

COUNTY OF KAUAI DEPARTMENT OF PARKS AND RECREATION RULES AND
REGULATIONS ON THE USE OF SPORTS FIELDS/STADIUM FACILITIES AND
PLAYGROUNDS

Pursuant to and by virtue of the authority set forth in Chapter 19, Section 19-1.18, Kaua'i County Code 1987, as amended, and Chapter 91, Hawai'i Revised Statutes, the Director of the Department of Parks and Recreation of the County of Kaua'i hereby adopts the following Rules and Regulations on the Use of Sports Fields/Stadium Facilities and Playgrounds.

PART I. General Provisions

A. Applicability and Scope

1. These rules and regulations shall apply to those sports fields/stadium facilities and playgrounds under the control and management of the County of Kaua'i, Department of Parks and Recreation (hereinafter referred to as "Department").
2. If any provision of these rules and regulations, or the application of such provisions is held to be invalid, the remaining portions of these rules and regulations, or the application of said portions, shall not be affected.

B. Objectives

1. To establish uniform rules and regulations for the use of County sports fields/stadium facilities and playgrounds.
2. To provide equitable opportunities to use sports fields/stadium facilities and playgrounds through a reservation and enforcement system to prevent abuse and misuse of sports fields/stadium facilities and playgrounds.
3. To provide reasonable control of recreational activities.

C. Definitions

1. "Clinic" shall mean a meeting at which athletes receive special evaluation and instruction for a specific sport.
2. "Community Events" shall mean a planned event or activity which is open to all members of the public.
3. "Day Usage" shall mean any activity scheduled during the hours of 5:00 a.m. to 6:00 p.m.
4. "Games" shall mean a formal recreational activity between two or more teams that require field preparation and lining.

5. "League" shall mean a group of athletic teams organized to promote mutual interest and compete among themselves in a recreational activity.
6. "League coordinator" shall mean a person or official of a league, designated to be the contact between the league and the Department. The league coordinator is responsible for providing the Department with schedules for practice, scrimmage, and games.
7. "Night Usage" shall mean any activity scheduled during the hours of 6:01 p.m. to 10:00 p.m.
8. "Nonprofit Organization" shall mean an association, corporation, or other entity organized and operated exclusively for religious, charitable, scientific, literary, cultural, educational, recreational, or other nonprofit purposes, no part of the assets, income, or earnings of which inures to the benefit of any individual or member thereof.
9. "Permit" shall mean a written authorization signed by the Director of Parks and Recreation or representative allowing use of parks and recreational facilities.
10. "Permittee" shall mean any qualified persons, groups, or organizations to which a valid permit has been issued for exclusive usage of a recreational facility.
11. "Practice" shall mean regularly or repeatedly performing a recreational activity in order to improve or maintain one's proficiency.
12. "Reservation" shall mean the act of securing a facility accommodation via a written request through the Parks and Recreation Permit Section. A reservation does not constitute authorization for use of facility – a permit is required.
13. "Restricted Use Facility" shall mean a facility which shall only be used pursuant to a permit or during scheduled County programs.
14. "Scrimmage" shall mean an informal recreational activity between two or more teams.
15. "Sports fields" shall mean the park areas designated for specific recreational sports activities.
16. "Tournaments" shall mean a recreational format organized and/or sponsored by organizations or individuals allowing participating teams or individuals an opportunity to compete in series of contests.
17. "Training" shall mean activities performed by government entities to teach a person or animal a particular skill or type of behavior.

PART II. Specific Provisions

A. Reservation and Permit Standard of Issuance

1. Reservation for park facilities may be made up to one year in advance.
2. Custodial deposits and permit fees shall be charged in accordance with the schedules set forth in Kaua'i County Code, Section 19-1.9 and shall be paid according to the chart listed in Table 1.

Table 1 Fee and Deposit Due Dates	
General Use Permit (Type III, IV, V, VI)	At the time the permit is issued.
Special Use Permit (Type III, IV, V, VI)	Within 10 business days of application approval.

*If deposit is not made by the due date listed in Table 1, permit may be cancelled.

3. Permit application for sports field/stadium facility usage. Applications shall be submitted according to the chart listed in Table 2.

Table 2 Permit Application Due Dates			
General Use Permit (League)	League Season	Application Due Period	League Activity Timeframe
	Winter/ Spring	First 10 Business Days of November	January 1 – April 15
	Summer	First 10 Business Days of February	April 16 – July 31
	Fall	First 10 Business Days of June	August 1 – December 31

General Use Permit (Non-League)	<p>Activities Requiring No Additional Preparation (except mowing) by County Park Caretakers – 10 business days prior to scheduled activity</p> <p>Activities Requiring Additional Preparation (lining, etc.) by County Park Caretakers – 25 business days prior to scheduled activity</p>
General Use Permit (Non-Profit & Educational Entities)	10 business days prior to scheduled activity
Special Use Permit (Community/Private Events)	60 business days prior to scheduled event

4. Additional Information for Specific Permits
 - a. General Use Permits (League) shall be issued for all activities (practices, scrimmages, games, etc.) which are scheduled by a league to encompass a full season.
 - i. In the event a single season spans two League Seasons as described in Table 2, permittee shall note it on the application and one (1) permit will be issued.
 - ii. In the event a single season spans two League Seasons as described in Table 2, the permit application shall be submitted according to the season in which it starts.
 - b. General Use Permits (Non-League) shall be issued for all activities (practices, scrimmages, games, tournaments, clinics, trainings, etc.) which are scheduled outside of a league and by an individual, team or entity.
 - c. Special Use Permits shall be issued for all community and private events authorized by the Director.
5. The Department reserves the right to limit and control recreational activities which are deemed not suitable to the park facility.
6. The Department reserves the right to limit and control facility usage by persons and organizations to ensure equitable use of all park facilities.
7. Indemnification
 - a. All permittees shall execute an indemnity agreement with the County as part of the permit application process.
 - b. Indemnity agreements shall provide that the permittee shall defend, indemnify, and hold harmless the County, its departments, officers, directors, employees, and agents

against any and all damages, claims, actions, demands, and proceedings for property damage, personal injury, or wrongful death arising from the negligent, wrongful, or unlawful conduct by the permittee in the use of the sports field or stadium facility or any part thereof for which the permit was issued.

8. Insurance

- a. Proof of insurance coverage shall be submitted to the Department as part of the permit application process, when deemed applicable by the Director.
- b. Insurance requirements are set forth in Table 3.
- c. The County of Kaua'i shall be named as Additional Insured.

Table 3 Insurance Requirements	
General Use Permit - For The Following Use Activities: Sports Leagues Tournaments Clinics	\$1,000,000 General Liability Coverage
General Use Permit – Educational & Non-Profit	\$1,000,000 General Liability Coverage
Special Use Permit – For Community Events	\$1,000,000 General Liability Coverage
Special Use Permit – For Private Parties	None

B. General Rules and Regulations for Sports Fields

- 1. First-come, first-served basis for day usage at sports fields will apply; however, permits for usage will take precedence.
- 2. A permit issued by the Department shall allow the permittee exclusive rights to use a designated sports field, or portion thereof, in accordance with these rules and regulations.
- 3. Unless authorized, no practicing or free play will be allowed once a sports field is lined for a scheduled game.
- 4. Permitted uses per day:
 - a. Practices up to 2 hours.
 - b. Scrimmages up to 2 hours.
 - c. Single league games up to 3 hours.

- d. Doubleheader and tripleheader league games up to 8 hours.
 - e. Tournaments up to 6 hours.
 - f. Trainings up to 8 hours.
 - g. Clinics up to 6 hours.
 - h. Community/Private up to 6 hours.
5. Permittees may be allowed time extensions beyond the time limitations listed in Item B.4. upon authorization by the Director.
 6. Permittee using park facilities shall be responsible for the orderly restoration of park facilities after each usage. Restoration to include the removal of all rubbish from dugouts, restrooms, and park, and if applicable, the turning off of park lights no later than one-half hour after the completion of the final permitted activity of the night.
 7. Permittee shall relinquish sports field reservations on days where it has been determined that no activities will be held. Permittee shall notify the Department no later than 4 hours prior to the start time of permitted activity.
 8. At the discretion of the Director, a Special Use Permit may be issued to educational entities, such as the University of Hawai'i Systems, State of Hawai'i/Department of Education Schools, Charter and Preparatory Schools, etc. for such activities that are compatible with the purpose and design of the sports field.
 9. At the discretion of the Director, a Special Use Permit may be issued to non-profit organizations for such activities that are compatible with the purpose and design of the sports field.
 10. At the discretion of the Director, a Special Use Permit may be issued for Community Events.
 11. No private events, such as luaus, graduation and wedding parties etc. allowed on sports fields within the confines of the playing area. Portions of sports fields outside of the playing area may be designated for private events, upon approval by the Director.
 12. No alcoholic beverages allowed within the confines of the playing area.

C. General Rules and Regulations for Stadium Facilities

1. Stadium Facilities shall be considered Restricted Use Facilities.
2. A permit issued by the Department shall allow the permittee exclusive rights to use a Stadium Facility, or portion thereof, in accordance with these rules and regulations.
3. Unless authorized, no practicing or free play will be allowed within Stadium Facilities. At the discretion of the Director, portions of Stadium Facilities may be open to the public for use during designated hours of operation.

4. Permitted uses per day:
 - a. Practices up to 2 hours.
 - b. Scrimmages up to 2 hours.
 - c. Single league games up to 3 hours.
 - d. Doubleheader and tripleheader league games up to 8 hours.
 - e. Tournaments up to 6 hours.
 - f. Trainings up to 8 hours.
 - g. Clinics up to 6 hours.
 - h. Community events up to 6 hours.
5. Permittees may be allowed time extensions beyond the time limitations listed in Item C.4. upon authorization by the Director.
6. Permittee using Stadium Facilities shall be responsible for the orderly restoration of facilities after each usage. Restoration to include the removal of all rubbish from bleachers, restrooms, and fields, and if applicable, the turning off of park lights no later than one-half hour after the completion of the final game of the night. All rubbish generated by a permitted event shall be hauled off site by the Permittee.
7. Stadium Facilities may be used for trainings at the discretion of the Director.
8. At the discretion of the Director, a Special Use Permit may be issued to educational entities, such as the University of Hawai'i Systems, State of Hawai'i/Department of Education Schools, Charter and Preparatory Schools, etc. for such activities that are compatible with the purpose and design of the Stadium Facility.
9. At the discretion of the Director, a Special Use Permit may be issued to non-profit organizations for such activities that are compatible with the purpose and design of the Stadium Facility.
10. At the discretion of the Director, a Special Use Permit may be issued for Community Events.
11. No private events, such as luaus, graduation and wedding parties etc. allowed at Stadium Facilities.
12. No alcoholic beverages allowed within the confines of the Stadium Facility.

D. General Rules and Regulations for Playground Facilities

1. First-come, first-served basis for day usage at playgrounds will apply; no permits shall be issued for exclusive use of Playground Facilities.
2. No private events, such as luaus, graduation and wedding parties etc. allowed at Playground Facilities.

3. No alcoholic beverages allowed within the confines of the Playground Facilities.

E. Enforcement and Penalties

1. Failure to comply with any of these rules and regulations may result in the cancellation of any remaining reservations for the use of the sports fields/stadium facilities and may result in denial of future requests for the use of the sports fields/stadium facilities.
2. Any requests for permit cancellations must be made to the Department prior to the date of permitted activity, according to the terms in Table 4. Failure to do so will deny potential users the opportunity to use the facility and shall result in the forfeiture of the deposit and user fee.

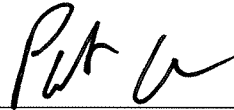
Table 4 Notice Of Cancellation Due Dates	
General Use Permit (Leagues)	25 business days Prior to Start of Approved League Schedule
General Use Permit (Non-League)	<p>Activities Requiring No Additional Preparation (except mowing) by County Park Caretakers – 5 business days prior to scheduled activity</p> <p>Activities Requiring Additional Preparation (lining, moving equipment, etc.) by County Park Caretakers – 12 business days prior to scheduled activity</p>
General Use Permit (Non-Profit & Educational Entities)	5 business days prior to scheduled activity
Special Use Permit (Community/Private Events)	25 business days prior to scheduled event

PROMULGATION OF THE RULES AND REGULATIONS ON THE USE OF SPORTS
FIELDS/STADIUM FACILITIES AND PLAYGROUNDS

The Rules and Regulations on the Use of Sports Fields/Stadium Facilities and
Playgrounds of the County of Kaua'i, State of Hawai'i were decided to be recommended for
approval, pursuant to HRS 91-3 (2), nine (9) days after the public hearing held by the Director of
Parks and Recreation of the County of Kaua'i, State of Hawai'i on the 7th of April 2020.

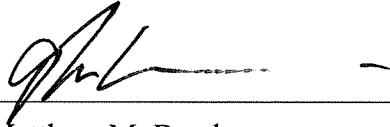
The rules shall become effective ten (10) days upon filing with the County Clerk of the
County of Kaua'i.

BY ORDER OF THE DIRECTOR OF PARKS AND RECREATION OF THE
COUNTY OF KAUA'I, STATE OF HAWAI'I.



Patrick T. Porter, Director of Parks and Recreation

APPROVED AS TO FORM AND LEGALITY:



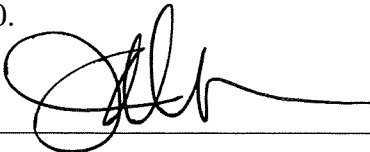
For Matthew M. Bracken
County Attorney

APPROVED THIS 20th DAY OF April, 2020.



Derek S. K. Kawakami
Mayor of the County of Kaua'i

I HEREBY CERTIFY THAT THE FOREGOING RULES AND REGULATIONS ON THE
USE OF SPORTS FIELDS/STADIUM FACILITIES AND PLAYGROUNDS WERE
RECEIVED AND FILED IN MY OFFICE THIS 24th DAY OF April,
2020.



Jade K. Fountain-Tanigawa, County Clerk

PUBLIC NOTICE: March 6, 2020
PUBLIC HEARING: April 7, 2020