

DARYL T. YAMAMOTO
County Clerk

ROY T. HIRAGA
Deputy County Clerk



OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, HAWAII 96793

December 21, 1993

Honorable Linda Crockett Lingle
Mayor, County of Maui
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Linda Crockett Lingle

Mayor Date 12/21/93

For transmittal to:

Ms. Charmaine Tavares, Director
Department of Parks and Recreation
County of Maui
Wailuku, Hawaii 96793

Dear Ms. Tavares:

Transmitted herewith for your records is a copy of the
"DEPARTMENT OF PARKS AND RECREATION - COUNTY OF MAUI -
ADOPTION OF CHAPTER 2 - RULES RELATING TO TENNIS COURTS
ON MAUI COUNTY PARKS PROPERTIES" effective
December 25, 1993.

Respectfully,

Daryl T. Yamamoto

DARYL T. YAMAMOTO
County Clerk

/jym

Attachment

OFFICE OF THE MAYOR
1993 DEC 21 PM 12:34

RECEIVED
1993 DEC 23 AM 11:07
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COUNTY OF MAUI

DEPARTMENT OF PARKS AND RECREATION

COUNTY OF MAUI

ADOPTION OF CHAPTER 2
RULES RELATING TO TENNIS COURTS
ON MAUI COUNTY PARKS PROPERTIES

SUMMARY

Chapter 2, entitled "Rules Relating to Tennis Courts on Maui County Parks Properties", is hereby adopted.

TITLE MC-10
DEPARTMENT OF PARKS AND RECREATION
SUBTITLE 02
CHAPTER 2
RULES RELATING TO TENNIS COURTS
ON MAUI COUNTY PARKS PROPERTIES

Subchapter 1 General Provisions

- §10-2-1 Title
- §10-2-2 Purpose
- §10-2-3 Definitions
- §10-2-4 Applicability and scope
- §10-2-5 Severability

Subchapter 2 Specific Provisions

- §10-2-6 Prohibited items
- §10-2-7 Order of play
- §10-2-8 Time limits
- §10-2-9 Lessons and tournaments
- §10-2-10 Reservation of courts

Subchapter 3 How Public May Obtain Information

- §10-2-11 Where obtained
- §10-2-12 Submittals or requests for information

Subchapter 4 Petition for Adoption, Amendment or
Repeal of Rules

- §10-2-13 Petition
- §10-2-14 Submission
- §10-2-15 Disposition of petition

Subchapter 5 Declaratory Rulings By Department

- \$10-2-16 Petition
- \$10-2-17 Submission of petition
- \$10-2-18 Rejection of petition
- \$10-2-19 Refusal to issue declaratory ruling
- \$10-2-20 Referral to other agencies
- \$10-2-21 Notification of petitioner
- \$10-2-22 Status of order

SUBCHAPTER 1

GENERAL PROVISIONS

§10-2-1 Title. The rules in this chapter shall be known as the "rules relating to tennis courts on Maui County parks properties". [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2)

§10-2-2 Purpose. These rules are adopted to ensure that each player has equal access to use of the tennis courts and uses the tennis courts with proper care. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §13.04.200)

§10-2-3 Definitions.

"Department" means the department of parks and recreation, County of Maui, located at 1580 Kaahumanu Avenue, Wailuku, Maui, Hawaii 96793.

"Director" means the director of the department of parks and recreation, or an authorized representative.

"Doubles" means tennis play involving four players.

"Player" means any person interested in using a tennis court, as defined, for tennis play, practice or exercise.

"Singles" means tennis play involving two players.

"Solo" means tennis play, practice, or exercise involving one person.

"Tennis Court" means any tennis court located in a public park under the control of the department of parks and recreation, County of Maui. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp. HRS §91-2)

§10-2-4 Applicability and scope. These rules shall apply to all tennis courts and to all players regardless of age or ability. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §13.04.220)

§10-2-5 Severability. If any rule or application of rule is held invalid, the remaining rules or

application of rules shall not be affected, and to this end these rules are severable. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2)

SUBCHAPTER 2

SPECIFIC PROVISIONS

§10-2-6 Prohibited items. Players shall not wear shoes with hard soles, raised heels or cleats, nor bring animals, food and beverages, bicycles, skates, skate boards or baby carriages within court enclosures. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §13.04.040, §13.04.220)

§10-2-7 Order of play. Courts shall be open to the public on a first-come-first-served basis except by reservation permitted herein. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §13.04.200, §13.04.220)

§10-2-8 Time limits. (a) Players shall not play two consecutive time periods or sets if any player(s) is/are waiting to use a court.

(b) Play shall end at 10:00 p.m. unless a written extension has been approved and signed by the director.

(c) Time periods or sets of play shall include warm up time but exclude time lost due to wet courts.

(d) On courts at Kalama Park in Kihei, Maui, Hawaii, these rules apply: On court nos. 1, 2, and 3, from daybreak to 11:00 a.m., all play is restricted to doubles; thereafter to 10:00 p.m., court nos. 1, 2, and 3 shall be available for doubles, singles and solo players to use. From daybreak to 10:00 p.m., court no. 4 shall be available for doubles, singles and solo players to use. Doubles and singles shall limit play to one set, meaning that the first player or team of the doubles or singles to win six games is deemed to have completed one set and shall relinquish the court to the next waiting player(s). Singles shall limit play to 45 minutes. Priority for use of all courts at Kalama Park is on a first-come-first-served basis, based on the time

that a player's tennis racket, placed on the racket hanger to wait said player's turn, is the next up in order.

(e) On all other courts on Maui County park properties, these rules apply: Singles and solo players shall limit play to 45 minutes and doubles to 1 hour; this time is calculated from the time of possession of the court by a player. Priority for use of all courts is on a first-come-first-served basis, based on the player(s) waiting at the court in person for a turn. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §13.04.200, §13.04.050, §13.04.220)

§10-2-9 Lessons and tournaments. Lessons (training or practicing) and tournaments shall be allowed only by signed written permit issued by the department reserving a court or courts for such purposes. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §13.04.200, §13.04.210, §13.04.220)

§10-2-10 Reservation of courts. Courts shall be reserved only by a signed written permit issued by the department, which permit shall be displayed at all times during play. Permits shall be issued only for tournaments or lessons, as provided herein.

(a) The department may reserve courts for tournaments and for lessons organized and conducted by the department (Type I activity) or co-sponsored by the department (Type II activity).

(b) Except for tournaments and Type I and Type II lessons, no courts shall be reserved for lessons unless the following number of courts are available for public use on a first-come-first-served basis:

(A) At least one court in a County facility with one to three courts.

(B) At least two courts in a County facility with four to seven courts.

(C) At least three courts in a County facility with eight or more courts.

[Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §13.04.200, §13.04.210, §13.04.220)

SUBCHAPTER 3

HOW PUBLIC MAY OBTAIN INFORMATION

§10-2-11 Where obtained. The department shall maintain all rules, orders and opinions of the department on file and available for public inspection at its office at 1580 Kaahumanu Avenue, Wailuku. Copies of rules and supplements thereto shall be available to the public at a price as provided by law. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2)

§10-2-12 Submittals or requests for information. Requests for information may be made in person at department offices during business hours, or by submitting a request for information in writing to the director, 1580 Kaahumanu Avenue, Wailuku, Maui, Hawaii, 96793. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2)

SUBCHAPTER 4

PETITION FOR ADOPTION, AMENDMENT OR REPEAL OF RULES

§10-2-13 Petition. Any person may petition the department for the adoption, amendment or repeal of any rules of the department. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, §91-6)

§10-2-14 Submission. The petition shall be submitted in one original plus ten copies to the director. The petition shall include:

- (a) The petitioner's name, address and telephone number.
- (b) A statement of the nature of the petitioner's interest.
- (c) A draft or statement of the substance of the proposed rule or amendment or a designation of the provision sought to be repealed.

(d) An explicit statement of the reasons in support of the proposed rule, amendment or repeal.

(e) The petitioner's signature. [Eff. 12/25/93]
(Auth: HRS §91-2) (Imp: HRS §91-2, §91-6)

§10-2-15 Disposition of petition. The department shall within thirty days after the submission of the petition either deny the petition in writing, stating its reasons for denial, or initiate proceedings in accordance with section 91-3 of the Hawaii Revised Statutes, for the adoption, amendment or repeal of the rule, as the case may be. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, §91-8)

SUBCHAPTER 5

DECLARATORY RULINGS BY DEPARTMENT

§10-2-16 Petition. Any person may petition the department for a declaratory order as to the applicability of any statute or ordinance relating to the department, or of any rule or order of the department. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, 91-8)

§10-2-17 Submission of petition. The petition shall be submitted in one original plus ten copies to the director. The petition shall include:

(a) The name, address and telephone number of the petitioner.

(b) A statement of the nature of petitioner's interest, including reasons for the submission of the petition.

(c) A designation of the specific provision, rule or order in question.

(d) A complete statement of facts.

(e) A statement of the position or contention of the petitioner.

(f) A memorandum of authorities, containing a full discussion of the reasons, including any legal authorities, in support of such position or contention.

(g) The petitioner's signature. [Eff. 12/25/93]
(Auth: HRS §91-2) (Imp: HRS §91-2, §91-8)

§10-2-18 Rejection of petition. Any petition that does not conform to the foregoing requirements may be rejected by the department. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, §91-8)

§10-2-19 Refusal to issue declaratory ruling. The department may for good cause refuse to issue a declaratory ruling. Without limiting the generality of the foregoing, the department may so refuse where:

(a) The question is speculative or purely hypothetical and does not involve existing facts that can reasonably be expected to exist in the near future; or

(b) The petitioner's interest is not of the type that would give him standing to maintain an action if he were to seek judicial relief; or

(c) The issuance of the declaratory ruling may adversely affect the interest of the County, the department or any of their officers or employees in any litigation that is pending or may reasonably be expected to arise; or

(d) The matter is not within the jurisdiction of the department. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, §91-8)

§10-2-20 Referral to other agencies. Where any question of law is involved, the department may refer the matter to the corporation counsel. The department may also obtain the assistance of other agencies, where necessary or desirable. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, §91-8)


§10-2-21 Notification of petitioner. Upon the disposition of a petition, the petitioner shall be promptly informed thereof by the department within sixty days. [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, §91-8)

§10-2-22 Status of order. The order disposing of petitions shall have the same status as other department orders. Orders shall be applicable only to the fact situation alleged in the petition or set forth in the order. They shall not be applicable to different fact situations or where additional facts not considered in the order exist." [Eff. 12/25/93] (Auth: HRS §91-2) (Imp: HRS §91-2, §91-8)

DEPARTMENT OF PARKS AND RECREATION

Chapter 10-2, Rules Relating to Tennis Courts on Maui County Parks Properties were adopted on December 14, 1993, following a public hearing held on September 23, 1993, after public notice was given in the Maui News on August 23, 1993.

The adoption of Chapter 10-2 shall take effect ten days after filing with the Office of the County Clerk.


CHARMAINE TAVARES
Director Department of
Parks and Recreation
County of Maui

APPROVED AS TO FORM
AND LEGALITY:



LILLIAN B. KOLLER
Deputy Corporation Counsel
County of Maui
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APPROVED this 14th day of
December, 1993.



LINDA CROCKETT LINGLE
Mayor
County of Maui

RECEIVED this 15th day of
December, 1993.



DARYL T. YAMAMOTO
County Clerk
County of Maui