenas, archery ranges, rifle and skeet ranges, drag strips and other raceways, and any other facility operated or owned by the County of Hawai'i which has as its purpose the recreation, entertainment or leisure activity of members of the public as either participants or spectators.
- (5) "Structures" shall include gymnasiums, community centers, senior centers, cultural centers, pavilions, covered arenas and courts, stadiums, theaters, and any other construction which is under the administration of the department of parks and recreation of the County.

(1987, ord 87-134, sec 1.)

Section 15-67. Naming of recreational facilities.

- (a) The names of all recreational facilities shall be designated in accordance with requirements set forth herein:
- (1) Aesthetic areas.
Any aesthetic area shall:
 - (A) Retain any existing name which has been historically accepted through common usage; or
 - (B) Be named, preferably in the Hawaiian language, in a manner which describes significant features or the geographic location of said aesthetic area.
 - (2) Open areas.
Any open area shall:
 - (A) Be named for its neighborhood, community, region, district or other identifying geographical location; or
 - (B) Be named for a former member of the Hawaiian monarchy; or
 - (C) Be named or re-named for a person or persons alive or deceased, who meet one or more of the following criteria:
 - (i) The person has contributed significantly to the recreational programs in the community in which the open area is located;
 - (ii) The person has achieved significant recognition on the national or international level;
 - (iii) The person has been honored for service with the armed forces of the United States of America; or
 - (iv) The person has accomplished significant achievements in other fields of endeavor which have been of benefit to other persons.
 - (D) Where the use of a geographical name as described in subsection (2)(A) would lead to duplication of an already existing name of a recreational facility, the facility shall be named after the primary street which it abuts, or be given a name in the Hawaiian language which describes its site.
 - (3) Special interest areas.
Any special interest area shall:
 - (A) Be named for its neighborhood, community, region, district, or other identifying geographic location; or
 - (B) Where use of a geographical name as described in subsection (3)(A) would lead to duplication of an already existing name of a recreational facility, the facility shall be named after the primary street which it abuts, or be given a name in the Hawaiian language which describes its site.

(4) Structures.

Any structure shall:

- (A) Be named for its neighborhood, community, region, district, or other identifying geographic location; or
- (B) Be named or re-named for a person or persons alive or deceased, who meet one or more of the following criteria:
 - (i) The person has contributed significantly to the recreational programs in the community in which the structure is located;
 - (ii) The person has achieved significant recognition on the national or international level;
 - (iii) The person has been honored for service with the armed forces of the United States of America; or
 - (iv) The person has accomplished significant achievements in other fields of endeavor which have been of benefit to other persons.

(b) Where the name of any person or persons is proposed as the name for an open area or structure, pursuant to subsection (2)(C) or (4)(B), the following information shall be included in the proposal:

- (1) The full name of the person;
- (2) The date of birth and, if appropriate, the date of the death of the person;
- (3) The current or last residence of the person, including street address, town, and district;
- (4) Association, if any, of the person with the open area or structure to be named; and
- (5) A brief biography of the person, including all data relevant to the commemorative naming.

(1987, ord 87-134, sec 1; am 2005, ord 05-45, sec 2.)

Section 15-68. Procedure for naming parks and recreational facilities.

All parks and recreational facilities shall be named by ordinance and included within Schedule 15-68.1 of the Hawai'i County Code.

(1987, ord 87-134, sec 1; am 2000, ord 00-15, sec 1.)

Section 15-68.1. Parks and recreational facility schedule.

PARKS

Hilo/Hāmākua	
Afook-Chinen Civic Auditorium	Kalākaua Park
Āhualani Park	Kamanā Senior Center
‘Āinakō Park	Kanakea Pond
‘Āinaola Park	Kaūmana Caves
Aunty Sally Kaleohano’s Lū’au Hale	Kaūmana Lani Park
Bakers Beach	Keikiland Playground
Carlsmith Beach Park	Kolekole Gulch Park
Charles “Sparky” Kawamoto Swim Stadium	Kūhiō Kalaniana’ole Park
Clem Akina Park	Kukuihaele Park
East Hawai’i Cultural Center	Kula’imano Park
Edith Kanakaole Multi-purpose Stadium	Lālākea Pond Beach Park
Francis F.C. Wong Stadium	Laupāhoehoe Point Beach Park
Frank M. Santos Park	Laupāhoehoe Senior Center
Gilbert Carvalho Park	Laupāhoehoe Swimming Pool
Haina Park	Leleiwi Beach Park
Hakalau Veterans Park	Liholiho Garden
Hilo Armory	Lili’uokalani Gardens
Hilo Bayfront Beach	Lincoln Park
Hilo Bayfront Soccerfields	(1) Dr. Ruth E. Oda Playground
Hilo Drag Strip	Lōkahi Park
Hilo Municipal Golf Course	Machado Acres Park
Hilo Pōmaika’i Senior Center	Mālama Park
Hilo Skeet Range	Mohouli Park
Honoka’a Park	Mokuola Island
Honoka’a Rodeo Arena	Mo’oheau Park
(1) Rose Andrade Correia Stadium	NAS Swimming Pool
Honoka’a Swimming Pool	Onekahakaha Beach Park
Honoli’i Beach Park	(1) Uncle David K. Calles, Sr. Horseshoe Courts
Honomū Park	‘Ō’ōkala Park
Ho’olulu Complex	Pa’auilo Park
Hualani Park	Pana’ewa Equestrian Center
(1) Ronald Futoshi “Harpo” Saiki Officials’ Stand	Pana’ewa Park
James Kealoha Beach Park	Pana’ewa Rainforest Zoo and Gardens
Kaiwiki Park	Pāpa’aloha Park

PARKS (continued)

Hilo/Hāmākua (continued)	
Pepe'ekeo Community Center Princess Abigail Wahiika'ahu'ula Kawananakoa Center Reeds Bay Beach Park Richardson Ocean Park University Heights Park Waiākea Recreation Center Waiākea-Uka Park (1) Stanley Costales Waiākea-Uka Gym	Waiākea Waena Park Waikaumalo Park Wainaku Gym Wainaku Playground Wai'olena Beach Park Waipi'o Community Park Waipi'o Look Out Wai'uli Beach Park Walter C.K. Victor Baseball Complex

Ka'ū	
Kahuku Park Laurence J. Capellas Ballfield Nā'ālehu Park Pāhala Community Center Pāhala Swimming Pool	Pāhala Tennis and Basketball Courts Punalu'u Black Sand Beach Park Representative Robert N. Herkes Gymnasium and Shelter Wai'ōhinu Park Whittington Beach Park

Kohala	
Kamehameha Park (1) Shiro Takata Field Kapa'a Beach Park Keōkea Beach Park Lily Yoshimatsu Senior Center Mahukona Beach Park Mahukona Wharf North Kohala Senior Center North Kohala Veterans Field	Spencer Park at 'Ōhai'ula Beach (1) Samuel Mahuka Spencer Pavilion Waikoloa Community Park Waikoloa Neighborhood Park Waimea Church Row Park Waimea Park

PARKS (continued)

Kona	
Arthur C. Greenwell Park Clarence Lum Won Park Hale Hālāwai Harold H. Higashihara Park Hōnaunau Boat Ramp Hōnaunau Rodeo Arena Ho’okena Beach Park Kahalu’u Beach Park Kailua Park Kailua Playground Kekuaokalani Gymnasium Kohanaiki Beach Park Kona Hillcrest Park	Kona Imin Center Kona Waena Swimming Pool Ku’emanu Heiau La’aloa Bay Beach Park Magic Sands Beach Park Miloli’i Beach Park Nākamalei Playground Old Kona Airport Park Pāhoehoe Beach Park Sgt. Rodney J. T. Yano Memorial Hall Wai’aha Beach Park William Charles Lunalilo Playground

Puna	
‘Āhalanui Park/Maunakea Pond A.J. Watt Gym Glenwood Park Hawaiian Beaches Park Herbert Shipman Park (1) Buddy Perry Soccer Field Isaac Kepo’okalani Hale Beach Park Kahakai Park Kea’au Community Center	Kurtistown Park Mt. View Park Pāhoa Aquatic Center Pāhoa Neighborhood Facility Volcano Park

CEMETERIES

Hilo/Hāmākua	
‘Alae Cemetery Kainehe Cemetery (Kūka‘iau) Kihalani Cemetery (Laupāhoehoe) Kukuihaele Cemetery	Pa‘alaea Cemetery (Honoka‘a) Veterans Cemetery No. 1 Veterans Cemetery No. 2 Waiākea Uka Cemetery

Ka‘ū	
Nā‘ālehu Cemetery	

North/South Kohala	
Kahei Cemetery Waimea Cemetery	

Kona	
West Hawai‘i Veterans Cemetery-Pu‘u Ho‘omaha O Na Po‘e Koa O Hawai‘i Komohana Hienaloli Cemetery (Keōpū)	

(2000, ord 00-15, sec 2; ord 00-66, sec 2; ord 00-113, secs 1 and 2; am 2002, ord 02-58, sec 2; am 2003, ord 03-99, sec 2; ord 03-135, sec 2; am 2004, ord 04-79, sec 2; am 2005, ord 05-40, sec 2; ord 05-96, sec 2; am 2006, ord 06-127, sec 2; ord 06-149, sec 3; am 2007, ord 07-22, sec 4; am 2008, ord 08-7 sec 5; ord 08-22, sec 2; ord 08-35, sec 2; ord 08-121, sec 2; ord 08-142, sec 2; am 2009, ord 09-32, sec 3; am 2010, ord 10-11, sec 3; am 2011, ord 11-90, sec 3; am 2012, ord 12-164, sec 2; am 2014, ord 14-57, sec 2; am 2015, ord 15-60, sec 4; am 2016, ord 16-111, sec 2; ord 16-112, sec 2; ord. 16-113, sec 4; am 2017, ord 17-61, sec 2.)

Article 9. Farmers Markets.

Section 15-69. Intent.

It is the intent of this article to allow for the establishment of farmers markets at various County parks and facilities. Farmers markets will offer the general public the opportunity to buy and sell homegrown and homemade products and wares. (1993, ord 93-97, sec 1.)

Section 15-70. Director to establish time limits.

The director may establish reasonable limitations on the duration and frequency of any farmers market activities that may be allowed. (1993, ord 93-97, sec 1.)

Section 15-71. Site map.

The department may apportion and/or delineate the area within the County park as the facility where the farmers market activity is allowed. The department shall provide a map of the farmers market site clearly delineating all farmers market spaces reserved for the exclusive use of any person granted a permit. (1993, ord 93-97, sec 1.)

Section 15-72. Farmers market facility schedule.

Farmers markets at County parks and facilities shall be designated by ordinance and included within the following schedule:

FARMERS MARKETS

Hilo/Hāmākua	
Hakalau Veterans Park	
Ka‘ū	
Kohala	

Kona	

Puna	
Volcano Park	

(1993, ord 93-97, sec 1; am 2017, ord 17-54, sec 1.)

Section 15-73. Permit; fee.

- (a) All responsible persons, eighteen years of age or older, shall be allowed to secure a permit on their own to sell their products and wares grown, produced or made on the island of Hawai'i in any of the designated farmers market sites subject to policies, rules and regulations established by the director. Permits shall be issued on a first-come, first-served basis and shall be based upon a fee of \$5 per day. Each permit shall identify the permittee, the specific market space and site and the date(s) of said permit.
- (b) No permit shall be issued for more than five consecutive days, nor shall any person be granted a permit for more than fifteen days in any given calendar month. The holder of a farmers market permit shall, upon request, show the permit to any law enforcement officer, park caretaker, or any personnel of the department or any administrator or manager contracted by the department therefor.
- (c) Permit fees may be used by the department to enter into an agreement with a nonprofit organization to administer and manage a farmers market program and/or site.

(1993, ord 93-97, sec 1; am 2017, ord 17-54, sec 2.)

PARKS AND RECREATION

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15-27.2

UNOFFICIAL ADVANCE SHEET - Contains sec(s) affected since publication of Supp. 2 (7-2017).
Official revision to be published in Supp. 3 (1-2018).

Article 10. Municipal Golf Course Funds.**Section 15-74. Creation.**

There is created and established special funds to be known as the “municipal golf course funds.”

(1995, ord 95-53, sec 1.)

Section 15-75. Purpose.

All income generated from each municipal golf course shall be deposited into its respective, individual municipal golf course fund to be expended by the department solely for the operation, maintenance and improvement of that particular municipal golf course.

(1995, ord 95-53, sec 1.)

Section 15-76. Administration.

The director shall be responsible for the administration of all municipal golf course funds in accordance with prescribed laws and procedures applicable to the expenditure of county funds.

(1995, ord 95-53, sec 1.)

Article 11. Dog Parks.**Section 15-77. Purpose.**

The purpose of this article is to create a policy for establishing County park areas to be used exclusively by dogs and their handlers.

(2009, ord 09-113, sec 1.)

Section 15-78. Definitions.

For purposes of this article:

“Adult dog” means a dog over twelve months of age.

“Dangerous dog” means any dog that, without provocation, attacks a person or animal. A dog’s breed shall not be considered in determining whether or not it is dangerous.

“Dog park” means an enclosed area within a County park that has been designated for use as an off-leash dog area or a park for the exclusive use of dogs and their handlers, and listed in the facility schedule in this article.

“Enforcement Officer” means a police officer or animal control officer.

“Handler” means the person who brought the dog to the dog park and is responsible for the dog. The handler shall either be the owner of the dog or a responsible person that has been permitted by the owner to bring the dog to the dog park.

“Mobility device” means a device used by individuals with mobility impairment for the purpose of locomotion. A mobility device may be powered by the individual or some other source.

“Off-leash area” means the fenced, secured section where the dog is allowed to exercise and train without a leash.

“On-leash area” means any area not included inside the fenced and secured dog park section, the transition areas between the park, or a handler’s vehicle and the off-leash area.

“Puppy” means a dog between birth and twelve months of age.

“Shared-use or multi-use park” means a park that has playground equipment, an athletic playing field, or any other use that attracts children and also has a designated dog park on the same property.

(2009, ord 09-113, sec 1.)

Section 15-79. Applicability

This article applies to any County-owned and designated dog park or any portion of a multi-use park where an area is designated as a dog park, and is appropriately fenced and signed. Only areas listed in the facility schedule of this article shall be authorized as County dog parks. The provisions of Hawai‘i Revised Statutes section 663-9, regarding dog owner liability and Hawai‘i County Code, chapter 4, as it relates to dogs, are applicable to all users of designated dog parks.

(2009, ord 09-113, sec 1.)

Section 15-80. Designation and regulation of dog parks.

- (a) The director, with the approval of the council, may designate any County park as a shared-use park and allocate an area as an off-leash area for dogs, or authorize a location exclusively for a dog park.
 - (1) In designating County parks for the exclusive use of dogs and their handlers or portions of county parks or areas therein as a shared-use park with an off-leash area, the director shall consider the park’s size, location, and frequency of use by members of the public, as well as the primary, actual, or designed use of each park or area.
 - (2) The director shall post signs that notify the public of such off-leash or on-leash areas for dogs and describe or map the park or park areas so designated.
 - (3) Areas for off-leash dogs shall be appropriately fenced.
- (b) If practicable, the director may designate a separate, fenced, and secure section within a dog park to accommodate dogs that weigh twenty pounds or less. In addition, the director may also designate a play and training section for the protection of puppies that shall be similarly segregated and secure from other areas of the dog park.
- (c) The director shall adopt rules pertaining to dog parks.

(2009, ord 09-113, sec 1.)

Section 15-81. Liability; responsibility of handler.

- (a) The handler shall be responsible for all actions, behavior, injuries, or damage caused by its dogs while on County park property.
- (b) The handler shall be responsible for removing any feces, vomit or other waste matter produced by its dogs from the park and depositing it in an appropriate container.
- (c) The handler shall keep its dogs on a leash no longer than six feet in length when entering the park and moving the dogs into the off-leash area.
- (d) When in the off-leash area, the handler shall control its dogs by sound or voice command.
- (e) The handlers shall closely supervise minor children that accompany them to the dog park.
- (f) The County is not liable for any injury or harm to any person or dog incurred or caused by any other person or dog entering or remaining in the on-leash or off-leash park. The provisions of Hawai'i Revised Statutes section 663-9, regarding dog owner liability and Hawai'i County Code, chapter 4, as it relates to dogs, are applicable to all users of designated dog parks.
- (g) The director has the right to deny any person or dog access to any or all dog parks in accordance with administrative rules of the department of parks and recreation. (2009, ord 09-113, sec 1.)

Section 15-82. No alcohol, drug use, or food shall be allowed in dog parks.

- (a) Alcohol and/or drug use is prohibited in dog parks at all times and the handler shall not be under the influence of alcohol or drugs while escorting, transiting, or training a dog in a dog park subject to the provisions of this article as well as other State and County codes for violations.
- (b) Absolutely no food, including dog food or treats, shall be allowed in the off-leash area. (2009, ord 09-113, sec 1.)

Section 15-83. Noise-producing devices prohibited.

- (a) Due to the need for each handler to keep its dog under voice and sound control within the dog park, the use of any noise-producing devices including radios, television sets, musical instruments, boom boxes, electric generating plants, or other equipment driven by motors or engines is prohibited in a dog park or in a shared-use park where a designated area for a dog park exists, or at the discretion of the director.
- (b) This section shall not prohibit the use of equipment for law enforcement or custodial maintenance purposes, or the use of mobility devices in a dog park. (2009, ord 09-113, sec 1.)

Section 15-84. Current dog vaccinations required.

- (a) To protect all dogs using a dog park, each handler shall keep its dog's vaccination current and provide documentation of such to enforcement officers, upon request. Documentation shall consist of medical records, vaccine certificates, and/or receipts. Each dog shall have required vaccinations against common infectious diseases, be free of internal parasites, and be treated for ticks and other external parasites before entering a dog park.
 - (b) Required vaccinations:
 - (1) Distemper virus
 - (2) Infectious Canine Hepatitis
 - (3) Leptospirosis
 - (4) Parvo virus
 - (c) Recommended, but non-essential vaccinations:
 - (1) Parainfluenza
 - (2) Bordetella
- (2009, ord 09-113, sec 1.)

Section 15-85. Handler's responsibilities; control of dogs.

- (a) Any dog transiting to and from the handler's vehicle or outside the designated off-leash area shall be on a leash no longer than six feet.
- (b) The handler shall carry a leash no longer than six feet for each dog in its care in the off-leash area.
- (c) The handler shall not bring more than two dogs into the off-leash area at any one time.
- (d) To prevent injury, the handler shall remove pinch or choke collars from the dog when it is in the off-leash area.
- (e) For health and safety reasons:
 - (1) A handler shall not bring a puppy under the age of sixteen weeks into any dog park.
 - (2) Female dogs in estrus shall be prohibited from entering any on-leash or off-leash parks.
 - (3) When any dog is in the off-leash area, the handler shall remain in the off-leash area to supervise its dogs, and keep the dogs within view and under verbal, sound, or signal control at all times.
 - (4) Each handler in the off-leash section shall be at least eighteen years of age. Minor children entering the off-leash section shall be accompanied by an adult.
 - (5) All dogs shall have a valid dog license tag attached to the dog's collar while in the dog park.
 - (6) The handler shall comply with all other dog park rules, as established by the director and posted in an easily visible location of each dog park.

(2009, ord 09-113, sec 1.)

Section 15-86. Dog behavior.

- (a) The handler shall ensure that its dogs demonstrate appropriate social interaction at all times toward people and other dogs.
- (b) Dogs displaying aggressive behavior toward people or other dogs shall be immediately leashed and removed from the off-leash area, out of the dog park, and any other portion of the County park.
- (c) The provisions and penalties set forth in chapter 4, article 4, section 4-31, Regulation of dangerous dogs, are applicable to this article. In addition to the penalty provisions set forth in that section, any enforcement officer may also issue a trespass notice against the handler of any dog that is dangerous or vicious toward any other dog or person.

(2009, ord 09-113, sec 1.)

Section 15-87. Dog park entry requirements; fees.

- (a) Each dog entering a dog park shall have a dog license tag pursuant to Hawai‘i County Code, chapter 4, article 3. The dog license tag shall be attached to the dog’s collar, and such collar shall remain on the dog at all times while in the dog park or moving to or from the dog park.
- (b) Each dog entering a dog park shall wear an individual dog park entry tag indicating that the annual dog park entry fee has been paid to the County or the County’s designated representative. Payment of the annual dog park entry fee entitles the handler to a single, colorized dog park entry tag applicable only to the dog to whom it was issued. The dog park entry tag shall be colored by calendar year. There shall be a one month’s grace period (January) during which time a dog may still have the dog park entry tag for the previous calendar year. The dog park entry tag allows the authorized dog to enter any county dog park unless the handler has been issued a trespass notice against personally entering a dog park or against that particular dog.
- (c) Dog park entry tag fees:
 - (1) Each puppy \$5
(No pictures shall be required. Includes the administrative fee.)
 - (2) Initial adult dog park entry application, per dog \$25
(Initial application shall include pictures of both sides and the face of the dog. Includes the administrative fee.)
 - (3) Renewal fee for an adult dog, per dog..... \$10
(Does not require additional pictures or an additional dog license tag for identification purposes. Includes the administrative fee.)
 - (4) Administrative fee..... \$5
- (d) If the ownership of the dog changes, the new owner shall complete an application, have new dog pictures taken, and pay the administrative fee to the County or the County’s designated representative to transfer ownership of the dog and its dog park entry tag.
- (e) All fees shall be paid to the County of Hawai‘i within thirty days and deposited in the general fund of the County of Hawai‘i.

(2009, ord 09-113, sec 1.)

Section 15-88. Violation of regulations; penalties.

- (a) Each separate violation of the provisions of this article is a violation and upon conviction, shall be punished by a fine not to exceed \$1,000. Conduct that is proscribed under Hawai'i County Code, chapter 4, article 4, as it relates to dogs, shall be enforced under that chapter.
- (b) Failure to have a current dog license tag on the dog's collar when entering a dog park constitutes a violation of this article.
- (c) Failure to have a current dog park entry tag on the dog's collar when entering a dog park constitutes a violation of this article. In addition to any penalty, the owner shall pay the dog park entry tag fee for that calendar year.
- (d) Failure to maintain current vaccinations for a dog entering a dog park constitutes a violation of this article. Medical records, vaccination certificates, and/or receipts showing current vaccination shall be provided by the handler upon request of the enforcement officer.
- (e) All fines collected under this article shall be deposited within thirty days into the general fund of the County of Hawai'i.
- (f) A one-year, no-trespassing notice against a person or dog may be issued by an enforcement officer for any violation of this article or any violation of posted park rules. A court of competent jurisdiction may extend the no-trespass period of time beyond one year for any violation of any section this article.

(2009, ord 09-113, sec 1.)

Section 15-89. Dog park facility schedule.

All dog parks shall be named by ordinance and added to the following facilities schedule:

DOG PARKS	
Hāmākua Hilo Ka'ū	Kohala Kona Puna

(2009, ord 09-113, sec 1.)

Section 15-90. Severability.

If any provision of this article is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this article.

(2009, ord 09-113, sec 1.)

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