



## A BILL FOR AN ORDINANCE

RELATING TO PUBLIC PARKS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to regulate the use of unmanned aircraft systems in City parks.

SECTION 2. Section 10-1.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding new definitions of "unmanned aircraft" and "unmanned aircraft system" to read as follows:

"Unmanned aircraft" means an aircraft, including but not limited to an aircraft commonly known as a drone, that is operated without the possibility of direct human intervention from within or on the aircraft.

"Unmanned aircraft system" or "UAS" means an unmanned aircraft and its associated elements (including communication links and the components that control the unmanned aircraft) that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system."

SECTION 3. Section 10-1.2, Revised Ordinances of Honolulu 1990 ("Park rules and regulations"), as amended by Ordinance 21-34, is amended by amending subsection (d) as follows:

"(d) Except in park areas specifically designated for such purposes, it is unlawful for any person to:

- (1) Throw, cast, roll, or strike any bowling ball or golf ball;
- (2) Engage in model ~~[airplane]~~ aircraft flying;
- (3) Engage in model boat sailing;
- (4) Kindle, build, or maintain any campfire;
- (5) Discharge firearms ~~[for target practice only]~~;
- (6) Engage in archery ~~[for target practice and tournament only]~~;
- (7) Launch model rockets~~[-];~~ or



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- (8) Operate or assist in the operation of an unmanned aircraft system or launch or land an unmanned aircraft.

Notwithstanding the prohibitions set forth in this subsection, nothing in this subsection shall be construed to prohibit the operation of an unmanned aircraft system or unmanned aircraft by:

(A) Any federal, State, or city government agency holding a permit or authorization issued by the city that authorizes the operation of an unmanned aircraft system; or

(B) Any person holding a permit issued by the city pursuant to Section 10-1.3(a)(13);

provided that such operation is for a lawful purpose and conducted in a lawful manner."

SECTION 4. Section 10-1.3, Revised Ordinances of Honolulu 1990 ("Permits"), as amended by Ordinances 20-42, 21-8, and 21-34, is amended by amending subsection (a) to read as follows:

"(a) Required. Any person using the recreational and other areas and facilities under the control, maintenance, management, and operation of the department of parks and recreation must first obtain a permit from the department for the following uses:

- (1) Picnic groups, consisting of 50 or more persons.
- (2) Camping.
- (3) Sports activities, including but not limited to professional athletic contests, tournaments, or demonstration events, and professional surfing contests conducted by a league, organization, association, group, or individual.

A sports activity that requires a permit as provided under this section is subject to the following restrictions, in addition to any other conditions imposed by the rules adopted by the director:

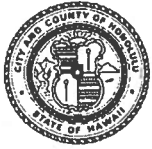


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- (A) **Gender Equity.** The department of parks and recreation shall not give preferential treatment to requests for permits for male activities over requests for permits for female activities. This requirement does not apply if:
  - (i) The sports activity is limited to one gender;
  - (ii) The rules governing a particular sports activity expressly prohibit the participation of a particular gender; and
  - (iii) Permits are made available on an equal basis for a similar activity with participants of another gender or to participants of all genders.
- (B) **Issuance Standards for Permits.** The department of parks and recreation shall uniformly treat each application, based upon the facts presented, free from improper or inappropriate considerations and from unfair discrimination and shall exercise no other discretion over the issuance of a permit under this section, except as provided in this section and in the departmental rules.
- (C) **Review.** Upon the department's refusal to issue a permit, the applicant for the permit is entitled to request a hearing before the director of parks and recreation or a hearings officer appointed by the director to be held within 30 days after the date of the refusal. The hearing will be subject to HRS Chapter 91. In the review, the department's decision will be upheld in the absence of a finding of abuse of discretion.
- (4) **Recreational activities, including nonprofit fundraising activities, sponsored by community organizations, associations, groups, or individuals.**
- (5) **Expressive Activities.**
  - (A) **Expressive activities held at Ala Moana Regional Park or in the following areas of Kapiolani Regional Park require a permit when the expressive activity involves 150 or more persons:**
    - (i) The triangle area fronting the Honolulu Zoo bordered by Kapahulu Avenue and Monsarrat Avenue, but excluding the Honolulu Zoo;



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- (ii) The area within Kapiolani Regional Park bordered by Monsarrat Avenue, Paki Avenue, Poni Moi Road, and Kalakaua Avenue;
  - (iii) The Waikiki playground area bordered by Monsarrat Avenue, Leahi Avenue, and Paki Avenue, generally rectangular in shape;
  - (iv) The Leahi area bordered by Leahi Avenue, Noela Street, and Paki Avenue, generally rectangular in shape; or
  - (v) The archery range area bordered by Paki Avenue and Poni Moi Road, generally rectangular in shape.
- (B) For all other public parks, and areas of Kapiolani Regional Park outside of the areas specified in Section 10-1.3(a)(5)(A), a permit is required when the expressive activity involves 75 or more persons.
- (C) This subdivision does not apply if the expressive activity is due to a spontaneous event occasioned by news or affairs coming into public knowledge within 48 hours of such expressive activity, in which case the organizer must provide written notice to the city as soon as practicable prior to such expressive activity.
- (6) Meetings or gatherings or other similar activity other than expressive activities held by organizations, associations, or groups.
- (7) Nonrecreational, public service activities, meetings, and gatherings other than expressive activities held by organizations, communities, or groups.
- (8) Right of entry into parks for installation of utilities or construction work.
- (9) The playing of musical instruments as solo or two or more instruments that fall within the standards described in paragraphs (A), (B), and (C):
  - (A) Musical instruments that are limited to two octaves or less, including but not limited to the following musical instruments:
    - (i) Tuba;
    - (ii) Tympani;



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- (iii) Maracas;
  - (iv) Uliuli;
  - (v) Castanets;
  - (vi) Tambourine; or
  - (vii) Percussion instruments in which a human hand or drumsticks are used to create sounds therefrom.
- (B) Musical instruments that when played do not exceed the sound pressure level established in Section 10-1.2(b)(8).
- (C) Musical instruments that are used or played continuously without a regular hourly break of 30 minutes, or for more than six hours within a day.
- (D) The use or the playing of a musical instrument that requires a permit as provided under this section is subject to the following restrictions, in addition to any other conditions imposed by the rules adopted by the director; provided that the restrictions do not apply to the playing of musical instruments in conjunction with expressive activities:
- (i) Issuance Standards for Permits. The department of parks and recreation shall uniformly treat each application, based upon the facts presented, free from improper or inappropriate considerations and from unfair discrimination and shall exercise no other discretion over the issuance of a permit under this section, except as provided in this section and in the departmental rules.
  - (ii) Judicial Review. Upon the department's refusal to issue a permit, the applicant for such permit is entitled to a review by the circuit court within 30 days after the date of the refusal. In the review, the department's decision will be upheld in the absence of a judicial finding of abuse of discretion.



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- (iii) Restrictions. The use or the playing of a musical instrument that requires a permit as provided hereunder is subject to the following restrictions, in addition to any other conditions imposed by the rules adopted by the director:
  - (aa) Time: Only between the hours of 9:00 a.m. and 6:00 p.m. daily;
  - (bb) Place: The playing of such instruments must be restricted to a facility especially constructed for such purpose, such as the bandstand at Kapiolani Regional Park or other areas within the park that are clearly designated in the permit; and
  - (cc) Manner: During the hours mentioned in clause (aa) of this subparagraph, every half-hour of playing period must immediately be followed by a 15-minute break or every one hour of playing period must immediately be followed by a half-hour break; provided that at no time may there be any continuous playing exceeding an hour.
- (iv) Duration of Permit. The duration of a permit issued pursuant to this subdivision cannot exceed one month.
- (10) Hang gliding.
- (11) Commercial activities; provided that the proposed commercial activities under the permit are consistent with the use of the park under consideration, subject to reasonable limitations on the size of the groups, and the time and area within which the event is permitted, and subject to department of parks and recreation rules and regulations regarding the solicitation of business, advertising, and commercial promotional activities.

No permit may be issued for commercial activities, including permits for recreational stops by commercial tour companies, at Kailua Beach Park and Kalama Beach Park, except as otherwise provided in this chapter for commercial filming activities.

No permit may be issued for commercial activities, including permits for recreational stops by commercial tour companies, but excluding permits for commercial filming activities and permits for shore water events, at



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Waiale'e Beach Park, Sunset Beach Park, 'Ehukai Beach Park, Pūpūkea Beach Park, Waimea Bay Beach Park, Haleiwa Ali'i Beach Park, Kaiaka Bay Beach Park, and the undeveloped portions of Haleiwa Beach Park adjacent to Pua'ena Point; and city-owned or -operated beach rights-of-way and easements from Sunset Point to Kaiaka Point.

No permit may be issued for recreational stops by commercial tour companies at:

- (A) Waimanalo Beach Park, Kaiona Beach Park, Kaupo Beach Park, Makapuu Beach Park, and Bellows Field Beach Park; and
  - (B) Hūnānāniho from 6:30 p.m. on Fridays through 6:30 a.m. on Mondays, and on all ~~[state]~~ State and federal holidays; provided that no more than five permits may be issued for recreational stops by commercial tour companies at Hūnānāniho, and such permits may only be issued to commercial tour companies for recreational stops by tour vans or vehicles that seat no more than 15 passengers.
- (12) Constructing, utilizing, placing, occupying, or in any other manner, situating any tent.
- (13) Operating an unmanned aircraft or unmanned aircraft system. The ability to launch and land a UAS in a city park will be limited to UAS operators who meet or exceed the requirements for a Federal Aviation Administration Part 107 commercial operating license and who satisfy the UAS application requirements, including providing valid aviation insurance at the required minimum coverages, and a park permit request for filming activity. Commercial UAS operators must follow all applicable federal regulations pertaining to the operation of the UAS and other restrictions that the State or city may impose that are specific to the request for launching and landing of the UAS on city property or that may aid the operator in following the required Federal Aviation Administration regulations and guidelines."

SECTION 5. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.





**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_  
BILL 21(2022)

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SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

[Signature] (PR)

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DATE OF INTRODUCTION:

**MAR 10 2022**

\_\_\_\_\_  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

**FILED**  
**MAR 10 2024**  
PURSUANT TO ROH Sec. 1-2.4

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
RICK BLANGIARDI, Mayor  
City and County of Honolulu