SUMMARY OF PROPOSED COMMITTEE DRAFT:

BILL 50 (2024)
RELATING TO PARADES, STREET FESTIVALS, AND OTHER ACTIVITIES.

The PROPOSED CD1 makes the following amendments:

A. In SECTION 3 of the bill, amends ROH § 15-24.20(a), relating to definitions, to:

1. Add a definition of "Applicant" to mean the applicant for a street activity permit;

2. Combine the definitions of "Expressive Activity" and "First Amendment" by establishing the term "First Amendment Street Activity" to mean a street activity that is protected under the First Amendment of the U.S. Constitution;

3. Add a definition of "Force Majeure Event" to mean a natural or man-made event that is not able to be reasonably foreseen and is completely beyond the control of the parties involved, including natural disasters (fire, storms, floods), governmental or societal actions (war, invasion, civil unrest, labor strikes), and infrastructure failures (transportation, energy);

4. Replace the term "Activity" with the term "Street Activity" and use the term "Street Activity" throughout the bill;

5. Amend the definition of "Waikiki Legacy Street Activity" to provide that:

    a. The street activity must have been held in the Waikiki Special District annually for at least 15 consecutive calendar years, and must have obtained legacy status as of the effective date of the ordinance (i.e., as of the effective date of the ordinance, no other street activity in the Waikiki Special District may obtain legacy status); and

    b. To maintain legacy status, the street activity must be held every calendar year after attaining legacy status; provided that the director may waive this requirement if a force majeure event does not allow for the holding of safe and appropriate street activity (for example, no street activities were held during the COVID pandemic).

B. In SECTION 3 of the bill, amends ROH § 15-24.20(d) to amend the subsection heading to read: *Requirements prior to the issuance of a street activity permit*; and to:

1. Amend subdivision (1), relating to public purpose, to:

a. Provide that all street activities must serve a public purpose;

b. Separate subdivision (1) into three paragraphs:

i. In paragraph (A), provide that a First Amendment street activity is deemed to serve a public purpose;

ii. In paragraph (B), provide that a non-First Amendment street activity serves a public purpose so long as any private benefit arising out of the street activity is incidental to the public benefit to the community as a whole arising out of the street activity; and

iii. In paragraph (C), provide that for non-First Amendment street activities in the Waikiki special district, in addition to satisfying the public purpose requirement in paragraph (B), either:

(AA) The applicant must be a nonprofit organization operating in the city that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code of 1986, as amended; or

(BB) The applicant must donate a minimum of 50 percent of the net profits generated by the street activity to the Waikiki Business Improvement District and Waikiki Beach Special Improvement District Association within 90 days after completion of the street activity; provided that the applicant shall concurrently submit to the director a calculation of the activity's total net profits, with a notarized statement from a certified public accountant attesting to the accuracy of the calculation.

2. Amend the heading for subdivision (3) to read: *Non-First Amendment street activities*; and to:

    a. Amend the heading for paragraph (A) to read: *Street activities outside of the Waikiki Special District*;

    b. Amend the heading for paragraph (B) to read: *Street activities in the Waikiki Special District*;

        i. Add a heading for subparagraph (i) to read: *Street activity permit applications*;

        ii. Amend subparagraph (ii) to:

            AA. Add a heading to read: *Maximum number of street activity permits issued*;

            BB. Provide that for street festivals in the Waikiki Special District, including Waikiki legacy street festivals, the director may approve a maximum of two permits per triannual period (four-month period) of the calendar year, based on the date the street festival will be held (this would have the effect of spacing out the street festivals over the calendar year);

        iii. Add a heading for subparagraph (iii) to read: *Waikiki legacy street activities*;

        iv. Delete subparagraph (iv), relating to permits for Waikiki legacy street festivals (see the limitations on Waikiki street activities, including Waikiki legacy street festivals incorporated in subparagraph (ii)). Renumber subsequent subparagraphs;

        v. Amend renumbered subparagraph (iv) to:

            AA. Add a heading to read: *Restrictions on dates street activities may be held*;

            BB. Reformat the subparagraph into clauses;

    c. Amend the heading for paragraph (C) to read: *Review of a street activity permit application by the chief of police*;

3. Amend subdivision (4) to provide that any street activity permit conditions imposed by the director must be included in the street activity permit and must not unduly restrict the ability of a street activity participant to engage in First Amendment street activity. Also requires the applicant to comply with all conditions imposed by the director.

4. Amend subdivision (6) to provide that for street activities serving alcoholic beverages, the Applicant is required to obtain an appropriate liquor license from the Honolulu Liquor Commission and provide for and implement a liquor controlled area.

C. In SECTION 3 of the bill, amends ROH § 15-24.20(e) to amend the subsection heading to read: *Requirements after the issuance of a street activity permit*; and to:

1. Add a heading to subdivision (1) to read: *Compliance with applicable rules*;

2. Delete former subdivision (2), which is duplicative of ROH § 15-24.20(d)(4). Renumber subsequent subdivisions;

3. Add a heading to renumbered subdivision (2) to read: *Requirements after the conclusion of a street activity*; and

a. Amend paragraph (A) to delete reference to December 31, 2019 (which was the date the existing ordinance amendments were enacted and is now obsolete);

b. Amend paragraph (B) to delete reference to December 31, 2019 (which was the date the existing ordinance amendments were enacted and is now obsolete);

D. In SECTION 3 of the bill, amends ROH § 15-24.20(f) to amend the subsection heading to read: *Denial, revocation, or termination of a street activity permit*, and to:

1. Amend the heading to subdivision (1) to read: *Denial of a street activity permit*;

a. Move to paragraph (B) former ROH § 15-24.20(f)(3), relating to the director's discretion to hold a hearing prior to the denial of an application for a street activity permit;

b. Move to paragraph (C) former ROH § 15-24.20(f)(4), relating to a waiver for a Waikiki street activity that is denied a street activity permit solely due to the limitation on the number of street activity permits in the Waikiki special district;

i. Amend subparagraph (iv) to add a heading to read: *Maximum number of waivers granted*; and

ii. Amend subparagraph (iv) to provide that the mayor may grant a maximum of four waivers for street activities in the Waikiki special district per calendar year; provided that the mayor may grant only one waiver per quarterly period (three-month period) of the calendar year, based on the date the street activity will be held;

2. Amend the heading to subdivision (2) to read: *Revocation of a street activity permit*; and to:

a. Add a paragraph (B) to provide that a permittee whose street activity permit has been revoked may pursue any remedy provided by law;

3. Add a new subdivision (3) with a new heading to read: *Termination of a street activity permit*; and to:

a. Add a paragraph (B) to provide that a permittee whose street activity permit has been terminated may pursue any remedy provided by law;

E. In SECTION 3 of the bill, amends ROH § 15-24.20(g) to separate the subsection into subdivisions relating to the adoption of rules, permit denial hearings, and including a list of Waikiki legacy street activities on the department's website.

F. In SECTION 4 of the bill, adds direction to the Revisor of Ordinances that in SECTION 3 of the ordinance, the Revisor of Ordinances shall, pursuant to the Revisor's authority under ROH § 1-16.3(b)(1), replace the phrase "effective date of this ordinance" or similar phrase used in the codified language of the ordinance with the actual date on which the ordinance takes effect.

G. Makes miscellaneous technical and nonsubstantive amendments.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **50 (2024), CD1**

PROPOSED

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 frequently closed 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 Oʻahu Schedule of Major Parades and Events" lists permit applications for 38 parades, street festivals, and other activities that, if approved, would use 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 significantly hampers ingress to and egress from Waikīkī, including emergency ingress and egress; inconveniences the residents, visitors, employees, and businesses of Waikīkī; puts an undue strain on first responders; and places 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 activities that involve the closure of streets 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 <u>other</u> vehicles, or combination thereof, [~~upon~~] <u>traveling on, over, or across</u> any public street, sidewalk, or alley, which does not comply with normal and usual traffic regulations or controls."

A BILL FOR AN ORDINANCE

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

"**§ 15-24.20 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:

Agency. Any federal, State, or city agency [~~whose review of~~] that reviews a street activity permit application, and the agency director determines [~~or finds to be necessary for the director~~] whether to issue [~~such~~] the permit.

Applicant. The applicant for a street activity 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~~] First Amendment Street Activity. [~~Speech~~] Street activity that involves 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~~] to participate in or attend the street activity[~~.~~], and the street activity is protected under the First Amendment of the United States Constitution. [~~Expressive~~] First Amendment street 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 Parade or Activity.~~ ~~A parade or activity that constitutes an expressive activity in which individuals may participate without charge.~~]

Force Majeure Event. A natural or man-made event that is not able to be reasonably foreseen and is completely beyond the control of the parties involved, including natural disasters (fire, storms, floods), governmental or societal actions (war, invasion, civil unrest, labor strikes), and infrastructure failures (transportation, energy).

A BILL FOR AN ORDINANCE

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

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~~] a street activity, or the protection of any real or personal property.

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

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

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 a street or any portion thereof, 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 or older.

Waikiki Legacy [~~***Parades and Activities.]***~~ ***Street Activity.*** Any [~~parade or~~] street activity that has been held in the Waikiki special district annually for at least 15 consecutive calendar years[~~.~~], and had obtained legacy status as of the effective date of this ordinance. [~~In order to~~] To maintain legacy status, the [~~parade or~~] street activity must be held every calendar year after attaining legacy status[~~.~~]; provided that this requirement may be waived by the director, at the director's discretion, when a force majeure event does not allow for the holding of safe and appropriate street activity. Failure to hold the [~~parade or~~] street activity in every calendar year after attaining legacy status [~~results~~] will result 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.

A BILL FOR AN ORDINANCE

(b) *~~[Permit]~~ Special activity permit required*. [~~No person shall conduct a parade or activity on streets or highways, except~~] Except for funeral processions, parades, marches, or other 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~~] no person may conduct a street activity on streets or highways without first obtaining a permit from the director pursuant to this section.

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

(1) The [~~date of the parade or activity;~~] type of street activity, and the date the street activity will be held;

(2) The starting time and estimated duration of the [~~parade or~~] street activity;

(3) The route or location of the [~~parade or~~] street activity;

(4) Whether the [~~parade or~~] street activity is a First Amendment [~~parade or~~] street activity; and

(5) For a [~~non-First Amendment [parade or~~] street activity that is not a First Amendment street activity, the public purpose to be served[~~.~~] by the street activity.

(d) [*~~Conditions to be met~~] Requirements prior to the issuance of a street activity permit.*

(1) *Public purpose.* All street activities must serve a public purpose. The director shall determine whether the [~~parade or the~~] street activity serves a public purpose.

(A) For purposes of this section, a First Amendment [~~parade~~] street activity is deemed to serve a public purpose.

(B) The director may [~~consider~~] determine that a non-First Amendment [~~parade or~~] street activity [~~is for~~] serves a public purpose[~~,~~] so long as any private benefit arising out of the [~~parade or the~~] street activity is incidental to the public benefit to the community as a whole arising out of the [~~parade or~~] street activity [~~to the community as a whole~~].

(C) For non-First Amendment street activities in the Waikiki special district, in addition to satisfying the public purpose requirement in paragraph (B), either:

(i) The applicant must be a nonprofit organization operating in the city that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code of 1986, as amended; or

(ii) The applicant must donate a minimum of 50 percent of the net profits generated by the street activity will be donated to the Waikiki Business Improvement District and Waikiki Beach Special Improvement District Association within 90 days after completion of the street activity; provided that the applicant shall concurrently submit to the director a calculation of the activity's total net profits, with a notarized statement from a certified public accountant attesting to the accuracy of the calculation.

(2) *First Amendment* [~~*parades or*~~] *street activities*.

(A) Upon receipt of an application for a First Amendment [~~parade or~~] street activity, no later than five working days prior to the date of the event, the director shall [~~immediately~~] transmit a copy of the application to the corporation counsel[~~, who shall make a recommendation to the director regarding whether an application meets the requirements of a parade or activity held for the purpose of participants expressing views or engaging in other activities protected by the First Amendment of the United States Constitution.~~] for a determination on whether the proposed street activity constitutes a First Amendment street activity.

(B) The director shall make the determination to grant or deny the First Amendment street activity application and shall notify the applicant of the director's decision.

(C) The application may be denied if [~~inadequate information is provided~~] the applicant does not provide adequate information to determine whether the [~~parade~~] street activity is a First Amendment [~~parade or~~] street activity.

(D) If the application for a First Amendment [~~parade or~~] street activity is not denied within three working days [~~from~~] after the date the application is submitted, the application [~~is~~] will be deemed granted and a permit will be issued.

(E) An application for a First Amendment [~~parade or~~] street activity:

[~~(A)~~](i) Filed less than five working days prior to the date of the [~~event,~~] street activity; or

[~~(B)~~](ii) 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 deemed denied[~~, or both~~].

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

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

(B) *Street activities in the Waikiki* [~~*parades and other activities.*~~] *special district.*

(i) [~~The application for a parade or activity subject to this paragraph~~] *Street activity permit applications.* An application for a street activity in the Waikiki special district must be filed with the department 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~~] *Maximum number of street activity permits issued.* Except for Waikiki legacy street activities, the director may approve a maximum of nine permits per calendar year for [~~a parade or~~] a street activity that:

[~~(i)~~](aa) Has a route[~~, in part or in whole,~~] or location through any portion of 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~~] any portion of a street within the Waikiki special district; and

[~~(iii)~~](cc) Has an estimated duration of two or more hours[~~.~~];

provided that for street festivals in the Waikiki special district, including Waikiki legacy street festivals, the director may approve a maximum of two permits per triannual period (four-month period) of the calendar year, based on the date the street festival will be held.

(iii) *Waikiki legacy street activities.* Waikiki legacy [~~parades and~~] street activities will [~~automatically~~] receive a permit if all [~~other~~] permit [~~conditions and~~] requirements are [~~met.~~] satisfied. [~~If a parade or activity qualifies as a Waikiki legacy parade or activity, it 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~~] It is the responsibility of the [~~person applying for the permit~~] applicant for a Waikiki legacy street activity permit to demonstrate [~~to the city~~] that the [~~parade or~~] street activity [~~was held annually in the Waikiki special district for 15 consecutive calendar years and has been held every calendar year thereafter.~~] qualifies as a Waikiki legacy street activity.

(iv) [~~Notwithstanding any other provision of this paragraph, no permits for non First~~] *Restrictions on dates street activities may be held.*

(aa) No street activity permits for Non-First Amendment [~~parades or~~] street activities in the Waikiki special district may be issued for days on which a general election is held[~~. In addition, the~~]; and

(aa) The director may, by [~~rules~~] rule adopted pursuant to HRS Chapter 91, designate [~~other dates~~] up to a maximum of 10 dates during the calendar year (other than general election day) as unavailable for [~~non-First~~] non-First Amendment [~~parades or~~] street 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 dates may be so designated~~].

(C) *Review of a street activity permit application by the chief of police.* Upon the filing of an application for a [~~non First~~] non-First Amendment [~~parade or~~] street activity, the director shall transmit a copy of the application for review to the chief of police [~~for the chief's review, comments, and recommendations~~], and at the director's discretion, to any other agency if [~~the director determines a particular~~] that agency's review is desirable or necessary. The chief of police [~~or~~] and any agency to which an application has been transmitted shall [~~return the application~~] transmit a response to the director with any 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 an applicant submits more than four street activity applications within one calendar year, each subsequent application beyond the original four applications within the same calendar year will be subject to an additional administrative cost recovery fee of $___, which must be paid prior to the processing of the application.

(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 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.~~] The director may impose conditions on the issuance of a street activity permit that are reasonable and necessary to address public safety, minimize traffic congestion or hazards, and allow for the passage of authorized emergency vehicles. Any street activity permit conditions imposed by the director must be included in the street activity permit and must not unduly restrict the ability of a street activity participant to engage in First Amendment street activity. The applicant shall comply with all conditions imposed by the director.

(5) The applicant shall secure appropriate medical services for the street activity.

(6) For street activities serving alcoholic beverages, the applicant shall obtain an appropriate liquor license from the Honolulu Liquor Commission and provide for and implement a liquor controlled area.

(e) [*~~Conditions to be met after~~] Requirements after the issuance of a street activity permit.*

(1) *Compliance with applicable rules.* Any [~~parade or~~] street activity for which a permit has been issued must comply with [~~any~~] all rules adopted pursuant to HRS Chapter 91 that [~~may~~] apply to [~~parades or~~] street 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 on the issuance of the street activity permit that must be satisfied by the applicant that are reasonable and necessary to address 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 be reasonable and necessary and 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)~~](2) *Requirements after the conclusion of a street activity.*

(A) Within 30 days after the conclusion of [~~a parade or~~] a street activity [~~in the Waikiki special district~~], other than a First Amendment [~~parade or activity or a parade or~~] street activity [~~designated as~~] or a Waikiki legacy [~~parade or~~] street activity [~~as of December 31, 2019, the person who obtained the permit~~]:

(i) The applicant shall file documentation with the director evidencing compliance with the public purpose requirement set forth in subsection (d)(1). [~~If~~]; and

(ii) If the director, upon review of the [~~post-parade or post-activity~~] post street activity documentation, determines that the [~~parade or~~] street activity failed to comply with the public purpose requirement set forth in subsection (d)(1), during the immediately following calendar year, the [~~person who~~] applicant that obtained the permit will be ineligible to receive a permit for [~~a parade or~~] a street activity [~~in the Waikiki special district~~], other than a permit for a First Amendment [~~parade or~~] street activity[~~, during the following calendar year~~].

(B) Within 60 days after the conclusion of a street activity, other than a First Amendment street activity or a Waikiki legacy street activity, the director shall post on the department's website the report received pursuant to this subdivision with the director's determination that:

(i) The activity complied with the public purpose requirement set forth in subsection (d)(1), stating the public purpose 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 the public purpose requirement.

A BILL FOR AN ORDINANCE

(f) *Denial [~~or~~], revocation, or termination of a street activity permit.*

(1) *Denial* [~~*or revocation*~~] *of a street activity permit.*

(A) The director [~~is authorized and empowered to~~] may deny any street activity permit application if the [~~parade or~~] street 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~~] requirements of this section, or any [~~other written~~] street activity permit conditions imposed by the director under subsection (d)(4).

(B) Prior to the denial of an application for a street activity permit, the director may, at the director's discretion, hold a hearing pursuant to rules adopted by the director for conducting the hearing. An applicant for a street activity permit whose application has been denied may pursue any remedy provided by law.

(C) An applicant for a street activity in the Waikiki special district that is denied a street activity permit solely due to the limitation on the number of street activity permits for the Waikiki special district pursuant to subsection (d)(3)(B) may apply for a waiver as follows:

(i) A minimum of 60 calendar days prior to the date of the street activity, the applicant shall file with the mayor's office a waiver application, on a form prescribed by the director, and attach a copy of the street activity permit application.

(ii) Except for the limitation on the maximum number of permits per calendar year for Waikiki street activities, the street activity must satisfy all street activity permit requirements.

(iii) The mayor may grant a waiver if the mayor, at the mayor's discretion, determines that the proposed street activity meets any one or more of the following criteria:

(aa) The street activity would be of economic benefit to the city, considering:

(AA) The revenue expected to be generated for businesses in the city;

(BB) The public facilities to be used by organizers and participants in the street activity;

(CC) The number of visitors the street activity is expected to bring to the city;

(DD) Whether the event would generate media exposure for the city that could result in further economic benefits; and

(EE) Any other factors or information that the mayor may reasonably determine to be relevant;

(bb) The street activity would be culturally or historically significant;

(cc) The street activity would recognize an outstanding achievement or significant accomplishment; or

(dd) The street activity would:

(AA) Foster community spirit, pride, identity, or well-being;

(BB) Benefit community organizations or causes; or

(CC) Result in an identifiable community benefit.

The applicant shall identify the criteria that apply to its street activity, and explain how the street activity meets the identified criteria.

(iv) *Maximum number of waivers granted.* The mayor may grant a maximum of four waivers for street activities in the Waikiki special district per calendar year; provided that the mayor may grant only one waiver per quarterly period (three-month period) of the calendar year, based on the date the street activity will be held.

(2) [~~*Chief of police to revoke*~~] *Revocation of a street activity permit [~~or terminate parade or activity~~]*.

(A) The director or the chief of police [~~is authorized to~~] may revoke any street activity 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 street activity, any [~~written conditions~~] prerequisite condition imposed by the director [~~have~~] in the street activity permit has not been [~~met~~.] satisfied.

(B) A permittee whose street activity permit has been revoked may pursue any remedy provided by law.

(3) *Termination of a street activity permit.*

(A) The director [~~is also authorized to~~] or the chief of police may terminate any [~~parade or~~] street activity that is in progress if the director or the chief of police finds that public safety is endangered, or any [~~written conditions~~] condition imposed by the director in the street activity permit and required to be observed during [~~a parade or~~] the street activity [~~by the participants imposed by the director under subsection (e)(2) have~~] has been breached[~~.~~] or disobeyed.

(B) A permittee whose street activity permit has been terminated may pursue any remedy provided by law.

[~~(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 permits for Waikiki parades and activities, as established by this section and as may be implemented by rules, may apply for a waiver as follows:~~

~~(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.~~

~~(E) Except for the limitation on permits for Waikiki parades, the parade or activity must satisfy all permit conditions or requirements.~~

~~(F) The mayor may grant a waiver if the mayor finds that the parade or activity meets any one 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.~~

~~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) 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. 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. There may be no more than 20 Waikiki legacy parades and activities per calendar year, and 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~~]:

(1) Adopt rules pursuant to HRS Chapter 91 [~~for purposes of administering or implementing~~] to administer and implement this section[~~, and conducting~~];

(2) Conduct hearings as authorized in [~~subsection (f). The director shall also include~~] subsection (f)(1)(B); and

(3) Include a list of Waikiki legacy [~~parades and~~] street 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~~] a street activity on [~~any~~] a public street[~~;~~] or any portion thereof;

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

(C) Participates in [~~a parade or~~] a street activity on a public street [~~when there is no~~] or any portion thereof, for which a street activity permit has not been issued [~~therefor,~~] or the applicable street activity 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~~] the police officer believes that public safety is in peril.

(2) *Criminal sanctions.* Any person who [~~violates this section or falls within the definition of~~] is convicted of committing 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. In SECTION 3 of this ordinance, the Revisor of Ordinances shall, pursuant to the Revisor's authority under ROH § 1-16.3(b)(1), replace the phrase "effective date of this ordinance" or similar phrase used in the codified language of this ordinance with the actual date on which the ordinance takes effect.

A BILL FOR AN ORDINANCE

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

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

August 1, 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. Requires that all street activities serve a public purpose. Establishes a mechanism for for-profit parades to meet public purpose requirements. With respect to activities in the Waikiki Special District: (1) reduces the number of permits that the DTS Director may issue per year; (2) authorizes the Director to issue up to 9 permits for street activities in the district, except for Waikiki legacy street festivals; and (3) requires applicants for non-First Amendment street activities to donate a minimum of 50 percent of the net profits generated by the street activity to the Waikiki Business Improvement District and Waikiki Beach Special Improvement District Association within 90 days after completion of the street activity. Provides for administrative cost recovery for multiple applications. 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.