

HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

ORDINANCE _____
BILL **50(2024)**

A BILL FOR AN ORDINANCE

RELATING TO PARADES, STREET FESTIVALS, AND OTHER ACTIVITIES.

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

SECTION 1. Purpose and findings. The City Council ("Council") finds that public thoroughfares in the Waikiki Special District ("Waikīkī") are closed frequently in order to provide public space for parades, street festivals, and other activities requiring the exclusive use of streets. The Department of Transportation Services' "2024 O'ahu Schedule of Major Parades and Events" lists permit applications for 38 parades, street festivals, and other activities that, if approved, would utilize Kalākaua Avenue in Waikīkī, a main public artery, in 2024. As of July 2024, the list indicates that all or a portion of Kalākaua Avenue would be closed for 40 parades, street festivals, and other activities in 2024.

The Council finds that closing the main thoroughfares in Waikīkī so frequently and significantly hampers ingress to and egress from Waikīkī, including emergency ingress and egress, inconveniencing the residents, visitors, employees, and businesses of Waikīkī; putting an undue strain on first responders; and placing public health, safety, and welfare at risk.

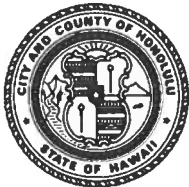
The purpose of this ordinance is to amend existing ordinances governing parades, street festivals, and other activities, including those in Waikīkī, to reduce the strain on residents, visitors, employees, first responders, and businesses caused by the closure of main public thoroughfares; ensure that parades, street festivals, and other activities serve a public purpose; protect the health and safety of the public; and establish requirements specific to street festivals for the foregoing purposes.

SECTION 2. Section 15-2.15, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 15-2.15 Parade.

For the purposes of this chapter, the following definition applies unless the context clearly indicates or requires a different meaning.

Parade. Any march, procession, or assembly consisting of persons, animals, bicycles, or other vehicles, or combination thereof, ~~[upon]~~ that travels over any public street, sidewalk, or alley, which does not comply with normal and usual traffic regulations or controls."



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SECTION 3. Section 15-24.20, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 15-24.20 [~~Parades~~] Parades, street festivals, and other activities.

(a) *Definitions.* For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning:

Activity. The occupation, use, or participation in any [~~endeavor other than a parade~~] parade, street festival, or other endeavor, that requires the exclusive use of streets as defined in § 15-2.23.

Agency. Any federal, State, or city agency whose review of a permit application the director determines or finds to be necessary for the director to issue such permit.

Chief of Police. The chief of police of the city, or the chief's authorized subordinate.

Department. The department of transportation services.

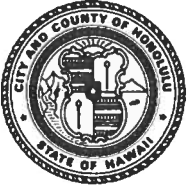
Director. The director of transportation services, or the director's authorized subordinate.

Expressive Activity. Speech or conduct, the principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political, religious, philosophical, or ideological opinions, views, or ideas and for which no fee is charged or required as a condition of participation in or attendance at such activity. Expressive activity generally would not include sports events such as marathons, fundraising events, beauty contests, commercial events, cultural celebrations, or other events the principal purpose of which is entertainment.

First Amendment. The First Amendment to the United States Constitution.

First Amendment [~~Parade or~~] Activity. [~~A parade or~~] An activity that constitutes an expressive activity in which individuals may participate without charge.

Liquor Controlled Area. An outdoor open area, demarcated by barriers or fencing, which must be the only area at a street festival where alcoholic beverages may be sold, served, and consumed.



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Nonprofit Organization. Has the same meaning as defined in § 13-1.1.

Parade. Has the same meaning as defined in § 15-2.15.

Public Safety. The safety or protection of any motorists, pedestrians, occupants or riders of vehicles, participants, spectators, and police officers assigned to ~~[a parade or]~~ an activity, or the protection of any real or personal property.

Street. Has the same meaning as defined in § 15-2.23.

Street Block. Has the same meaning as defined in § 15-2.23.

Street Festival. The occupation, use, or participation in a gathering featuring one or more of the following: festive activities, cultural events, entertainment, and food or merchandise vendors, which generally remains at a stationary location for the duration of the gathering, requires the exclusive use of streets as defined in § 15-2.23, and is open to the public without charge for entry or participation; provided that access to liquor controlled areas may be restricted to persons 21 years of age and older.

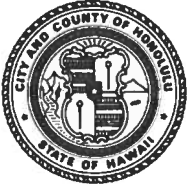
Waikiki Legacy [Parades and] Activities. Any ~~[parade or]~~ activity that has been held in the Waikiki special district annually for at least 15 consecutive calendar years. In order to maintain legacy status, the ~~[parade or]~~ activity must be held every calendar year after attaining legacy status. Failure to hold the ~~[parade or]~~ activity in every calendar year after attaining legacy status results in the loss of legacy status.

Waikiki Special District. The district described in § 21-9.80-2, including any precinct thereof established pursuant to § 21-3.20.

(b) **Permit required.** No person ~~[shall]~~ may conduct ~~[a parade or]~~ an activity on streets or highways, except for funeral processions, parades, marches, or processions by members of the United States Armed Forces, State of Hawaii Armed Forces, and city police and fire departments, ~~[or undertake any activity on streets or highways]~~ without first obtaining a permit from the director pursuant to this section.

(c) **Application.** Any person desiring a permit shall file with the department an application on forms provided by the director ~~[with the department]~~. Information to be submitted on the application forms must include but is not limited to:

(1) The date and type of the ~~[parade or]~~ activity;



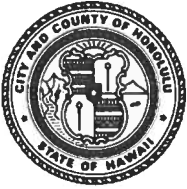
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- (2) The starting time and estimated duration of the ~~[parade-or]~~ activity;
 - (3) The route or location of the ~~[parade-or]~~ activity;
 - (4) Whether the ~~[parade-or]~~ activity is a First Amendment ~~[parade-or]~~ activity; and
 - (5) For a non-First Amendment ~~[parade-or]~~ activity, the public purpose to be served~~[-]~~ by the activity.
- (d) *Conditions to be met prior to issuance of permit.*
- (1) *Public purpose.* The director shall determine whether the ~~[parade-or the]~~ activity serves a public purpose. For purposes of this section, a First Amendment ~~[parade]~~ activity is deemed to serve a public purpose. The director may consider that a non-First Amendment ~~[parade-or]~~ activity is for a public purpose~~[-, so long as any]~~; provided that:
 - (A) Any private benefit arising out of the ~~[parade-or the]~~ activity is incidental to the public benefit arising out of the ~~[parade-or]~~ activity to the community as a ~~[whole-]~~ whole; and
 - (B) Either:
 - (i) The applicant is a nonprofit organization that has been exempted from taxation under § 501(c)(3) of the Internal Revenue Code of 1986, as amended, and is operating in the city; or
 - (ii) A minimum of _____ percent of the net profits generated by the activity are donated to the Waikiki Business Improvement District and Waikiki Beach Special Improvement District Association within 90 days after completion of the activity; provided that the applicant must submit to the director a calculation of the activity's total net profits, along with a notarized statement from a certified public accountant attesting to the calculation's accuracy.
 - (2) *First Amendment ~~[parades-or]~~ activities.* Upon receipt of an application for a First Amendment ~~[parade-or]~~ activity no later than five working days prior to the date of the event, the director shall immediately transmit a copy of



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the application to the corporation counsel, who shall make a recommendation to the director regarding whether ~~[an]~~ the application meets the requirements of ~~[a parade or]~~ an activity held for the purpose of participants expressing views or engaging in other activities protected by the First Amendment ~~[of the United States Constitution]~~. The director shall make the determination to grant or deny the application and shall notify the applicant of the director's decision. The application may be denied if inadequate information is provided to allow the director to determine whether the ~~[parade]~~ activity is a First Amendment ~~[parade or]~~ activity. If the application for a First Amendment ~~[parade or]~~ activity is not denied within three working days from the date the application is submitted, the application is deemed granted and a permit will be issued. An application for a First Amendment ~~[parade or]~~ activity:

- (A) Filed less than five working days prior to the date of the event, or
- (B) That conflicts with a permit application that has already been received or a permit that has already been issued by the department,

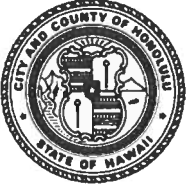
or both, will be denied~~[, or both]~~.

- (3) ~~[Other parades and]~~ Non-First Amendment activities. Applications for ~~[parades and]~~ activities that are not First Amendment ~~[parades]~~ activities are subject to the requirements of this subdivision.

- (A) Non-Waikiki ~~[parades and other]~~ activities. An application for ~~[a parade or]~~ an activity, other than one subject to paragraph (B), must be filed with the department in accordance with deadlines and other requirements set by the director.

- (B) Waikiki ~~[parades and other]~~ activities.

- (i) The application for ~~[a parade or]~~ an activity subject to this paragraph must be filed in accordance with deadlines and other requirements set by the director.
 - (ii) The director may approve, upon the director's determination that all other conditions have been or will be met, not more than ~~[12]~~ nine permits per year for ~~[a parade or]~~ an activity, not including a Waikiki legacy activity, that:



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- ~~[(i)]~~ (aa) Has a route~~[-]~~ or location, in part or in whole, through or within the Waikiki special district;
- ~~[(ii)]~~ (bb) Would result in the closure of one or more streets ~~[for a total distance of four street blocks or more]~~ within the Waikiki special district; and
- ~~[(iii)]~~ (cc) Has an estimated duration of two or more hours.
- (iii) Waikiki legacy ~~[parades and]~~ activities will ~~[automatically]~~ receive a permit if all ~~[other]~~ permit conditions and requirements are met. ~~[If a parade or activity qualifies as a]~~ A Waikiki legacy [parade or activity, it] activity must be held every calendar year in the Waikiki special district to maintain its status as a Waikiki legacy ~~[parade or]~~ activity. Waikiki legacy ~~[parades and]~~ activities are not counted towards the permit issuance limit for ~~[parades or]~~ activities in the Waikiki special district. For ~~[parades or]~~ activities for which legacy status is being sought, it is the responsibility of the ~~[person applying for the]~~ permit applicant to demonstrate to the city that the ~~[parade or]~~ activity was held annually in the Waikiki special district for 15 consecutive calendar years and has been held every calendar year thereafter.
- (iv) The following additional requirements apply to all permits for street festivals in the Waikiki special district. The director may approve, upon the director's determination that all other conditions have been or will be met:

 - (aa) A maximum of six permits per year for street festivals, including Waikiki legacy street festivals; and
 - (bb) A maximum of two permits per trimester for street festivals, including Waikiki legacy street festivals;

provided that any permitted street festivals that are not Waikiki legacy activities must be included in the not more than nine activities permitted under subparagraph (d)(3)(B)(ii).

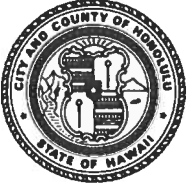


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- (v) Notwithstanding any other provision of this paragraph, no permits for ~~[non-First]~~ non-First Amendment ~~[parades-or]~~ activities in the Waikiki special district may be issued for days on which a general election is held. In addition, the director may, by rules adopted pursuant to HRS Chapter 91, designate other dates during the calendar year as unavailable for ~~[non-First]~~ non-First Amendment ~~[parades-or]~~ activities in the Waikiki special district if the director finds that those dates historically have experienced high traffic volumes in Waikiki; provided that no more than ~~[ten]~~ 10 dates may be so designated.
- (C) *Review by chief of police.* Upon the filing of an application for a ~~[non-First]~~ non-First Amendment ~~[parade-or]~~ activity, the director shall transmit a copy of the application to the chief of police for the chief's review, comments, and recommendations, and to any other agency if the director determines ~~[a-particular]~~ the agency's review is necessary. The chief of police or any agency to which an application has been transmitted shall return the application with comments and recommendations, if any, to the director within five working days after receipt of the copy of the application.
- (D) *Administrative cost recovery for multiple applications.* If the applicant has submitted more than four applications within one calendar year, then each subsequent application beyond the original four applications made by the applicant in that calendar year requires an additional administrative cost recovery fee of \$ _____ for each subsequent application made in that calendar year. This administrative cost recovery fee must be paid before any of the applications submitted by the applicant in that calendar year is considered complete and approvable.
- (4) The director may impose any conditions prior to the issuance of the permit that will provide for public safety; minimize traffic congestion or hazards; and permit the passage of authorized emergency vehicles. Any conditions imposed by the director to be met prior to the issuance of the permit must be reasonable and necessary and must not unduly restrict the ability of a participant in any ~~[parade-or]~~ activity to express views or engage in other activities protected by the First Amendment ~~[of the United States Constitution]~~.

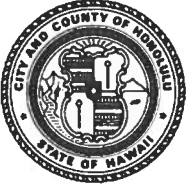


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- (5) The applicant has secured the appropriate medical services for their activity.
- (6) For street festivals serving alcoholic beverages, the applicant shall provide and implement a liquor controlled area.
- (e) *Conditions to be met after issuance of permit.*
- (1) Any ~~[parade or]~~ activity for which a permit has been issued must comply with any rules adopted pursuant to HRS Chapter 91 that may apply to ~~[parades or]~~ activities using streets.
- (2) The director may impose any conditions that are required to be met after the issuance of the permit that will provide for public safety; minimize traffic congestion or hazards; and permit the passage of authorized emergency vehicles. Any written conditions imposed by the director to be met after issuance of the permit ~~[shall]~~ must be reasonable and necessary and must not unduly restrict the ability of a participant in any ~~[parade or]~~ activity to express views or engage in other activities protected by the First Amendment ~~[of the United States Constitution]~~.
- (3) Within 30 days after the conclusion of ~~[a parade or]~~ an activity ~~[in the Waikiki special district,]~~ other than ~~[a First Amendment parade or activity or a parade or]~~ an activity designated as a Waikiki legacy ~~[parade or]~~ activity as of December 31, 2019, or a First Amendment activity, the person who obtained the permit shall file documentation with the director evidencing compliance with the public purpose requirement set forth in subsection (d)(1). If the director, upon review of the ~~[post-parade or]~~ post-activity documentation, determines that the ~~[parade or]~~ activity failed to comply with the public purpose requirement set forth in subsection (d)(1), the person or organization, or both, who obtained the permit will be ineligible to receive a permit for ~~[a parade or]~~ an activity ~~[in the Waikiki special district]~~, other than a permit for a First Amendment ~~[parade or]~~ activity, during the following calendar year.
- (4) Within 60 days after the conclusion of an activity, other than an activity designated as a Waikiki legacy activity as of December 31, 2019, or a First Amendment activity, the director shall post on the department's website the report received in subdivision (e)(3) with the director's determination that: (i) the activity complied with the public purpose requirement set forth in subdivision (d)(1), stating the public purpose



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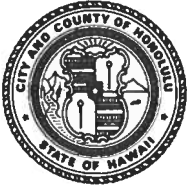
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fulfilled by the activity, or (ii) the activity failed to comply with the public purpose requirement, stating the reasons why the activity did not fulfill a public purpose.

(f) *Denial or revocation of permit.*

- (1) *Denial ~~[or revocation]~~ of permit.* The director ~~[is authorized and empowered to]~~ may deny any permit application for an activity if the ~~[parade or]~~ activity does not conform to this chapter, the Statewide Traffic Code and other State laws, the rules adopted by the State director of transportation or the director pursuant to HRS Chapter 91, any conditions imposed by this section, or any other written conditions imposed by the director under subsection (d)(4).
- (2) ~~[Chief of police to revoke]~~ Revocation of permit or ~~[terminate parade or]~~ termination of activity. The director or the chief of police ~~[is authorized to]~~ may revoke any permit if the director or the chief of police finds that, at the site where a permitted ~~[parade or]~~ activity is to commence, and prior to the actual commencement of ~~[such parade or]~~ the activity, any written conditions imposed by the director have not been met. The director ~~[is also authorized to]~~ or the chief of police may also terminate any ~~[parade or]~~ activity in progress if the director or the chief of police finds that public safety is endangered, or any written conditions to be observed during ~~[a parade or]~~ an activity by the participants imposed by the director under subsection (e)(2) have been breached.
- (3) Before the director may deny an application for a permit under subdivision (1), the director may, at the director's discretion, elect to conduct a hearing pursuant to rules adopted by the director for such hearing. An applicant for a permit under subsection (d)(2) whose application has been denied and a permittee whose permit has been revoked under the conditions set forth in subdivision (2) may pursue any and all remedies as provided by law, since there will be no time to issue a notice and conduct a hearing as prescribed in HRS Chapter 91.
- (4) Applicants for Waikiki ~~[parades and]~~ activities as provided in subsection (d)(3)(B) denied a permit solely due to the limitation on the number of permits issuable for Waikiki ~~[parades and]~~ activities, as established by this section and as may be implemented by rules, may apply for a waiver as follows:

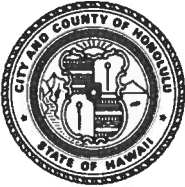


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- (A) The applicant shall submit an application for a waiver to the mayor's office, on forms provided by the director.
- (B) The applicant shall attach to the waiver application a copy of the permit application.
- (C) The waiver application must be submitted no later than 60 calendar days prior to the date of the ~~[parade-or]~~ activity.
- (D) The ~~[parade-or]~~ activity must be on an existing route~~[-]~~ or in an existing location.
- (E) Except for the limitation on the maximum number of permits for Waikiki ~~[parades,]~~ activities, the ~~[parade-or]~~ activity must satisfy all application, permit, and other conditions ~~[or]~~ and requirements.
- (F) The mayor may grant a waiver if the mayor finds that the ~~[parade-or]~~ activity meets any one or more of the following criteria:
 - (i) The ~~[parade-or]~~ activity would be of economic benefit to the city, considering: the revenue expected to be generated for businesses in the city; the public facilities to be used by organizers and participants in the ~~[parade-or]~~ activity; the number of visitors the ~~[parade-or]~~ activity is expected to bring to the city; whether the event would generate media exposure for the city that could result in further economic benefits; and any other factors or information that the mayor may reasonably determine to be relevant;
 - (ii) The ~~[parade-or]~~ activity would be culturally or historically significant;
 - (iii) The ~~[parade-or]~~ activity would recognize an outstanding achievement or significant accomplishment; or
 - (iv) The ~~[parade-or]~~ activity would foster community spirit, pride, identity, or well-being, would benefit community organizations or causes, or would result in some other identifiable community benefit.



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The applicant shall identify the criteria that apply to its ~~[parade-or]~~ activity, and shall explain how the ~~[parade-or]~~ activity meets the identified criteria.

(G) Waivers.

(i) The mayor may grant no more than six waivers for ~~[parades-and]~~ activities in the Waikiki special district per calendar year. However, the actual number of waivers for ~~[parades-and]~~ activities in the Waikiki special district per calendar year will vary depending on the number of Waikiki legacy ~~[parades-and]~~ activities.

(ii) For every Waikiki legacy ~~[parade-and]~~ activity over 12 in number per calendar year, the number of available waivers in that calendar year will decrease ~~[proportionately:]~~ by one.

(iii) There may be no more than 20 Waikiki legacy ~~[parades-and]~~ activities per calendar year, and, notwithstanding subparagraph (ii), the number of available waivers for ~~[parades-and]~~ activities in the Waikiki special district may not be less than two per calendar year.

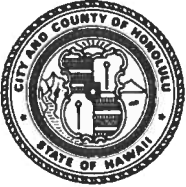
(g) The director shall adopt rules pursuant to HRS Chapter 91 for purposes of administering or implementing this section, and conducting hearings as authorized in subsection (f). The director shall also include a list of Waikiki legacy ~~[parades-and]~~ activities on the department's website.

(h) Penalties.

(1) Definition of "violation." Violation, as used in this subsection, means an instance in which any person ~~[who]~~:

(A) Fails to obtain a required permit for ~~[a-parade-or]~~ an activity on any public street;

(B) Authorizes, urges, or solicits any person to participate in ~~[a-parade-or]~~ an activity without a required permit;



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- (C) Participates in ~~[a parade or]~~ an activity on a public street when ~~[there is]~~ no required permit has been issued therefor, or the permit therefor has been denied or revoked as provided in this section; or
- (D) Fails to obey any lawful directive, order, or command of a police officer when such police officer believes that public safety is in peril.
- 2) *Criminal sanctions.* Any person who ~~[violates this section or falls within the definition of]~~ commits a violation, as defined in this subsection, shall be ~~[fined]~~ subject to a fine of up to \$200 for each violation, ~~[or imprisoned]~~ imprisonment for up to 30 calendar days, or both."

SECTION 4. 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.



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SECTION 5. This ordinance takes effect on January 1, 2025, and applies to permits issued for 2026 and thereafter.

INTRODUCED BY:

Tony Watson **B.R.**

DATE OF INTRODUCTION:

AUG 01 2024

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:

Parades; Street Festivals; Waikīkī; Waikiki Special District; Waikiki Legacy Activities; Medical Services, Administrative Cost Recovery; Liquor Controlled Area; Department of Transportation Services ("DTS"); Waikiki Business Improvement District; Waikiki Beach Special Improvement District Association

Description:

Updates the applicable ordinances related to activities that require the exclusive use of streets, including parades, street festivals, and other endeavors. Establishes a mechanism for for-profit parades to meet public purpose requirements. With respect to activities in the Waikiki Special District, reduces the number of permits that the DTS Director may issue per year, and authorizes the Director to issue up to 12 permits for street festivals in the district, including Waikiki legacy street festivals. Provides for administrative cost recovery for multiple applications. Clarifies the Mayor's authority to grant waivers for activities in the Waikiki Special District. Requires permit applicants to secure appropriate medical services to support the activity. Requires street festival permit applicants to implement a liquor controlled area if alcoholic beverages will be sold. Takes effect on January 1, 2025, and applies to permits issued for 2026 and thereafter.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.