HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **30 (2026), CD1**

A BILL FOR AN ORDINANCE

RELATING TO PUBLIC PARKS.

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

SECTION 1. Purpose. The purpose of this ordinance is to amend provisions relating to the use of public parks in the City and County of Honolulu.

SECTION 2. Section 10-1.1, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended as follows:

1. By adding two new definitions to be appropriately inserted and to read as follows:

"***Department.*** The department of parks and recreation."

"***Food Distribution Event.*** An organized effort conducted by a nonprofit organization, as defined in § 38-6.2, to provide food directly to needy individuals and families to address food insecurity in a community."

2. By amending the definition of "Commercial Activity" to read as follows:

"***Commercial Activity.*** A use or purpose designed for profit, which includes but is not limited to[~~:~~

~~(1) The~~] the exchange or [~~buying and selling~~] purchase and sale of commodities;

[~~(2) The providing~~] the provision of services relating to or connected with trade, traffic, or commerce in general;

[~~(3) Any~~] any activity performed by [~~the~~] a commercial operator or its employees or agents in connection with the delivery of such commodities or services; and

[~~(4) The soliciting~~] the solicitation of business, including the display or distribution of notices, business cards, or advertisements for commercial promotional purposes.

[~~Notwithstanding the foregoing, the following are not considered commercial activities:~~]

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The term includes farmers' markets. Notwithstanding the foregoing, the following are not considered commercial activities:

[~~(5) The~~] the use of land for utilities;

[~~(6) The~~] the use of the premises and facilities for official canoe regattas;

[~~(7) The~~] the use of the premises and facilities at Hūnānāniho and Waimānalo Beach Park for music festivals, country fairs, [~~farmer's markets,~~] organized youth sports for students ages pre-school through high school, and educational events that are for students ages pre-school through high school and conducted or offered by educational institutions recognized by the State [~~of Hawai'i~~] department of education; and

[~~(8) All~~] all activities and programs conducted by the department [~~of parks and recreation~~] and any vendors needed to conduct these activities and programs."

SECTION 3. Section 10-1.2, Revised Ordinances of Honolulu 2021 ("Park rules"), is amended by amending subsection (b) to read as follows:

"(b) Except as authorized by permits, and subject to the terms and conditions imposed by the department [~~of parks and recreation~~], it is unlawful for any person, within the limits of any public park, to:

(1) Cut or remove any wood, plant, grass, soil, rock, sand, or gravel;

(2) Sell or offer for sale any services, merchandise, article, or thing;

(3) Moor, tie up, store, repair, or condition any boat, canoe, raft, or other vessel;

(4) Repair or condition any surfboard;

(5) Park any vehicle except bicycles on grassed areas;

(6) Amplify music or use battery operated loudspeakers (bullhorns);

(7) Ride or drive any horse or any other animal;

(8) Engage in or conduct any activity that creates any sound, noise, or music exceeding 80 dBA sound pressure level taken at a point 10 feet in front of the source for a cumulative time period of at least five minutes when measured with a calibrated American National Standard Institute (ANSI) Type I or Type II sound level meter with weighting set at "A" and response set at "slow" except any activity that is sponsored by the city or the department [~~of parks and recreation~~] or authorized by permit issued by the city; [~~and~~]

(9) Construct, use, place, occupy, leave, or in any other manner, situate any tent[~~.~~]; and

(10) Conduct a food distribution event."

SECTION 4. Section 10-1.3, Revised Ordinances of Honolulu 2021 ("Permits"), 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:

(A) *Gender equity*. The department [~~of parks and recreation shall~~] may 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~~] may not 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;

(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 § 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~~] the expressive activity, in which case the organizer must provide written notice to the city as soon as practicable prior to [~~such~~] the 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;

(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 § 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~~] may not 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~~] the 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.

(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~~] a musical instrument that requires a permit as provided hereunder is restricted to a facility especially constructed for [~~such~~] the purpose[~~,~~] of playing a musical instrument, 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~~] 30-minute 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 permits may be issued for commercial activities as prohibited by [~~§§~~] § 10-1.2(h) and (i).

(12) Constructing, utilizing, placing, occupying, or in any other manner, situating any tent.

(13) Farmers' markets operated by a nonprofit organization; provided that they are:

(A) Subject to provisions of subdivision (11), relating to all commercial activities, and the department's administrative rules and regulations governing recreational activities;

(B) Not located on properties where the city-sponsored people's open market program operates; and

(C) Not located in highly utilized park locations, including but not limited to district parks, regional parks, and other city parks regularly used for athletic events, youth activities, and department programs, including the summer fun program as defined in § 10-8.1.

No permits may be issued for commercial activities, including farmers' markets, as prohibited by § 10-1.2(h) and (i).

(14) Food distribution events."

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.

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SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

Andria Tupola

DATE OF INTRODUCTION:

March 17, 2026
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:
City Parks; City Facilities; Commercial Activity; Farmers' Markets; Food Distribution Events; Nonprofit Organizations; Permits; Department of Parks and Recreation ("DPR")

Description:
Amends provisions relating to the use of City parks for farmers' markets and food distribution events conducted by nonprofit organizations.

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