



**County of Maui
Department of Parks & Recreation**

**Code Revisions Chapter 13
13.04A and 13.04 Comparison Document
Article I – Article VII**

<p>Chapter 13.04A PARKS AND RECREATIONAL FACILITIES.</p> <p>Article I. – General Provisions</p> <p><u>13.04A.010</u> – Purpose of the chapter.</p> <p><u>13.04A.020</u> – Applicability and scope.</p> <p><u>13.04A.030</u> – Definitions.</p> <p><u>13.04A.040</u> – Operating policy.</p> <p><u>13.04A.050</u> – Reporting.</p> <p><u>13.04A.060</u> – Recreational program fund.</p> <p>Article II. – Prohibitions</p> <p>13.04A.070 – General prohibitions applicable to all parks and recreation facilities.</p> <p>13.04A.080 – Alcohol prohibition for certain parks and recreational facilities.</p> <p>Article III. – Permits</p> <p>13.04A.090 – Permits policy.</p> <p>13.04A.100 – Permit procedure.</p> <p>13.04A.110 – Permittee liability.</p> <p>13.04A.120 – Appeals.</p> <p>13.04A.130 – Department equipment rental.</p> <p>13.04A.140 – Refreshment concessions.</p> <p>Article IV. – Camping</p> <p>13.04A.200 – Camping areas.</p> <p>13.04A.210 – Camping permits.</p> <p>13.04A.220 – Camping fees.</p> <p>13.04A.230 – Curfew.</p> <p>Article V. Rules and Regulations of the Department</p> <p>13.04A.240 – Promulgation.</p> <p>Article VI. – Citations, Trespass, Penalties</p> <p>13.04A.250 – Citations.</p> <p>13.04A.260 – Trespass.</p> <p>13.04A.270 – Penalties</p> <p>Article VII. – Commercial Ocean Recreational Activity</p> <p>13.04A.280 - Purpose.</p> <p>13.04A.290 - Prohibitions.</p> <p>13.04A.300 - Permit requirement—Additional regulation.</p> <p>13.04A.310 - Permit application—Issuance—Denial—Appeal.</p>	<p>Chapter 13.04 - RECREATIONAL AREA REGULATIONS</p> <p>Article I. - General Provisions</p> <p>13.04.010 - Applicability and scope.</p> <p>13.04.020 - Definitions.</p> <p>13.04.030 - County co-sponsored activity.</p> <p>Article II. - Prohibitions</p> <p>13.04.040 - General prohibitions applicable to all parks and recreation facilities.</p> <p>13.04.041, 13.04.042 - Reserved.</p> <p>13.04.044 - Alcohol prohibition for certain parks.</p> <p>13.04.045 - 13.04.049 - Reserved.</p> <p>Article III. - Operating Policy</p> <p>13.04.050 - Hours.</p> <p>13.04.060 - Closed areas.</p> <p>Article IV. - Permits and Fees</p> <p>13.04.070 - Priority of use.</p> <p>13.04.080 - Fees and deposits.</p> <p>13.04.090 - Permits and fees.</p> <p>13.04.100 - Permit procedure for type II, type II(CC), type II(R), type III, type IV, and type V activities.</p> <p>13.04.110 - Liability of permittee.</p> <p>13.04.120 - Denial and revocation of permits.</p> <p>13.04.125 - Appeals.</p> <p>13.04.130 - Duration of use.</p> <p>13.04.140 - Rental of department equipment.</p> <p>13.04.150 - Refreshment concession.</p> <p>Article V. - Camping</p> <p>13.04.160 - Camping areas.</p> <p>13.04.170 - Permits.</p> <p>13.04.180 - Fees.</p> <p>13.04.190 - Curfew.</p> <p>Article VI. - Tennis Courts</p> <p>13.04.200 - Use.</p> <p>13.04.210 - Teaching, lessons and instructions.</p> <p>Article VII. - Rules and Regulations of the Department</p>
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<p>13.04A.320 - Permit conditions. 13.04A.330 - Permit term—Suspension—Revocation. 13.04A.340 - Nontransferable. 13.04A.350 - Inspection of permit. 13.04A.360 - Penalties. 13.04A.370 - Ocean recreational activity fund.</p>	<p>13.04.220 - Promulgation. Article VIII. - Penalties 13.04.230 - Penalties. Article IX. - Disorderly Conduct Committed in a Park or Recreational Facility 13.04.235 - Citations. 13.04.240 - Disorderly conduct. Article X. - Commercial Ocean Recreational Activity* 13.04.250 - Applicability. 13.04.251 - Definitions. 13.04.255 - Purpose. 13.04.256 - Prohibitions. 13.04.260 - Permit requirement—Additional regulation. 13.04.270 - Permit application—Issuance—Denial—Appeal. 13.04.280 - Permit conditions. 13.04.290 - Permit term—Suspension—Revocation. 13.04.300 - Nontransferability. 13.04.310 - Inspection of permit. 13.04.320 - Penalties. 13.04.340 - Ocean recreational activity fund.</p>
<p>13.04A.010 Purpose of the chapter. <u>In the interest of preserving and protecting County parks and recreational facilities and their recreational, cultural, environmental, social, educational, historical, and economic benefit to the community, this chapter establishes policies and procedures regarding the use of parks and recreational facilities.</u></p>	
<p>13.04A.020 Applicability and scope. A. Except as otherwise provided for in chapters 13.16 and 13.20 <u>of this title</u>, this chapter shall apply to all parks and recreational facilities within the County of Maui. B. If any provision of this chapter conflicts with any other ordinance or statute, the stricter provision shall govern.</p>	<p>13.04.010 Applicability and scope. A. Except as otherwise provided for in chapters 13.16 and 13.20, this chapter shall apply to all park and recreational facilities within the County of Maui. B. If any provision of this chapter conflicts with any other ordinance or statute, the stricter provision shall govern. C. If any section, sentence, clause, or phrase of this chapter, or its application to any person, is for reason held to be invalid or unconstitutional by a court of competent jurisdiction, the</p>

<p>C. If any section, sentence, clause, or phrase of this chapter, or its application to any <u>individual</u>, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions of this chapter, or the application of this chapter to other individuals shall not be affected.</p> <p>D. <u>The director, or the director's authorized representative, shall implement and administer the provisions of this chapter.</u></p>	<p>remaining portions of this chapter, or the application of this chapter to other persons shall not be affected.</p>
<p>13.04A.030 Definitions. For the purpose of this chapter, certain phrases and words are defined as follows:</p>	<p>13.04.020 Definitions. For the purpose of these regulations, certain phrases and words are defined as follows:</p>
<p><u>"ADA" means the Americans with Disabilities Act of 1990.</u></p>	
<p><u>"Advertising material" means signage, stickers, posters, flyers, brochures, banners, videos, displays, or any other means of promotion.</u></p>	
<p><u>"Applicant" means an individual eighteen years of age or older, a business, group, organization or association that requests the use of a park or recreational facility for activities or events specified within this chapter. An applicant shall be twenty one years of age for the consumption of an intoxicating liquor to be authorized at a park or recreational facility.</u></p>	<p>(Definition from CORA 13.04.251) "Applicant" means a business applying for a permit.</p>
<p><u>"Application" means a form provided by the department that must be submitted to initiate a permit request.</u></p>	
<p><u>"Athletic field" means an enclosed area within a park that is appropriately marked and set aside to be primarily used for playing a game or sport, including, but not limited to baseball fields, basketball courts, soccer fields, tennis courts, and other fields or courts.</u></p>	<p>"Athletic field" means an enclosed area within a County park that is appropriately marked and set aside to be primarily used for playing a game or sport, including, but not limited to, baseball fields, basketball courts, soccer fields, and tennis courts.</p>
<p><u>"Authorized agent" means an executive director or officer of a corporation, or a general partner of a general or limited partnership, or an active member of an unincorporated group or organization. An authorized agent shall provide the director with notarized written authority in order to represent a corporation, partnership, group or organization.</u></p>	
<p><u>"Authorized representative" means any person designated to act for the director.</u></p>	

<p>"Business" means any enterprise or establishment, including but not limited to sole proprietorships, joint ventures, partnerships, corporations, fraternal organizations, clubs, <u>or any other profit or nonprofit entities, and includes all employees of the business who are acting on behalf of said business.</u></p>	<p>"Business" means any enterprise or establishment, including but not limited to, sole proprietorships, joint ventures, partnerships, corporations, fraternal organizations, clubs, unorganized associations or any other entities, whether for profit or not for profit, and includes all employees of the business.</p>
<p>"Business location" means a permanent, fixed place of business located in the County identifiable by a tax map key number and street address. A post office box number is not sufficient to identify a fixed place of business.</p>	<p>"Business location" means a permanent, fixed place of business located in the County identifiable by a tax map key number and street address. A post office box number is not sufficient to identify a fixed place of business.</p>
<p>"Camper" means an <u>individual</u> who remains or intends to remain at a park or recreational facility in order to use the facility as overnight accommodations, <u>as permitted by section 13.04A.210.</u></p>	<p>"Camper" means any person who remains or intends to remain at a park or recreational facility in order to use the facility as overnight accommodations.</p>
<p>"Camping" means the use and occupation of any park or recreational facility whereby one or more <u>individuals</u> remain or intend to remain at the particular park or recreational facility in order to use the park or facility as overnight accommodations, <u>as permitted by section 13.04A.210.</u></p>	<p>"Camping" means the use and occupation of any park or recreational facility whereby one or more persons remain or intend to remain at the particular park or recreational facility in order to use the park or facility as overnight accommodations.</p>
<p>"Cigar" means any roll for smoking made wholly or in part of tobacco if <u>the</u> product is wrapped in any substance containing tobacco.</p>	<p>"Cigar" means any roll for smoking made wholly or in part of tobacco if such product is wrapped in any substance containing tobacco.</p>
<p>"Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size <u>or</u> shape <u>or</u> whether the tobacco is flavored, adulterated, or mixed with any other ingredient, <u>and</u> the wrapper or cover of which is made of paper or any other substance or material except tobacco.</p>	<p>"Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size and shape and whether or not the tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.</p>
<p>"Commercial activity" means any act whereby an <u>individual, organization or entity</u> receives any benefit or a promise to receive a benefit by providing goods or services to another <u>individual.</u></p>	<p>"Commercial activity" means any act whereby a person receives any benefit or a promise to receive a benefit by providing goods or services to another person.</p>
<p>"<u>Commercial</u> ocean recreational activity" means engaging in, or providing instruction or guidance regarding the use of equipment in any pursuit that is primarily conducted in or on the ocean, including, but not limited to, kayaking, snorkeling, scuba diving, surfing, kite surfing, Hawaiian outrigger canoeing, and windsurfing, excluding any pursuit requiring an operator to hold a license or permit from the State of Hawaii division of boating and ocean recreation or the United States Coast Guard. Engaging in and providing instruction or guidance to any patron regarding the use of equipment in the same pursuit shall constitute no more than one ocean recreational activity.</p>	<p>"Ocean recreational activity" means engaging in or providing instruction or guidance regarding the use of equipment in any pursuit that is primarily conducted in or on the ocean, including, but not limited to, kayaking, snorkeling, scuba diving, surfing, kite surfing, Hawaiian outrigger canoeing, and windsurfing, excluding any pursuit requiring an operator to hold a license or permit from the State of Hawaii division of boating and ocean recreation or the United States Coast Guard. Engaging in and providing instruction or guidance to any patron regarding the use of equipment in the same pursuit shall constitute no more than one ocean recreational activity.</p>

	(Definition from CORA 13.04.251) "Commercial ocean recreational activity" means ocean recreational activity conducted by a business for a patron in or on a County beach park or other County property.
<u>"Community center" means any County-operated facility generally utilized as a gathering place for meetings, socials, training and other activities.</u>	
"Consume any intoxicating liquor" means possess any bottle, can or other receptacle containing any intoxicating liquor, as defined in section 281-1, Hawaii Revised Statutes, which has been opened, or a seal broken, or the contents of which have been partially removed, unless such container is kept in the trunk of a vehicle, or kept in such other area of a vehicle not normally occupied by the driver or passenger if the vehicle is not equipped with a trunk, and a utility or glove compartment shall be deemed to be within the area occupied by the driver or passenger.	"Consume any intoxicating liquor" means possess any bottle, can or other receptacle containing any intoxicating liquor, as defined in section 281-1, Hawaii Revised Statutes, which has been opened, or a seal broken, or the contents of which have been partially removed, unless such container is kept in the trunk of a vehicle, or kept in such other area of a vehicle not normally occupied by the driver or passenger if the vehicle is not equipped with a trunk, and a utility or glove compartment shall be deemed to be within the area occupied by the driver or passenger.
"County" means the County of Maui, State of Hawaii.	"County" means the County of Maui, State of Hawaii.
"County property" means any real or personal property owned by or under the <u>management or control of the County or any County agency. County property shall include, but not be limited to:</u> equipment and fixtures; streets and highways; parking areas; sidewalks, roadway shoulders, easements, and rights-of-way; recreational facilities and community centers; beach accesses; beach parks; and beaches, from the high water mark or vegetation line to the location where other private or public property rights begin or if a certified shoreline map recorded with the State of Hawaii exists, those areas indicated by the map.	"County property" means any real or personal property owned by or under the control of the County or any County agency. County property includes , but is not limited to: equipment and fixtures; streets and highways; parking areas; sidewalks, roadway shoulders, easements, and rights-of-way; recreational facilities and community centers; beach accesses; beach parks; and beaches, from the high water mark or vegetation line to the location where other private or public property rights begin or if a certified shoreline map recorded with the State of Hawaii exists, those areas indicated by the map.
"Department" means the department of parks and recreation of the County.	"Department" means the department of parks and recreation of the County of Maui .
<u>"Department equipment" means any electrical, electronic or mechanical device, or system, or athletic equipment rented by the department pursuant to a permit issued by the department. Rental fees shall be set forth in the annual budget ordinance.</u>	
<u>"Department sponsored" means all functions, activities, or events, solely sponsored by the department, or together with an individual or organization.</u>	"County co-sponsored activity" means an activity authorized by the director of parks and recreation under section 13.04.030 of this chapter.
<u>"Deposit" means a monetary assessment placed with the department as security to ensure the proper use, maintenance, and restoration of parks and recreational facilities, including the return of keys and equipment rented relative to the issued permit. All deposits must be paid by the applicant.</u>	"Deposit" means a sum of money placed with the department as security for the use and maintenance of parks and recreational facilities.

<p><u>"Designated parks or recreational facilities" means parks and recreational facilities that are under the jurisdiction of the department and available for use pursuant to a permit issued by the department.</u></p>	
<p>"Director" means the director of the department of parks and recreation of the County or an authorized representative.</p>	<p>"Director" means the director of the department of parks and recreation of the County of Maui or an authorized representative.</p>
<p>"Dog park" means an enclosed area within a park that has been designated for use as an off-leash dog area.</p>	<p>"Dog park" means an enclosed area within a County park that has been designated for use as an off-leash dog area.</p>
<p><u>"Electronic smoking device" means any electronic product that can be used to simulate smoking in the delivery of nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any cartridge or other component of the device or related product.</u></p>	
<p>"Equipment" means tangible business property.</p>	<p>"Equipment" means tangible business property, except any device or conveyance that requires an operating license or permit from the State of Hawaii division of boating and recreation or from the United States Coast Guard.</p>
<p><u>"Exclusive use" means the use of a park or recreational facility as designated in a permit issued by the department pursuant to this chapter which prohibits or restricts the availability of that park or recreational facility to others.</u></p>	
<p>"Fees" means <u>financial payment assessed</u> by the department as specified in the annual budget ordinance. Fees include:</p>	<p>"Fees" means monetary charges required by the director pursuant to the provisions in this chapter for the authorized use of parks and recreational facilities.</p>
<p><u>"Application fee" is a non-refundable fee charged to process a permit application. The application fee must be paid by the applicant.</u></p>	
<p><u>"Cancellation fee" is the forfeiture of deposits for failure to provide timely notice of cancellation or for failure to use any issued permit. (See Table 2 in section 13.04A.100.)</u></p>	
<p><u>"Permit fee" is a non-refundable fee required prior to issuance of any permit authorizing use of parks and recreational facilities. All permit fees must be paid by the applicant. (See Table 1 in section 13.04A.100.)</u></p>	

<p><u>"Registration fee" is a non-refundable fee required to participate in programs, services, or instructional classes operated by the department.</u></p>	
<p><u>"Fundraising activity" means an event or activity sponsored and conducted by an individual, organization, or non-profit entity with all proceeds from the event or activity accruing to the cause pursuant to a permit issued by the department.</u></p>	
<p><u>"Gymnasium" means any recreational facility utilized for indoor athletic activities such as basketball or volleyball.</u></p>	
<p><u>"Individual" and "individual or organization" means persons, associations, clubs, joint ventures, trusts, partnerships, corporations or any group of individuals organized for a specific purpose.</u></p>	
<p><u>"Intoxicating liquor" has the same meaning as liquor or intoxicating liquor as defined in section 281-1, Hawaii Revised Statutes.</u></p>	
<p><u>"Law enforcement officer" has the same meaning as law enforcement officer as defined in section 710-1000, Hawaii Revised Statutes.</u></p>	
<p><u>"League" means an organized group of teams or individuals that compete against each other over a period of thirty days or longer. Leagues include:</u></p>	
<p><u>"Community league" means leagues organized by an individual or organization which may assess dues, registration or participation fees confirmed by the director to be used solely to offset operating expenses such as equipment, insurance, officiating, and permit fees. Community leagues shall obtain a general use permit issued by the department.</u></p>	
<p><u>"Department league" means leagues organized and operated by the department which do not assess registration or participation fees.</u></p>	
<p><u>"Partnership league" means leagues organized by youth, senior or Americans with Disabilities Act (ADA) organizations which may assess dues, registration or participation fees confirmed by the director to be used solely to offset operating expenses such as equipment, insurance, officiating, and permit fees. Partnership leagues shall obtain a general use permit issued by the department.</u></p>	

<p><u>"Recreational league" means leagues organized by the department which assess registration or participation fees used solely to offset operating expenses such as equipment, officiating, and expenses through the Recreational Program Fund.</u></p>	
<p><u>"League schedule" means a schedule of competitive activities that lists opposing teams or individuals and dates and times of competition within a specified time period.</u></p>	
<p><u>"Non-exclusive use" means the use of a park or recreational facility as designated in a permit issued by the department pursuant to this chapter which does not prohibit or restrict access or use of the remainder of any park or recreational facility by others.</u></p>	
<p>"Nonprofit entity" means an entity which complies with section 501(c) of the Internal Revenue Code and any other requirements under federal, State and County law regulating the conduct of charitable or nonprofit organizations.</p>	<p>"Nonprofit entity" means an entity which complies with section 501(c) of the Internal Revenue Code and any other requirements under federal, state and County law regulating the conduct of charitable or nonprofit organizations.</p>
<p>"Park" or "parks" means a public park located in, owned, and operated by the County, including, but not limited to, any park, park roadway, parking area, playground, athletic field, beach right-of-way, or tennis court, and other recreational areas under the control, management and operation of the department.</p>	<p>"Park or parks" means a public park, including, but not limited to, any park, park roadway, parking area, playground, athletic field, beach, beach right-of-way, tennis court, and other recreational areas under the control, management and operation of the department of parks and recreation.</p>
<p>"Patron" means any individual who contracts to participate in ocean recreational activities.</p>	<p>"Patron" means any person who contracts to participate in ocean recreational activity.</p>
<p>"Permit" means written authorization by the director, or an authorized representative, to reserve a specific park or recreational facility, or a portion thereof, for the event or activity which restricts the general public's use of the reserved area during the permitted event or activity. The following permits are authorized:</p>	<p>"Permit" means a written authorization signed by the director or an authorized representative allowing the use of parks and recreational facilities. (Definition from CORA 13.04.251) "Permit" means a permit issued pursuant to section 13.04.270, unless a different type of permit is specified.</p>
<p><u>"Camping permit" means the use of a park or recreational facility for overnight accommodations by an individual eighteen years of age or older, or a nonprofit organization or group, for a period not exceeding four consecutive days. See article IV.</u></p>	
<p><u>"Commercial ocean recreational activity (CORA) permit" means an ocean recreational activity conducted by a business for a patron in or on a County beach park or other County property." See article VIII.</u></p>	

<p><u>"Community class permit" means lessons, instruction or classes offered to the general public and conducted by an instructor approved by the department. Class participation charges or fees are allowed within the limits established by the department. Temporary refreshment concessions in accordance with section 13.04A.140 are prohibited.</u></p>	<p>"Type II(CC) (community class) activity" means an activity open to the public, organized and conducted by an instructor approved by the community class program for the County of Maui department of parks and recreation, which generates revenues by charging for admission to attend the activity.</p>
<p><u>"General use permit" means events, activities, or leagues organized and sponsored by an individual, registered political candidate, political organization or nonprofit entity. Events and activities other than leagues shall not assess dues, registration or participation fees, or accept donations. Ongoing leagues (over thirty days) for youth, ADA and senior citizen organizations which assess fees solely to offset operating expenses require confirmation by the director.</u></p>	<p>"Type III activity" means an activity organized and sponsored by a person, registered political candidate, political organization, or nonprofit entity which does not generate revenue by charges or donations for admission to attend the activity such as registration or participation fees, but excluding revenues generated from temporary refreshment concessions as defined in section 13.04.150(C). On-going (thirty days or longer) organized youth and adult sport leagues that assess registration or participation fees to their participants or members may qualify under this type III category, provided the director confirms that the fees assessed are solely being used to offset the expenses of operating such leagues such as equipment, insurance, officiating, and park/facility permit fees and expenses.</p>
<p><u>"Government permit" means events or activities organized and conducted by the County or any other governmental agency, department or division thereof. No revenues shall be generated.</u></p>	<p>"Type I activity" means an activity organized and conducted by the County of Maui, or any other agency, department or division of the State of Hawaii or its political subdivisions, or by the United States federal government; provided no revenues are generated by the activities of such other agencies, departments or divisions.</p>
<p><u>"Special events permit" means events, activities, fundraising activities, political fundraisers, or tournaments, determined to require a permit, but which do not meet other permit requirements.</u></p>	<p>"Type IV activity" means an activity organized and sponsored by a registered political candidate, political organization, or nonprofit entity which generates revenue by charges or donations for admission to attend the activity or from other revenue-generating sources related to the activity such as registration or participation fees, and concessions. "Type V activity" means an activity organized and sponsored by a person or entity for the purpose of carrying on a profit-making enterprise.</p>
<p><u>"Permittee" or "permit holder" means an individual, corporation, partnership, group or organization that has received written authorization to use a park or recreational facility through the issuance of a permit pursuant to this chapter.</u></p>	
<p>"Personal mobility device" means a mobility aid belonging to any class of multi-wheeled devices and designed for and used by individuals with disabilities, whether operated manually or by a power supply.</p>	<p>"Personal mobility device" means a mobility aid belonging to any class of multiwheeled devices and designed for and used by individuals with disabilities, whether operated manually or by a power supply.</p>

<p>"Recreational facility" means any building or other physical structure <u>located in, owned, and operated by the County</u>, including, but not limited to, swimming pools, gymnasiums, community centers, <u>and/ or pavilions</u> used for recreational purposes and under the control, management, and operation of the department.</p>	<p>"Recreational facility" means any building or other physical structure, including, but not limited to, swimming pools, gymnasiums, community centers, pavilions, picnic tables, used for recreational purposes and under the control, management, and operation of the department of parks and recreation.</p>
<p>"Rules" means administrative rules of the department adopted pursuant to section 13.04A.240 that implement, interpret, or prescribe policy, procedure, or practice as necessary to carry out <u>the requirements of this chapter</u>.</p>	<p>"Rules" means administrative rules of the department of parks and recreation adopted pursuant to section 13.04.220 of this chapter that implement, interpret, or prescribe policy, procedure, or practice as necessary to carry out this chapter's requirements.</p>
<p>"Smoke" or "smoking" means inhaling or exhaling upon, burning, or carrying any lit cigarette, cigar or pipe <u>or the use of an electronic smoking device</u>.</p>	<p>"Smoke" or "smoking" means inhaling or exhaling upon, burning, or carrying any lit cigarette, cigar or pipe.</p>
<p>"Tobacco products" means tobacco in any form, other than cigarettes, that is prepared or intended for consumption or for personal use by humans, including cigars and any substitutes thereof other than cigarettes that bear the semblance thereof, snuff, chewing or smokeless tobacco, and smoking or pipe tobacco.</p>	<p>"Tobacco products" means tobacco in any form, other than cigarettes, that is prepared or intended for consumption or for personal use by humans, including cigars and any substitutes thereof other than cigarettes that bear the semblance thereof, snuff, chewing or smokeless tobacco, and smoking or pipe tobacco.</p>
<p>"Tournament" means a method of determining the champion or winner in a recreational activity <u>within a pre-determined time period</u>.</p>	
<p>"Vendor" means an individual or organization authorized to participate in a permitted event or activity to sell goods, products, or services at parks or recreational facilities.</p>	
<p>"Visiting swim team" means a swim team not from the County.</p>	<p>"Visiting swim team" means a swim team not from the County of Maui.</p>
<p>"Youth center" means any building, structure, or facility, including all necessary attendant or related facilities and equipment, that is owned or operated by a nonprofit entity or by the County for the exclusive use by the youth of the community that promotes the health, safety, or general welfare of youth.</p>	<p>"Youth center" means any building, structure, or facility, including all necessary attendant or related facilities and equipment, that is owned or operated by a nonprofit entity or by the County for the exclusive use by the youth of the community that promotes the health, safety, or general welfare of youth.</p>
	<p>13.04.030 - County co-sponsored activity. A. For the purpose of this chapter an activity is deemed to be County co-sponsored where the activity is certified as such by the director of any County department under criteria established by that department. B. The director shall allow the use of the park and/or recreational activity on the basis of the first written application received, subject to the following conditions:</p>

	<ol style="list-style-type: none"> 1. The activity shall not be for more than three consecutive days unless authorized by the director, upon the director's finding that the additional amount of time is in the public interest. Upon such a finding, the director shall inform the council of the activity, its duration, and the public interest that will be served; 2. That the activity shall be held by or for a nonprofit entity; 3. That the County may provide utilities for the activity if available; 4. Other than the services provided for in section 13.04.030.B.3, the activity does not require the expenditure of County funds and will not require the services of any County employee; 5. That the person or entity conducting the activity shall clean and restore the premises. <p>C. The director shall, on or before July 15 of each year, provide to the council a list of all County co-sponsored activities that have taken place between July 1 and June 30 of the previous fiscal year. These reports shall also include:</p> <ol style="list-style-type: none"> 1. The purpose of each event or activity; 2. The reasons for County co-sponsorship; 3. The organization or entity that conducted the activity; 4. The length of time over which the activity took place; 5. The location of the activity.
<p><u>13.04A.040 Operating policy.</u></p> <p><u>A. General policy.</u> Unless otherwise <u>permitted</u> by the director, all parks <u>and recreational facilities</u> shall be open to the public <u>on a non-exclusive, first-come, first-served basis</u>, during designated hours established by the director. The opening and closing hours for each park and recreational facility shall be posted therein. <u>Any exclusive use requires a permit.</u></p> <p><u>B. Exceptions.</u></p> <ol style="list-style-type: none"> 1. Closed Areas. Any park or recreational facility or section thereof may be closed to the public by the director at any time when the director finds such to be reasonably necessary for the <u>maintenance of property or for the protection, health, safety, or welfare of the public.</u> <u>Closed areas shall be reported pursuant to subsection 13.04A.050(B).</u> 2. <u>Restricted facilities.</u> Community centers or facilities which require special maintenance. <p><u>C. Director's authority.</u> The director shall determine whether events or activities are compatible with <u>the purpose for which any park or recreational facility was designed.</u></p>	<p>Article III. - Operating Policy</p> <p>13.04.050 - Hours. Unless otherwise ordered by the director, all parks shall be open to the public every day of the year during designated hours as established by the director. The opening and closing hours for each park and recreational facility shall be posted therein.</p> <p>13.04.060 - Closed areas.</p> <p>A. Any park or recreational facility or section thereof may be closed to the public by the director at any time when the director finds such to be reasonably necessary for the protection of the health, safety and welfare of the public.</p>

<p><u>13.04A.050 Reporting.</u> <u>A. Annual reporting.</u> On or before July 15 of each year, <u>the director shall transmit to the council a list of all department sponsored activities, whether revenue generating or non-revenue generating, and any activities extending beyond five consecutive days, which have taken place between July 1 and June 30 of the previous fiscal year.</u> These reports shall include: 1. The purpose of each event or activity. 2. The reasons for <u>department</u> sponsorship. 3. The organization or entity that conducted the activity. 4. The <u>period</u> of time over which the activity took place. 5. The location of the activity 6. <u>A breakdown of events, distinguishing those free to the public or requiring admission charges.</u></p> <p><u>B. Special reporting.</u> <u>Upon finding that an area should be closed for maintenance of property or for the protection of the health, safety, or welfare of the public pursuant to section 13.04A.040, the director shall state in writing the reasons for the closing of the park or recreational facility and shall transmit such reasons to the council within ten days from the date of the closing.</u> Upon request of the council, <u>the director shall file bi-weekly status reports with the council outlining the current status of the problem within the park or recreational facility, any actions taken to minimize those problems, effectiveness of actions taken, and any proposed future actions contemplated to be taken until such time as the park or recreational facility is reopened.</u></p>	<p>From Article I – General Provisions – 13.04.030 County co-sponsored activity – Section C.</p> <p>C. The director shall, on or before July 15 of each year, provide to the council a list of all County co-sponsored activities that have taken place between July 1 and June 30 of the previous fiscal year. These reports shall also include: 1. The purpose of each event or activity; 2. The reasons for County co-sponsorship; 3. The organization or entity that conducted the activity; 4. The length of time over which the activity took place; 5. The location of the activity.</p> <p>From Article III – Operating Policy - 13.04.060 Closed areas – Section B.</p> <p>B. Upon such a finding, the director shall state in writing the reasons for the closing of the park or recreational facility and file such reasons with the council within ten days from the date of the closing. The written statement shall be available in the following alternative formats upon request: large format, braille, audiotape, and simplified language. In addition, the director shall file, upon request of the council, weekly status reports with the council outlining the current status of the problem within the park or recreational facility, any actions taken to minimize those problems, effectiveness of those actions taken and any proposed future actions contemplated to be taken by the director until such time as the park or recreational facility is reopened.</p>
<p><u>13.04A.060 Recreational program fund.</u> <u>There is established and created a fund to be known as the "Recreational Program Fund." Fees collected pursuant to this section, as set forth in the annual budget ordinance, shall be deposited in the Recreational Program Fund, shall be deemed appropriated upon receipt, and may be expended for purposes relating to the operation of recreational leagues by the department.</u></p>	
<p>Article II. – Prohibitions 13.04A.070 – General prohibitions applicable to all parks and recreation facilities. 13.04A.080 – Alcohol prohibition for certain parks and recreational facilities.</p>	<p>Article II. - Prohibitions 13.04.040 - General prohibitions applicable to all parks and recreation facilities. 13.04.041, 13.04.042 - Reserved. 13.04.044 - Alcohol prohibition for certain parks.</p>

	<p>13.04.045 - 13.04.049 - Reserved.</p>
<p>13.04A.070 General prohibitions applicable to all parks and recreation facilities.</p> <p>A. Within the limit of any park or within any recreational facility, it is unlawful for any <u>individual</u> to:</p> <ol style="list-style-type: none"> 1. Throw or dispose of any refuse or any waste material except in a receptacle designated for such <u>purpose</u>. 2. Destroy, injure, deface, or remove in any manner any public structure, sign, equipment, monument, or device. 3. Discharge firearms, air rifles, or spring guns, except at a range established and regulated for that specific purpose. 4. <u>Allow any animal to enter or remain within any park except as provided in subsection D.</u> 5. <u>Bring dogs into recreational facilities, except for guide, signal/hearing, and service dogs, as defined in section 6.05.010 of this code.</u> 6. <u>Feed any animal or animals, or stage any food or water for any animal or animals, except as provided in subsection D.</u> 7. <u>Bring into or possess commercial shopping carts, whether attended or not.</u> 8. Defecate or urinate on the grounds or improvements of any park or recreational facility, except in properly functioning toilets or urinals in public restrooms. 9. Engage in smoking or the use of tobacco products. 10. <u>Abandon, store, or leave personal property unattended in any pavilion, dugout, bathroom or other structure.</u> 11. <u>Abandon any vehicle for a period in excess of twenty-four hours.</u> 12. <u>Sleep or lie on picnic tables, or place personal bedding on picnic tables.</u> 13. <u>Conduct any rummage or second-hand item sales.</u> <p>B. Except as otherwise authorized by permit, license, lease, or <u>contract issued in accordance with this code, within the limits of any park or recreational facility, it is unlawful for any individual to:</u></p> <ol style="list-style-type: none"> 1. <u>Be present during designated closed hours for that park or recreational facility, or between the hours of 10:00 p.m. and 6:00 a.m., or when closed to the public pursuant to subsection 13.04A.040(B)(1).</u> 2. Distribute, post, or place any commercial handbill, circular, notice, or other advertising material. 3. Wash, polish, or repair cars or other vehicles. 	<p>13.04.040 - General prohibitions applicable to all parks and recreation facilities.</p> <p>A. Within the limit of any park or within any recreational facility, it is unlawful for any person to:</p> <ol style="list-style-type: none"> 1. Abandon any vehicle or other personal property or leave any vehicle or other personal property unattended for a period in excess of twenty-four hours; 2. Throw or dispose of any refuse or any waste material except in a receptacle designated for such; 3. Permit any animal, except as hereinafter provided in subsection D, to enter and to remain within the confines of any park area; 4. Destroy, injure, deface, or remove in any manner any public structure, sign, equipment, monument, or device; 5. Discharge firearms, air rifles, or spring guns, except at a range established and regulated for that specific purpose; 6. Defecate or urinate on the grounds or improvements of any park or recreational facility, except in properly functioning toilets or urinals in public restrooms. 7. Engage in smoking or the use of tobacco products. <p>B. Except as otherwise authorized by permit, license, lease, or concession issued in accordance with this code, it is unlawful for any person, within the limits of any park or recreational facility to:</p> <ol style="list-style-type: none"> 1. Distribute, post, or place any commercial handbill or circular, notice, or other advertising material; 2. Wash, polish, or repair cars or other vehicles; 3. Store, repair, or condition any boat, canoe, raft, or other vessel;

<p>4. Store, repair, or condition any boat, canoe, raft, or other vessel.</p> <p>5. Park or operate any vehicle on grassed or sand areas with the exception of a personal mobility device.</p> <p>6. Use or operate loudspeakers.</p> <p>7. Dance on any gymnasium floor.</p> <p>8. Engage in archery.</p> <p>9. Kindle, build, maintain, or use any fire other than in a grill or hibachi.</p> <p>10. <u>Display or set off fireworks.</u></p> <p>11. <u>Engage in commercial activity, including catering or other commercial food distribution.</u></p> <p>12. <u>Provide classes, lessons, teaching or instruction.</u></p> <p>13. <u>Bring into, possess, or dispose of any human or animal remains.</u></p> <p>14. Consume any intoxicating liquor:</p> <ol style="list-style-type: none"> Between the hours of <u>10:00 p.m.</u> and 6:00 a.m At any time in any public restroom. Within a one thousand five hundred foot radius of <u>the</u> boundary of any public or private preschool, <u>kindergarten, elementary, intermediate, middle, secondary, or high school</u>, or youth center, between the hours of 6:00 a.m. and 10:00 p.m., <u>except on weekends, State and County holidays.</u> <p>C. The director may designate, by posting signs, areas where the following activities are not permitted <u>within any park or recreational facility</u>:</p> <ol style="list-style-type: none"> Throw, cast, roll, catch, kick, or strike any <u>object, including, but not limited to, frisbees, discs, boomerangs, baseballs, tennis balls, footballs, soccer balls, basketballs, croquet balls, bowling balls, golf balls, or any other ball or similar object.</u> Ride on roller skates, skate boards, bicycles, <u>or similar devices with wheels.</u> <p>D. Animals. The director is authorized to set aside areas for horse riding, animal shows, dog parks, and dog obedience classes and trials. <u>The following restrictions apply to all parks and recreational facilities unless specifically stated otherwise.</u></p> <ol style="list-style-type: none"> The owner or handler of <u>any animal</u> shall be responsible for the actions of <u>their animal.</u> The owner or handler of <u>any animal</u> shall not tie the <u>animal</u> to <u>an</u> object. <u>Pet owners must pick up animal feces produced by their pet and dispose of same in a proper trash receptacle.</u> Dogs outside the confines of a dog park shall be secured by a leash or lead of not more than six feet in length held by a responsible <u>individual</u> at all times. 	<p>4. Park or operate any vehicle on grassed and sand areas with the exception of a personal mobility device;</p> <p>5. Use or operate loudspeakers;</p> <p>6. Dance on any gymnasium floor;</p> <p>7. Engage in archery;</p> <p>8. Kindle, build, maintain, or use any fire other than in a grill or hibachi;</p> <p>9. Consume any intoxicating liquor while within the boundaries of any park or recreational facility, if any boundary of that park or recreational facility is located within a one thousand five hundred foot radius of any boundary of any public or private school, preschool, or youth center, between the hours of 6:00 a.m. and 10:00 p.m., Monday through Friday, except State and County holidays;</p> <p>10. Consume any intoxicating liquor at any time in any public restroom;</p> <p>11. Consume any intoxicating liquor between the hours of 11:00 p.m. and 6:00 a.m. in any park or recreational facility, except civic and community centers, provided that this prohibition shall not apply to Molokai; and</p> <p>12. Engage in commercial activity.</p> <p>C. The director may designate, by posting signs, areas where the following activities are not permitted:</p> <ol style="list-style-type: none"> Throw, cast, roll, catch, kick, or strike any baseball, tennis ball, football, basketball, croquet ball, bowling ball, or golf ball; Ride on roller skates, skate boards, or bicycles. <p>D. Regulation on Animals.</p> <ol style="list-style-type: none"> The director is authorized to set aside areas within parks for horse riding, animal shows, dog parks, and dog obedience classes and trials. Dogs shall be permitted in all parks, provided that while outside the confines of a dog park, the dog shall be secured by a leash or lead of not more than six feet in length held by, or tied to, a responsible person at all times. The owner or handler of a dog shall not tie the dog to a solid object while in a County park. Dogs, except for guide, signal/hearing, and service dogs, as defined in section 6.05.010 of this code, are prohibited on athletic fields.
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<p>5. Dogs, except for guide, signal/hearing, and service dogs, as defined in section 6.05.010 of this code, are prohibited on athletic fields.</p> <p>6. A dog deemed dangerous under chapter 6.04 of this code shall not be allowed, <u>including</u> in any dog park.</p> <p>7. <u>No one shall feed any animal or animals, or stage any food or water for any animal or animals, provided that pet owners may provide water and training treats for their pets.</u></p> <p>8. <u>Feral animal colonies shall not be established or maintained.</u></p> <p>E. Motor vehicles. The director may prohibit or restrict the operation or parking of motor vehicles.</p> <p>F. Any other use or activity may be permitted <u>by the director</u> in accordance with the terms of this chapter and the rules of the department.</p>	<p>5. While in any County park, including dog parks, the owner or handler of a dog shall be responsible for the actions of the dog.</p> <p>6. A dog deemed dangerous under chapter 6.04 of this code shall not be allowed in any dog park.</p> <p>7. The director shall adopt rules pertaining to dog parks.</p> <p>E. Regulation on motor vehicles. The director may prohibit or restrict the operation or parking of a motor vehicle within the premises of any park or the premises of a recreational facility.</p> <p>F. Any other use or activity not provided for under this article may be permitted in accordance with the terms of this chapter and the rules of the department.</p>
<p><u>13.04A.080 Alcohol prohibition for certain parks and recreational facilities.</u> Except as otherwise authorized by permit, license, lease, or <u>CONTRACT/concession</u> issued in accordance with this code, it is unlawful for any <u>individual</u> to consume any intoxicating liquor while within the boundaries of the following parks:</p> <ol style="list-style-type: none"> 1. Kalama Park, located at 1900 South Kihei Road, Kihei, Maui, Hawaii, and Cove Park, located at 2120 Iliili Road, Kihei, Maui, Hawaii. The land comprising Kalama Park and Cove Park is identified in State Executive Order No. 854, as amended by State Executive Order No. 1184, as the land set aside for public park purposes, to be under the control and management of the County. 2. South Maui Community Park, located at 1501 Liloa Drive, Kihei, Maui, Hawaii. 3. Keopuolani Park, <u>located in Central Maui, along Kanaloa Avenue</u>, provided that this prohibition shall not apply to the Maui Arts & Cultural Center. 4. Kamehameha Iki Park, located in Lahaina, Maui, Hawaii. 5. Malu Ulu O Lele Park, located in Lahaina, Maui, Hawaii. 6. Honokowai Beach Park, located on Lower Honoapiilani Road, Lahaina, Maui, Hawaii, and identified in State Executive Order No. 2029 as the public land set aside to be under the control and management of the County <u>of Maui</u>, and further identified as tax map key number (2) 4-4-001:046, and further comprising tax map key number (2) 4-4-001:047. 7. Charley Young Park, located at 2200 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 3344 as the land set aside for public right-of-way and beach purposes to be under the control and management of the County. 	<p>13.04.041, 13.04.042 - Reserved. 13.04.044 - Alcohol prohibition for certain parks. Except as otherwise authorized by permit, license, lease, or concession issued in accordance with this code, it is unlawful for any person to consume any intoxicating liquor while within the boundaries of the following parks:</p> <ol style="list-style-type: none"> 1. Kalama Park, located at 1900 South Kihei Road, Kihei, Maui, Hawaii, and Cove Park, located at 2120 Iliili Road, Kihei, Maui, Hawaii. The land comprising Kalama Park and Cove Park is identified in State Executive Order No. 854, as amended by State Executive Order No. 1184, as the land set aside for public park purposes, to be under the control and management of the County of Maui; 2. South Maui Community Park, located at 1501 Liloa Drive, Kihei, Maui, Hawaii; 3. Keopuolani Park, provided that this prohibition shall not apply to the Maui Arts & Cultural Center; 4. Kamehameha Iki Park and Maluuluolele Park, located in Lahaina, Maui, Hawaii; 5. Honokowai Beach Park, located on Lower Honoapiilani Road, Lahaina, Maui, Hawaii, and identified in State Executive Order No. 2029 as the public land set aside to be under the control and management of the County of Maui, and further identified as tax map key number (2) 4-4-001:046, and further comprising tax map key number (2) 4-4-001:047; 6. Charley Young Park, located at 2200 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 3344 as the land set aside for public right-of-way and beach purposes to be under the control and management of the County of Maui;

<p>8. Kamaole Beach Park I, located at 2400 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 822 as the public land set aside for Kamaole Beach Park and to be under the control and management of the County.</p> <p>9. Kamaole Beach Park II, located at 2550 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 822 as the public land set aside for Kamaole Beach Park and to be under the control and management of the County.</p> <p>10. <u>Waiale Park, located on Waiale Road and Waimaluhia Lane, Wailuku, Maui, Hawaii.</u></p>	<p>7. Kamaole Beach Park I, located at 2400 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 822 as the public land set aside for Kamaole Beach Park and to be under the control and management of the County of Maui; and</p> <p>8. Kamaole Beach Park II, located at 2550 South Kihei Road, Kihei, Maui, Hawaii, and identified in State Executive Order No. 822 as the public land set aside for Kamaole Beach Park and to be under the control and management of the County of Maui.</p> <p>13.04.045—13.04.049 – Reserved.</p>
	<p>Article III. - Operating Policy</p> <p>13.04.050 - Hours. Unless otherwise ordered by the director, all parks shall be open to the public every day of the year during designated hours as established by the director. The opening and closing hours for each park and recreational facility shall be posted therein.</p> <p>13.04.060 - Closed areas.</p> <p>A. Any park or recreational facility or section thereof may be closed to the public by the director at any time when the director finds such to be reasonably necessary for the protection of the health, safety and welfare of the public.</p> <p>B. Upon such a finding, the director shall state in writing the reasons for the closing of the park or recreational facility and file such reasons with the council within ten days from the date of the closing. The written statement shall be available in the following alternative formats upon request: large format, braille, audiotape, and simplified language. In addition, the director shall file, upon request of the council, weekly status reports with the council outlining the current status of the problem within the park or recreational facility, any actions taken to minimize those problems, effectiveness of those actions taken and any proposed future actions contemplated to be taken by the director until such time as the park or recreational facility is reopened.</p>

Article III. Permits	Article IV. - Permits and Fees
<p>13.04A.090 Permits policy.</p> <p><u>A. Permit required. Certain use or reserved use of a park or recreational facility is subject to the issuance of a permit. Any individual, entity, or organization wishing to conduct any activity, event, community class or program within any park or recreational facility shall obtain a permit from the department prior to conducting the activity, event, lesson, demonstration, class or program.</u></p> <p><u>B. Priority. Generally if more than one individual or organization applies for the exclusive use of the same park or recreational facility, or the same portion thereof, for the same time period, the director will determine priority pursuant to administrative rules adopted under section 13.04A.240 and the following priority:</u></p> <ol style="list-style-type: none"> <u>1. Department sponsored annual special event.</u> <u>2. Partnership league.</u> <u>3. Department sponsored special event.</u> <u>4. Department sponsored general use.</u> <u>5. Special event.</u> <u>6. General use.</u> <p><u>C. Authorization. The director shall ensure the appropriate permit is issued, fees and deposits are collected, and use of parks and recreational facilities comply with this chapter.</u></p> <p><u>D. Rescheduling. In the event of inclement weather and unforeseen safety hazards, permits will be accommodated through rescheduling to the extent possible. Permit holders must notify the department within twenty-four hours of these circumstances for rescheduling to occur with no additional fees.</u></p>	<p>13.04.070 - Priority of use.</p> <p>If more than one person or organization applies for the use of a park or recreational facility for the same time period and the mutual use by the applicants is incompatible, as determined by the director, priority as to use will be given on the basis of the first written application received by the respective permit office. Applications shall be available in the following alternative formats upon request: large format, braille, audiotape, and simplified language.</p>
<p>13.04A.100 Permit procedure.</p> <p>A. Application. Any individual, entity, or organization seeking a permit, pursuant to this chapter, shall submit a completed application form available from the department in compliance with department administrative rules. The application shall include the following:</p> <ol style="list-style-type: none"> 1. The name of the individual 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, email address, and telephone number of headquarters of the organization, and of the authorized agent of such organization. 3. The name, address, email address, and telephone number of the individual who will organize such activity and who will be responsible for its conduct. 	

4. The name, address, email address, and telephone number of the individual or organization to whom the permit is to be issued.
5. The nature of the activity to be engaged in by the individual or organization.
6. The date when such activity is to be conducted.
7. The hours when such activity will start and terminate.
8. The park or recreational facility or portion thereof for which the permit is requested.
9. An estimate of the anticipated attendance.
10. A statement of equipment and facilities to be used in connection with the activity.
11. Certification of payment in full of all required fees and deposits by the date due as set forth in subsection 13.04A.100(C). (See Table 1.)
12. Any other information which the director may require in making the determination as to whether the permit should be granted.

B. Application review. Upon submission, the permit application shall be reviewed and any adjustments or additional information shall be obtained from the applicant's contact listed on the application.

C. Fees and deposits. Schedules for fees and deposits for permits are set forth in the annual budget ordinance and shall be paid prior to any permit being issued.

1. Payment required. Fees and deposits must be paid within the time frame identified in Table 1. Failure to pay fees and deposits will result in the removal of the application request from the reservation system.

<u>Table 1</u>	
<u>Fee and Deposit Due Dates per Permit Type</u>	
<u>Government</u>	<u>N/A</u>
<u>Community Class</u>	<u>Within 15 days from notice of approved application</u>
<u>General Use</u>	<u>At time of permit issuance</u>
<u>Special Events</u>	
<u>Department Sponsored</u>	<u>Within 15 days from notice of approved application</u>
<u>Department Sponsored w/Revenue</u>	
<u>Non-profit or Political Fundraiser</u>	
<u>Commercial</u>	

UNDERLINE – Additional new language being proposed.

13.04.080 - Fees and deposits.

A. Fees. Fees shall be charged for the use of parks or recreational facilities by persons or organizations desiring to engage in type II, type II(CC), type II(R), type III, type IV, and type V activities; provided, however, with regard to type III activities, there shall be no charge for the use of parks or recreational facilities by senior citizen organizations, adult-supervised youth organizations, or persons with disabilities organizations. Fees shall be charged in accordance with the fee schedule set forth in section 13.04.090. Such fees shall be paid at the time of the application for the permit and at least sixty days prior to the date of the scheduled activity; provided, however, with regard to type III activities, permit fees may be paid less than sixty days prior to the scheduled activity, but shall be paid at the time of application for the type III permit in cash, bank cashier's check, or money order only.

B. Custodial Deposit. A custodial deposit shall be required for use of parks or recreational facilities by persons or organizations desiring to engage in type II, type II(R), type III, type IV, and type V activities. The deposit shall serve as security for the cleaning and repairing of park or recreational facility premises. The custodial deposit may be paid at the time of application for the permit, but shall be paid no later than sixty days prior to the date of the scheduled activity; provided, however, with regard to type III and type IV activities, the custodial deposit shall be paid no later than the last business day prior to the scheduled activity in

RED – Language being deleted from the existing code.

2. Deposits, forfeitures, and refunds. Custodial deposits shall serve as security for cleaning and restoring the permitted property. Key deposits serve as security to ensure all keys are accounted for when provided in conjunction with the permit. Deposits will be refunded provided the permit holder fully complies with deposit requirements.

a. Custodial deposits shall be forfeited to the department if cleaning and restoration is not completed within the time provided by the permit. If the permit holder does not satisfactorily clean and restore the recreational facility or park, the department shall perform the necessary cleaning and restoration, withhold the custodial deposit, and recover by any legal means available, any cost in excess of said deposit.

b. Key deposits shall be forfeited to the department in the event that any key is not returned to the department within forty-eight hours, or the next business day, after termination of the activity. If it is necessary for a recreational facility to be re-keyed and that cost exceeds the key deposit, any excess amount shall be recovered from the permit holder by any legal means necessary including forfeiture of the permit holder's custodial deposit.

D. Duration. Other than leagues, permits shall not exceed five consecutive days, unless authorized by council.

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

F. Denial. The director may deny the issuance of a permit upon determination that:

- 1. The requested park or recreational facility is not suitable for the proposed use.
- 2. The proposed use for the requested park or recreational facility is not in the best interest of the general public.
- 3. A scheduling conflict exists.
- 4. In previously using any park or recreational facility, the applicant has:
 - a. Received a parks citation within the previous year which citation was related to or associated with the use of any park or recreational facility.

~~cash, bank cashier's check, or money order only. Failure to pay the custodial deposit shall result in the immediate cancellation of the permit. Custodial deposits shall be refundable within twenty-one days after the activity, upon determination by the director that the cleaning and restoration of the facilities or park have been satisfactorily performed. Custodial deposits shall be forfeited to the department if restoration is not completed within the time provided for on the permit. If the permit holder does not satisfactorily clean and restore the facility or park, the department shall perform the necessary cleaning and restoration, deduct the cost of the cleaning and restoration from the deposit and recover by legal means available, any cost in excess of said deposit.~~

~~The director shall deny any future permits to permit holders for a period of one year upon the failure on the part of the permit holder to:~~

- ~~1. Satisfactorily clean and restore any park or recreational facility; or~~
- ~~2. Pay any cost in excess of the above-mentioned cleaning deposit.~~

~~C. Key Deposit. A key deposit as set forth in the annual budget shall be required for the use of recreational facilities by persons or organizations desiring to engage in type II, type II(CC), type II(R), type III, type IV, or type V activities. Key deposits are refundable within twenty-one days after the return of the key to the department. Key deposits will be forfeited to the department in the event that the key is not returned to the department within twenty-four hours after termination of the activity.~~

~~D. Cancellation Fees. Notice of cancellation shall be given in person, or by returning the permit not less than seven calendar days prior to a scheduled type II or type II(R) activity; if no notice is given, there shall be a cancellation fee charged equal to one-half of the custodial deposit. Notice of cancellation shall be given in person, or by returning the permit not less than fourteen calendar days prior to a scheduled type III activity; if no notice is given, there shall be a cancellation fee charged equal to one-half of the custodial deposit. Notice of cancellation shall be given in person, or by returning the permit not less than twenty-one days prior to a scheduled type IV activity; if no notice is given, there shall be a cancellation fee charged equal to one-half of the custodial deposit. Notice of cancellation shall be given in person, or by returning the permit not less than thirty days prior to a scheduled type V activity; if no notice is given, there shall be a cancellation fee charged equal to the full amount of the custodial deposit.~~

- b. Used a park or recreational facility in a manner inconsistent with any of the information provided in the application or permit.
- c. Conducted an event requiring a permit without properly obtaining a permit.
- d. Violated any applicable federal, state or county laws or regulations, including but not limited to, the prohibitions listed in section 13.04A.070 or 13.04A.080.
- e. Failed to satisfactorily clean or restore any park or recreational facility.
- f. Failed to pay any cost in excess of the custodial deposit or key deposit if the department had to clean and restore the premises or re-key the premises due to said permittee's failure.

G. Revocation. The director shall have the authority to revoke an issued permit upon determining that the permit holder, in using the park or recreational facility, will:

1. Allow or create an illegal, dangerous, or intolerable situation to occur.
2. Deviate from the use as provided in the application or permit.
3. Engage in illegal or disorderly behavior.
4. Violate any applicable federal, State or County laws or regulations, including but not limited to, the prohibitions listed in section 13.04A.070 or 13.04A.080.

H. Cancellation. Once permit fees and deposits have been paid, notice of cancellation must be received by the department in writing as listed in Table 2. Late notice of cancellation shall incur a cancellation fee equivalent to the custodial deposit. Failure to use the facility as permitted shall result in forfeiture of the custodial deposit and rental fee.

Table 2 Notice of Cancellation Required Before the Scheduled Event Per Permit Type	
<u>Government</u>	<u>N/A</u>
<u>Community Class</u>	<u>7 days</u>
<u>General Use</u>	<u>14 days</u>
Special Events	
<u>Department Sponsored</u>	<u>7 days</u>
<u>Department Sponsored w/Revenue</u>	<u>7 days</u>
<u>Non-profit or Political Fundraiser</u>	<u>21 days</u>
<u>Commercial</u>	<u>30 days</u>

13.04.090 - Permits and fees.

A. Any person or organization wishing to conduct any type II, type II(CC), type II(R), III, type IV, or type V activities, within any property under the control and management of the department, shall obtain a permit from the department prior to conducting the activity.

B. The director shall require the payment of fees and deposits for type II, type II(CC), type II(R), type III, type IV, type V activities, and visiting swim teams, as set forth in the annual budget.

13.04.100 - Permit procedure for type II, type II(CC), type II(R), type III, type IV, and type V activities.

A. Application. Any person, entity, or organization seeking issuance of a permit for type II, type II(CC), type II(R), type III, type IV, or type V activities shall file a written application with the department. Applications shall be available in the following alternative formats upon request: large format, braille, audiotape, and simplified language. The application shall include the following:

1. Name and address of the person or entity applying for the permit and the name and address of any responsible agent for the applicant;
2. Name and address of the person or organization sponsoring the activity;
3. The nature of the activity to be engaged in by the person or organization;
4. The day and hours for which the permit is requested;
5. The park or recreational facility or portion thereof for which the permit is requested;
6. An estimate of the anticipated attendance;
7. Certification of payment in full of all required fees and deposits;
8. Any other information which the director may require in making the determination as to whether the permit should be granted.

B. Responsibilities of the applicant. Any applicant granted a permit for type II, type II(CC), type II(R), type III, type IV, or type V activities shall:

1. Obtain the necessary permits required by state and other County agencies;
2. Secure necessary utility services not provided by the department;
3. Hire personnel deemed necessary by the director for the safety and welfare of the general public;

<p><u>I. Nontransferable. Unless specifically authorized by the director in writing, all permits shall be used by the permit holder and shall be nontransferable.</u></p>	<p>4. Perform any services deemed necessary by the director to accommodate the planned activity;</p> <p>5. Perform or cause to be performed daily custodial services while the permit is effective and a cleaning and restoration after the use of the park or recreational facility;</p> <p>6. File, if required by the director, a tax clearance statement with the State of Hawaii and the director within forty-eight hours after the expiration of the permit.</p> <p>C. Any applicant granted a permit for a type V activity shall file a gross income statement with the tax collector of the state within forty-eight hours after the close of the final performance of the event and shall submit a copy of such statement to the director.</p>
<p><u>13.04A.110 Permittee liability.</u> <u>All permittees shall execute an indemnity agreement with the County. The director shall determine whether the risk inherent to a particular activity requires the permittee to secure insurance, and the type and amount of insurance, pursuant to administrative rules adopted under section 13.04A.240. Indemnity agreements shall provide that the permittee shall defend, indemnify, and hold harmless the County, its officers, agents, and employees against any and all damages, claims, actions, demands and proceedings for property damage, personal injury, or wrongful death arising from the negligent, wrongful, or unlawful conduct by the permittee in the use of the County park or recreational facility for which the permit has been issued.</u></p>	<p>13.04.110 - Liability of permittee. A. Any person or organization who has been issued a permit for a type II, type II(CC), type II(R), type III, type IV or type V activity shall be required to execute an indemnity agreement with the County of Maui providing that it shall defend, indemnify, and hold harmless the County, its officers, agents, and employees for any liability, damage, loss, or injury to any person or property which arises from the negligent, wrongful, unlawful conduct by the permittee in the use of the County park or recreational facility for which the permit has been issued.</p> <p>B. The director shall require persons and organizations desiring to engage in type V activities to secure general liability, property damage and other insurance, in amounts and kinds established by the director of finance. The director may require general liability, property damage and other insurance coverage for activities other than type V activities in the director's discretion, based on a review of risks inherent to such activities. All insurance shall include the County as an additional insured on such policies.</p> <p>13.04.120 - Denial and revocation of permits. A. Denial. The director shall have the authority to deny the issuance of a permit upon the determination that an applicant, in previously using any park facility has:</p> <ol style="list-style-type: none"> 1. Operated or used the park facility in an illegal or disorderly manner; 2. Allowed or created a dangerous or intolerable situation to occur; or 3. Violated any applicable federal, State or County laws or regulations, including but not limited to, the prohibitions listed in subsections 13.04.040, A and B.

	<p>B. Revocation. The director shall have the authority to revoke an issued permit upon the determination that the permit holder, in using the park facility, will:</p> <ol style="list-style-type: none"> 1. Operate or use the park facility in an illegal or disorderly manner; 2. Allow or create a dangerous or intolerable situation to occur; or 3. Violate any applicable federal, State or County laws or regulations, including but not limited to, the prohibitions listed in subsections 13.04.040, A and B.
<p>13.04A.120 Appeals.</p> <p>A. Any <u>individual</u> aggrieved by a decision or order of the director may file an appeal with the board of variances and appeals pursuant to chapter 19.520 <u>of this code</u>, and the rules of practice and procedure as adopted by the board of variances and appeals.</p> <p>B. Procedure. Pursuant to the board of variances and appeals' rules, a contested case hearing shall be held on the appeal. The department, through the director, shall be a party to the proceedings.</p> <p>C. Standard of appeal. The board of variances and appeals may affirm, reverse, or modify, in whole or in part, any decision or order of the director under appeal, provided the board of variances and appeals finds the decision or order is:</p> <ol style="list-style-type: none"> 1. Based on a clearly erroneous finding of material fact or erroneous application of the law; or 2. Arbitrary or capricious in its application; or 3. A clearly unwarranted abuse of discretion; and 4. A reversal or modification of the decision or order will not jeopardize life, limb, or property. 	<p>13.04.125 - Appeals.</p> <p>Any person aggrieved by a decision or order of the director may file an appeal with the board of variances and appeals pursuant to chapter 19.520, Maui County Code, and the rules of practice and procedure as adopted by the board of variances and appeals.</p> <p>A. Procedure. Pursuant to the board of variances and appeals' rules, a contested case hearing shall be held on the appeal. The department, through the director shall be a party to the proceedings.</p> <p>B. Standard of appeal. The board of variances and appeals may affirm, reverse, or modify, in whole or in part, any decision or order of the director under appeal, provided the board of variances and appeals finds the decision or order is:</p> <ol style="list-style-type: none"> 1. Based on a clearly erroneous finding of material fact or erroneous application of the law; or 2. Arbitrary or capricious in its application; or 3. A clearly unwarranted abuse of discretion; and 4. A reversal or modification of the decision or order will not jeopardize life, limb, or property. <p>13.04.130 - Duration of use.</p> <p>A. A use permit for type II, type II(CC), type II(R), type III and type IV activities at any park or recreational facility shall not be given to any person or organization for more than three consecutive days, unless otherwise authorized by the director, upon the director's finding that the additional amount of time is in the public interest. Upon such a finding, the director shall inform the council of the activity, its duration, and the public interest it will serve.</p> <p>B. A use permit for type V activities at any park or recreational facility shall not be given to any person or organization for more than three consecutive days unless otherwise authorized by council resolution.</p>

<p><u>13.04A.130 Department equipment rental.</u> <u>Subject to the issuance of a permit pursuant to article III, the director may rent department equipment to the permittee subject to payment of custodial deposits and fees as set forth in the annual budget ordinance. Any damage to rented equipment shall be paid for by the permittee in an amount equal to replacement cost as determined by the director, and permittee shall forfeit any deposit. Any excess amount shall be recovered from the permit holder by any legal means available.</u></p>	<p>13.04.140 - Rental of department equipment. A. Subject to availability and provided that the person or organization seeking to rent the equipment has paid for the replacement or repair of any equipment damaged in a prior rental of department equipment: <ol style="list-style-type: none"> 1. Stage platforms may be rented to any person or organization engaged in type III, type IV, or type V activities for a fee set forth in the annual budget. 2. Bleachers may be rented to any person or organization engaged in type III, type IV, or type V activities for a fee set forth in the annual budget. 3. Picnic tables may be rented to any person or organization engaged in type III, type IV, or type V activities for a fee set forth in the annual budget. 4. Mobile bleachers may be rented to any person or organization engaged in type II, type IV, or type V activities for a fee set forth in the annual budget. 5. Showmobile stage(s) may be rented to any person or organization engaged in type II, type IV, or type V activities for a fee set forth in the annual budget. B. Prior to the release of any department equipment, the person or organization renting the equipment shall pay a custodial deposit as set forth in the annual budget. The custodial deposit shall be refundable upon determination by the director that the equipment has been returned in a clean and satisfactory condition, ordinary wear and tear excepted. The custodial deposit will be forfeited to the department for the repair, restoration, or replacement of any returned equipment determined by the director to be damaged or otherwise not in satisfactory condition. C. Transportation of any rented equipment or picnic tables, if necessary, shall be the responsibility of the person or organization requesting the rental or use of the equipment or tables. D. The department may, at the director's determination, assign temporarily at no cost, its public address system to governmental agencies. E. Any damage to rented equipment shall be paid for by the person or organization renting the equipment in an amount equal to replacement cost as identified by the director.</p>
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13.04A.140 Refreshment concessions.
 Refreshment concessions in parks or recreational facilities shall be administered by the director of finance as follows:

A. The director of finance shall designate buildings within parks and recreational areas that are suitable for permanent refreshment concession facilities.

B. Permanent refreshment concession facilities shall be administered in accordance with chapter 3.40 of this code.

C. Temporary refreshment concessions may be authorized in accordance with section 3.40.190(A)(7) of this code, by the director of finance in conjunction with a permit issued pursuant to this chapter for the use of parks and recreational facilities which are not designated as permanent refreshment concessions.

13.04.150 - Refreshment concession.
 Refreshment concessions in ~~the County~~ parks shall be administered by the director of finance as follows:

A. The director of finance shall designate buildings within ~~the County~~ parks and recreational areas that are suitable for permanent refreshment concession facilities.

B. Permanent refreshment concession facilities shall be administered in accordance with chapter 3.40.

C. Temporary refreshment concessions may be ~~permitted~~ by the director of finance ~~in buildings and on areas in the County~~ parks ~~that~~ are not designated as permanent refreshments concession ~~facilities under the following conditions~~:

1. ~~The temporary refreshment concession for any type II, type II(CC), type II(R), type III, type IV, or type V activity shall be without charge to the person or organization who has been granted a permit by the director of parks and recreation to engage in the type II, type II(CC), type II(R), type III, type IV, or type V activity.~~
2. ~~If the type II, type II(CC), type II(R), type III, type IV, or type V permittee declines to operate the temporary refreshment concession, the director of finance may, at his discretion, grant the concession at any school, church, or other nonprofit entity which is on a temporary refreshment concession list.~~
3. ~~Nonprofit entities, schools, or churches requesting permission to operate a temporary refreshment concession shall file a written application with the director of finance, together with proof of nonprofit status. Applications shall be available in the following alternative formats upon request: large format, braille, audiotape, and simplified language. The director of finance shall maintain a list of all entities which qualify to operate the temporary refreshment concession stand and award the concession to such organizations in chronological order as to time of filing and acceptance of the application as certified by the director of finance.~~
4. ~~The director of finance may place conditions upon the granting of a concession under this section.~~

Article IV. Camping	Article V. Camping
<p>13.04A.200 Camping areas.</p> <p>A. Camping shall be permitted in the following parks, subject to the provisions of this chapter:</p> <ol style="list-style-type: none"> 1. One Alii Beach Park - Molokai. 2. Papohaku Beach Park - Molokai. 3. Kanaha Beach Park - Kahului, Maui. 4. Papalaua Wayside Park - Lahaina, Maui. <p>B. Except as otherwise provided, camping shall be restricted to specific camping areas designated and posted for such purpose by the director in the parks listed in subsection A. The director may permit nonprofit organizations or groups to camp in the parks listed in subsection A., or in any other park, for special events. The director may curtail or prohibit camping at any park or withdraw any permit issued if the director determines that the camping is, or would be, detrimental to the public's health, safety, or welfare, or in violation of law.</p>	<p>13.04.160 - Camping areas.</p> <p>A. Camping shall be permitted in the following parks, subject to the provisions of this chapter:</p> <ol style="list-style-type: none"> 1. One Alii Beach Park—Molokai; 2. Papohaku Beach Park—Molokai; 3. Kanaha Beach Park—Kahului, Maui; 4. Papalaua Wayside Park—Lahaina, Maui. <p>B. Except as otherwise provided for, camping shall be restricted to specific camping areas designated and posted for such purpose by the director in the parks listed in subsection A of this section. The director may permit nonprofit organizations or groups to camp in the parks listed in subsection A of this section, or in any other park, for special events. The director may curtail or prohibit camping at any park or withdraw any permit issued if the director determines that the camping is or would be detrimental to the public health, safety, and welfare, or in violation of law.</p>
<p>13.04A.210 Camping permits.</p> <p>A. Applicants for camping permits shall be eighteen years of age or older.</p> <p>B. Any <u>individual</u> or organization desiring to camp at a park <u>must submit a written camping permit application available from the department, and may not camp until such a permit is issued.</u></p> <p>C. Permits shall be limited to a maximum of <u>four</u> consecutive days for each camping site.</p> <p>D. Any <u>individual</u> or organization shall have in its possession a copy of the permit <u>while camping in a park.</u></p>	<p>13.04.170 - Permits.</p> <p>A. Applicants for camping permits shall be eighteen years of age or older.</p> <p>B. Any person or organization desiring to camp at a park shall first obtain a camping permit from the director by applying for same in person or in writing to the Department of Parks and Recreation, County of Maui, War Memorial Gym, Wailuku, Maui, Hawaii 96793.</p> <p>C. Permits shall be limited to a maximum of three consecutive days for each camping site.</p> <p>D. Any person or organization shall have in its possession a copy of the permit.</p>
<p>13.04A.220 Camping fees.</p> <p>Any <u>individual</u> or organization applying for a camping permit shall at the time of application pay a fee as set forth in the annual budget ordinance to the director <u>of finance.</u></p>	<p>13.04.180 - Fees.</p> <p>Any person or organization applying for a camping permit shall at the time of application pay a fee as set forth in the annual budget to the director.</p>
<p>13.04A.230 Curfew.</p> <p>Only <u>individuals</u> camping pursuant to duly issued camping permits shall enter or remain in camping areas within County parks between 8:00 p.m. and 6:00 a.m.</p>	<p>13.04.190 - Curfew.</p> <p>Only persons camping pursuant to duly issued camping permits shall enter or remain in camping areas within County parks between eight p.m. and six a.m.</p>

	<p>Article VI. - Tennis Courts</p> <p>13.04.200 - Use. Tennis courts shall be open to the public on a first-come-first-served basis except when there is scheduled a tournament or lesson.</p> <p>13.04.210 - Teaching, lessons and instructions. No person shall schedule use of tennis facilities to give lessons unless such lessons are type II activity.</p>
<p>Article V. Rules and Regulations of the Department</p>	<p>Article VII. - Rules and Regulations of the Department</p>
<p>13.04A.240 Promulgation. The director may promulgate such rules and regulations pursuant to the Hawaii Administrative Procedures Act to implement any of the provisions of this chapter.</p>	<p>13.04.220 - Promulgation. The director may promulgate such rules and regulations pursuant to the Hawaii Administrative Procedures Act to implement any of the provisions of this chapter.</p>
<p>Article VI. Citations, Trespass, Penalties</p>	<p>Article VIII. – Penalties</p>
<p>13.04A.250 Citations. A. <u>Police officers, park security officers, law enforcement officers, and other authorized department enforcement personnel may issue citations for violations of this chapter and violations of rules adopted under section 13.04A.240, provided that parks security officers and other authorized department personnel may issue citations for violations of this chapter, chapter 8.20, subsections 8.20.030(A), 8.20.030(G) chapter 8.21, and sections 10.48.030(A)(13), 10.48.105, 10.48.110, 10.48.120, 10.48.240, 10.48.250, 10.52.070, 10.76.065, 10.76.070, 10.76.075 and 10.90.010 of this code when the violations occur on property under the control and management of the department.</u></p> <p>B. <u>The content and form of summons or citation shall be as adopted or prescribed by the administrative judge of the district courts of the second circuit, and shall be so designed to include all necessary information to make the same valid within the laws of the State. In every case when a citation is issued, the original of the citation shall be given to the violator; provided, in the case of an unattended vehicle, the individuals authorized to issue citations under subsection A., upon finding an offending vehicle, shall record the vehicle's registration number and any other information displayed on the vehicle that may identify its registered owner and shall conspicuously</u></p>	<p>13.04.230 - Penalties. A. Any person who is determined to have violated any provision of this chapter, except sections 13.04.040(E) and 13.04.320, shall be fined not less than \$150 and not more than \$500.</p> <p>B. Any person who violates section 13.04.040(E) shall be fined not less than \$50 and not more than \$500.</p> <p style="text-align: center;">Article IX. - Disorderly Conduct Committed in a Park or Recreational Facility</p> <p>13.04.235 - Citations. A. Police officers, park security officers, authorized law enforcement personnel, and other authorized department enforcement personnel may issue citations for violations of this chapter and violations of rules adopted under section 13.04.220. Parks security officers and other authorized department personnel may issue citations for violations of sections 10.48.250 and 10.52.070 of this code. Parks security officers and other authorized department personnel may issue citations for violations of chapter 8.21 and sections 8.20.030(A), 8.20.030(G), 10.48.030(A)(13), 10.48.105, 10.48.110, 10.48.120, 10.48.240,</p>

affix to the vehicle the original of the citation; the citation shall be addressed to the registered owner of the vehicle, but need not identify the registered owner by name, so long as the citation identifies the vehicle by its license plate number or vehicle identification number.

C. Every citation shall be consecutively numbered and each copy shall bear the number of its respective original.

~~10.76.065, and 10.76.070 of this code, when the violations occur on property under the control and management of the department.~~

~~B. There shall be provided for use by the individuals authorized to issue citations under subsection A, a form of summons or citation for use in citing violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district courts of the second circuit, and shall be so designed to include all necessary information to make the same valid within the laws of the State. In every case when a citation is issued, the original of the citation shall be given to the violator; provided, in the case of an unattended vehicle, the individuals authorized to issue citations under subsection A, upon finding the vehicle, shall take the vehicle's registration number and any other information displayed on the vehicle that may identify its registered owner and shall conspicuously affix to the vehicle the original of the citation, the citation shall be addressed to the registered owner of the vehicle, but need not identify the registered owner by name, so long as the citation identifies the vehicle by its license plate number or vehicle identification number.~~

~~C. Every citation shall be consecutively numbered and each copy shall bear the number of its respective original.~~

13.04A.260 Trespass.
Police officers, park security officers, law enforcement officers, and other authorized department enforcement personnel responding to a complaint of violation of the prohibitions under sections 13.04A.070 or 13.04A.080, or any offense under the Hawaii Revised Statutes, or personally observing the same, within the limits of any park or recreational facility, may take the following course of action:

A. The officer may issue a reasonable warning or request to leave the park or recreational facility. For the purposes of this section "reasonable warning or request" means a warning or request communicated in writing to an individual which may contain but is not limited to the following information:

1. A warning statement advising the individual that the individual's presence is no longer desired in the park or recreational facility for a period of no less than 24-hours from the date and time of the notice, that violation of the warning will subject the person to arrest and prosecution for trespass pursuant to section 13.04A.260, and that such trespass constitutes a petty misdemeanor as defined in section 701-107, Hawaii Revised Statutes. The expiration of the warning does not authorize entry of a park or recreational facility which is closed.

~~13.04.240 - Disorderly conduct.~~
~~Any police officer responding to a complaint of disorderly conduct as defined by Hawaii Revised Statutes, section 711-1101, may take the following course of action where the officer has reasonable grounds to believe that an individual has committed the offense of disorderly conduct within the limits of any park or recreational facility within the County of Maui.~~

~~A. Where the police officer has reasonable grounds to believe that there has been a recent act of disorderly conduct by an individual, regardless of whether the act of disorderly conduct occurred in the officer's presence, the police officer may make reasonable inquiry of any individual whom the officer reasonably suspects is the subject of the complaint and other witnesses as there may be;~~

~~B. Where the police officer has reasonable grounds to believe that the disorderly conduct may continue, the police officer may lawfully order the person to leave the park or recreational facility for a cooling off period of up to twelve hours; and~~

~~C. All persons who are ordered to leave as stated above shall be given a written warning citation stating the date, time, and location of the warning and stating the penalties for violating the warning. Warnings shall be available in the following alternative formats~~

<p><u>2. The legal name, any aliases, and a photograph, if practicable, or a physical description, including, but not limited to, gender, racial extraction, age, height, weight, hair color, eye color, or any other distinguishing characteristics of the individual warned.</u></p> <p><u>3. The name of the person giving the warning along with the date and time the warning was given.</u></p> <p><u>4. The signature of the person giving the warning, the signature of a witness or police officer who was present when the warning was given and, if possible, the signature of the individual to whom the warning was issued. Warnings shall be available in the following alternative formats upon request: large format, braille, audiotape, and simplified language. A copy of the warning citation shall be retained by the issuing authority and attached to a written report which shall be submitted in all cases to the Parks district supervisor for the park or recreational facility involved.</u></p> <p><u>B. If the individual so ordered refuses to comply with the written warning or request to leave the park or recreational facility, or returns to the park or recreational facility before the expiration of the 24-hour period, the Maui Police Department shall be notified and the individual shall be subject to arrest and prosecution for trespass under this section.</u></p> <p><u>C. Any police officer who arrests a person pursuant to this section shall not be subject to any civil or criminal liability; provided the police officer acts in good faith, upon reasonable belief, and does not exercise unreasonable force in effecting the arrest.</u></p> <p><u>D. This section shall not operate as a bar against prosecution under any other section of the Hawaii Revised Statutes.</u></p>	<p>upon request: large format, braille, audiotape, and simplified language. A copy of the warning citation shall be retained by the police officer and attached to a written report which shall be submitted in all cases; and</p> <p>D. If the person so ordered refuses to comply with the order to leave the premises or returns to the premises before the expiration of the cooling off period, the person shall be placed under arrest for the purpose of preventing further physical inconvenience or alarm by a member or members of the public.</p> <p>E. Refusal to comply with the lawful order of a police officer under subsection B of this section is a misdemeanor.</p> <p>F. Any police officer who arrests a person pursuant to this section shall not be subject to any civil or criminal liability; provided that the police officer acts in good faith, upon reasonable belief, and does not exercise unreasonable force in effecting the arrest.</p> <p>G. This section shall not operate as a bar against prosecution under any other section of the Penal Code of the Hawaii Revised Statutes.</p>
<p><u>13.04A.270 Penalties.</u></p> <p><u>A. Anyone convicted of violating any provision of this chapter, except sub-sections 13.04A.070(E), 13.04A.260, or subject to a penalty pursuant to subsection 13.04A.360, shall be fined not less than \$150 and not more than \$500.</u></p> <p><u>B. Anyone convicted of violating section 13.04A.070(E) shall be fined not less than \$50 and not more than \$500.</u></p>	

<p>C. <u>Anyone convicted of Trespass pursuant to section 13.04A.260 is guilty of a petty misdemeanor as defined in section 701-107, Hawaii Revised Statutes, and may be sentenced to imprisonment for a term not to exceed thirty days.</u></p>	
<p>Article VII. Commercial Ocean Recreational Activity</p>	<p>Article X. - Commercial Ocean Recreational Activity 13.04.250 - Applicability. A. This article regulates commercial ocean recreational activity in or on County property. B. This article does not apply to competitions or events necessitating permits pursuant to article IV. 13.04.251 - Definitions. For purposes of this article, certain phrases and words are defined as follows: "Applicable rules" means rules consistent with this article's purpose. "Applicant" means a business applying for a permit. "Commercial ocean recreational activity" means ocean recreational activity conducted by a business for a patron in or on a County beach park or other County property. "Patron" means any person who contracts to participate in ocean recreational activity. "Permit" means a permit issued pursuant to section 13.04.270, unless a different type of permit is specified.</p>
<p>13.04A.280 Purpose. <u>The purpose of this article</u> is to regulate commercial ocean recreational activity to ensure that County beach parks are utilized for the community's maximum recreational, environmental, and economic benefit.</p>	<p>13.04.255 - Purpose. This article's purpose is to fairly and effectively regulate commercial ocean recreational activity to ensure that County beach parks and other County property are utilized for the community's maximum recreational, environmental, and economic benefit.</p>
<p>13.04A.290 Prohibitions. Commercial ocean recreational activity is prohibited at Baldwin Beach Park, Cove Park, Hookipa Beach Park, Kamaole Beach Park I, Kamaole Beach Park II, Kamaole Beach Park III, the southern portion of Kalama Park (the section of Kalama Park from the sand beach at Cove Park to the southernmost parking area adjacent to South Kihei Road) Launiupoko Beach Park, and Puamana Beach Park.</p>	<p>13.04.256 - Prohibitions. Commercial ocean recreational activity is prohibited at Baldwin Beach Park, Cove Park, Hookipa Beach Park, Kamaole Beach Park I, Kamaole Beach Park II, Kamaole Beach Park III, the southern portion of Kalama Park (the section of Kalama Park from the sand beach at Cove Park to the southernmost parking area adjacent to South Kihei Road), Launiupoko Beach Park, and Puamana Beach Park.</p>
<p>13.04A.300 Permit requirement. A. It is unlawful for any business to conduct commercial ocean recreational activity without a permit.</p>	<p>13.04.260 - Permit requirement—Additional regulation. A. It is unlawful for any business to conduct commercial ocean recreational activity without a permit.</p>

<p>B. If a business chooses not to obtain a permit pursuant to section 13.04A.330, a <u>commercial special events</u> permit, pursuant to article III, shall be obtained before a business may conduct commercial ocean recreational activity.</p> <p>C. A separate permit shall be required for each commercial ocean recreational activity.</p> <p>D. Additional regulation of commercial ocean recreational activity <u>may</u> be established by administrative rules, including but not limited to the days, time, place, and volume of use of County beach parks.</p>	<p>B. If a business chooses not to obtain a permit pursuant to section 13.04.270, a type V permit as required pursuant to article IV shall be obtained before a business may conduct commercial ocean recreational activity.</p> <p>C. A separate permit shall be required for each commercial ocean recreational activity.</p> <p>D. Additional regulation of commercial ocean recreational activity shall be established by applicable rules, including but not limited to the days, time, place, and volume of use of County beach parks.</p>
<p>13.04A.310 <u>Permit application - issuance - denial - appeal.</u></p> <p>A. Permit applications shall be available and may be submitted at district park offices. An applicant may seek multiple permits in a single application.</p> <p>B. A permit application shall be in writing, properly verified under oath, and shall not be deemed complete until such application sets forth and includes the following:</p> <ol style="list-style-type: none"> 1. The applicant's name, business location address, <u>e-mail address</u>, mailing address, and telephone numbers. 2. The specific ocean recreational activity for which the permit is being sought. 3. The name of the County beach park. 4. A list stating the license number, type, description and gross vehicle weight of all motor vehicles to be used by the applicant. 5. Any other information required by <u>administrative</u> rules. 6. An application fee and a permit fee as set forth in the annual budget ordinance. 7. The number of certified copies needed for the business to comply with section 13.04A.350. 8. State and federal tax clearance certificates. 9. A list of the equipment to be used by the applicant. <p>C. Within five business days from receipt of a complete application, the director shall submit a copy of the complete application to the department of police. The department of police shall within twenty business days from the receipt thereof submit to the director a written report with any recommendations or special conditions that may be necessary or desirable. If the department of police does not submit a report within twenty business days, it shall be deemed to have submitted a report with no comments on the application. Upon request from the department of police, the</p>	<p>13.04.270 - Permit application—Issuance—Denial—Appeal.</p> <p>A. Permit applications shall be available and may be submitted at district park offices. An applicant may seek multiple permits in a single application.</p> <p>B. A permit application shall be in writing, properly verified under oath, and shall not be deemed complete until such application sets forth and includes the following:</p> <ol style="list-style-type: none"> 1. The applicant's name, business location address, mailing address, and telephone numbers; 2. The specific ocean recreational activity for which the permit is being sought; 3. The name of the County beach park; 4. A list stating the license number, type, description, and gross vehicle weight of all motor vehicles to be used by the applicant; 5. Any other information required by applicable rules; 6. An application fee and a permit fee as set forth in the annual County budget; 7. The number of certified copies needed for the business to comply with section 13.04.310; 8. State and federal tax clearance certificates; and 9. A list of the equipment to be used by the applicant. <p>C. Within five business days from receipt of a complete application, the director shall submit a copy of the complete application to the department of police. The department of police shall within twenty business days from the receipt thereof submit to the director a written report with any recommendations or special conditions that may be necessary or desirable. If the department of police does not submit a report within twenty business days, it shall be deemed to have submitted a report with no comments on the application. Upon</p>

<p>director may grant the department additional time to review the application, in accordance with <u>administrative</u> rules.</p> <p>D. An applicant shall notify the director within five business days of a change to any information required to be included in the application after the application is submitted for approval or after the permit has been issued. Failure to comply may result in suspension or revocation of the permit.</p> <p>E. The director may issue the permit, upon payment of any required fee, with or without special conditions or requirements in accordance with <u>administrative</u> rules. The director shall issue or deny the permit within thirty business days of the director's receipt of the department of police's report. If the director denies the permit, the director shall notify the applicant in writing of the decision, setting forth the reasons for the denial. If the director does not issue or deny the permit within thirty business days of the director's receipt of the department of police's report, the permit shall be deemed denied.</p> <p>F. Any decision by the director under this article may be appealed by the applicant in accordance with section 13.04<u>A.120</u>.</p>	<p>request from the department of police, the director may grant the department additional time to review the application, in accordance with applicable rules.</p> <p>D. An applicant shall notify the director within five business days of a change to any information required to be included in the application after the application is submitted for approval or after the permit has been issued. Failure to comply may result in suspension or revocation of the permit.</p> <p>E. The director may issue the permit, upon payment of any required fee, with or without special conditions or requirements in accordance with applicable rules. The director shall issue or deny the permit within thirty business days of the director's receipt of the department of police's report. If the director denies the permit, the director shall notify the applicant in writing of the decision, setting forth the reasons for the denial. If the director does not issue or deny the permit within thirty business days of the director's receipt of the department of police's report, the permit shall be deemed denied.</p> <p>F. Any decision by the director under this article may be appealed by the applicant in accordance with section 13.04.125.</p>
<p>13.04A.320 Permit conditions. All permits shall be subject to the following conditions:</p> <p>A. The permit holder shall provide proof of current American Red Cross certification in cardiopulmonary resuscitation (CPR) and first aid, or equivalent certification.</p> <p>B. All transactions necessary to entitle a patron to engage in ocean recreational activity (including, but not limited to, selection of activities to be engaged in, selection of equipment, execution of rental agreements, payment for services, distribution or posting of commercial notices, advertising, signage or tents) shall be accomplished at the permit holder's business location. No such transactions shall be permitted or performed in or on County property.</p> <p>C. In the event <u>administrative</u> rules designate an exclusive area in or on County property for unloading, rigging, assembly, and disassembly of the permit holder's equipment, such activities shall be completed in that area and for no more than thirty minutes at a time.</p>	<p>13.04.280 - Permit conditions. All permits shall be subject to the following conditions:</p> <p>A. The permit holder shall provide proof of current American Red Cross certification in cardiopulmonary resuscitation (CPR) and first aid, or equivalent certification;</p> <p>B. All transactions necessary to entitle a patron to engage in ocean recreational activity (including but not limited to selection of activities to be engaged in, selection of equipment, execution of rental agreements, payment for services, distribution or posting of commercial notices, advertising, signage or tents) shall be accomplished at the permit holder's business location. No such transactions shall be permitted or performed in or on County property;</p> <p>C. In the event applicable rules designate an exclusive area in or on County property for unloading, rigging, assembly, and disassembly of the permit holder's equipment, such</p>

<p>D. Only equipment authorized by the permit shall be unloaded from a vehicle. All other equipment shall remain enclosed in or placed on top of the vehicle used to transport the equipment. No equipment may be displayed, stored, maintained, or repaired in or on County property.</p> <p>E. The permit holder shall:</p> <ol style="list-style-type: none"> 1. Name the County as an additional insured on the permit holder's general liability insurance policy of \$1,000,000 <u>per occurrence and \$2,000,000 in the aggregate</u>, which insurance shall include a duty to defend the County if the County is sued as the result of the permit holder's commercial ocean recreational activity. The insurance policy shall be issued by a provider that is acceptable to the County, as evaluated by standards established by <u>administrative</u> rules. 2. Provide the County with a copy of the insurance policy in which the County is named as an additional insured. 3. Execute an indemnification agreement with the County covering any losses sustained as the result of the permit holder's commercial ocean recreational activity, over and above those losses covered by the permit holder's general liability insurance coverage. <p>F. The permit holder shall submit an acceptable safety policy, as evaluated by standards established by <u>administrative</u> rules.</p>	<p>activities shall be completed in that area and for no more than thirty minutes at a time; and</p> <p>D. Only equipment authorized by the permit shall be unloaded from a vehicle. All other equipment shall remain enclosed in or placed on top of the vehicle used to transport the equipment. No equipment may be displayed, stored, maintained, or repaired in or on County property.</p> <p>E. The permit holder shall:</p> <ol style="list-style-type: none"> 1. Name the County as an additional insured on the permit holder's general liability insurance policy of at least \$1,000,000, which insurance shall include a duty to defend the County if the County is sued as the result of the permit holder's commercial ocean recreational activity. The insurance policy shall be issued by a provider that is acceptable to the County, as evaluated by standards established by applicable rules. 2. Provide the County with a copy of the insurance policy in which the County is named as an additional insured; and 3. Execute an indemnification agreement with the County covering any losses sustained as the result of the permit holder's commercial ocean recreational activity, over and above those losses covered by the permit holder's general liability insurance coverage. <p>F. The permit holder shall submit an acceptable safety policy, as evaluated by standards established by applicable rules.</p>
<p>13.04A.330 Permit term- suspension- revocation.</p> <p>A. Permits issued pursuant to this article shall have a duration of up to one year pursuant to standards in <u>administrative</u> rules, and shall expire automatically, without notice to the permit holder, on the date specified on the permit.</p> <p>B. The director may suspend or revoke any permit issued pursuant to this article if the permit holder has violated any rule, ordinance, or statute related to the commercial ocean recreational activity.</p>	<p>13.04.290 - Permit term—Suspension—Revocation.</p> <p>A. Permits issued pursuant to this article shall have a duration of up to one year pursuant to standards in applicable rules and shall expire automatically, without notice to the permit holder, on the date specified on the permit.</p> <p>B. The director may suspend or revoke any permit issued pursuant to this article if the permit holder has violated any rule, ordinance, or statute related to the commercial ocean recreational activity.</p>
<p>13.04A.340 Nontransferable. Permits shall <u>not be transferable.</u></p>	<p>13.04.300 - Nontransferability. Permits shall be nontransferable.</p>

<p>13.04A.350 Inspection of permit. The permit holder shall at all times keep the permit in a prominent place, convenient for inspection, at the business location. Each permit holder shall also possess a copy of the appropriate permit while engaged in commercial ocean recreational activity.</p>	<p>13.04.310 - Inspection of permit. The permit holder shall at all times keep the permit in a prominent place, convenient for inspection, at the business location. Each permit holder shall also possess a copy of the appropriate permit while engaged in commercial ocean recreational activity.</p>
<p>13.04A.360 Penalties. Any individual operating a commercial ocean recreational activity without a permit shall, upon conviction, be guilty of a petty misdemeanor subject to a fine of not less than \$750 and not more than \$1,000, or imprisonment for not more than thirty days, or both, <u>and any penalty imposed pursuant to Hawaii Revised Statutes.</u></p>	<p>13.04.320 - Penalties. Any person operating a commercial ocean recreational activity without a permit shall, upon conviction, be guilty of a petty misdemeanor subject to a fine of not less than \$750.00 and not more than \$1,000.00, or imprisonment for not more than thirty days, or both.</p>
<p>13.04A.370 Ocean recreational activity fund. There is established and created a fund to be known as the "Ocean Recreational Activity Fund." Any fees collected pursuant to this article shall be deposited in the Ocean Recreational Activity Fund, are deemed appropriated upon receipt, and may be expended for purposes relating to the implementation of this article, including, but not limited to, the provision of salaries, the purchase of equipment, and the maintenance of County property."</p>	<p>13.04.340 - Ocean recreational activity fund. There is established and created a fund to be known as the "ocean recreational activity fund." Any fees collected pursuant to this article shall be deposited in the ocean recreational activity fund, are deemed appropriated upon receipt, and may be expended for purposes relating to the implementation of this article, including, but not limited to, the provision of salaries, the purchase of equipment, and the maintenance of County property.</p>
<p>6.04.90 Animal control officers. Pursuant to section 143-7 of the Hawaii Revised Statutes, the council authorizes the mayor of the County or the mayor's authorized representative to establish, designate as volunteers, and hire animal control officers, subject to the limitations contained in the annual budget ordinance. All animal control officers shall have the powers of a sheriff or police officer [in carrying out] <u>to enforce</u> this chapter, chapter 6.08, section [13.04.040(D)] 13.04A.070(D) of this code, and chapter 143 of the Hawaii Revised Statutes.</p>	