

RULES AND REGULATIONS
DEPARTMENT OF PARKS AND RECREATION OF THE
COUNTY OF HAWAII

RULE 5
RULES RELATING TO
ALL COUNTY SWIMMING POOL COMPLEXES

EFFECTIVE DATE: December 1, 2008

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Section 1. Definitions (Definitions have been alphabetized)

- A. "Adult Lap Swim" shall mean the designated time at a pool that is reserved for lap swimming only and limited to patrons who are 18 years or older. Training equipment such as but not limited to kickboards, training fins, hand paddles, flotation belts and pull buoys shall be allowed in lanes designated for lap swimming. The director shall direct the removal of all devices deemed unsafe. Continuous forward progression is required when utilizing lap lanes.
- B. "Bulkhead" shall mean a wall type structure in the pool physically separating the pool basin.
- C. "Certified coach" shall mean a person with active certification with U.S. Swimming national organizations and possession of a current U.S.A. Swimming Coach member card or registration with the United States Master Swimming organization, and possession of a current American Red Cross "Safety Training for Swim Coach" card.
- D. "Certified lifeguard" shall mean an adult 18 years or older who is certified in the performance of lifeguard duties and pool operations and in possession of current American Red Cross Lifeguard Training Certificate, First Aid and CPR for the professional rescuer, or the equivalent..
- E. "Co-Sponsored Activity" shall mean a program or event in which department personnel assist in planning, organizing and supervision. The Director must approve co-sponsorship of the activity. If admission is charged or donations are received, or goods and services are sold, the co-sponsor must submit a financial accounting for the activity. P&R reserves the right to discontinue co-sponsorship at any time.
- F. "Concession" shall mean the sale of food items for immediate consumption from a specified area outside the pool deck area.
- G. "County" shall mean the County of Hawai'i.
- H. "County Lifeguard" shall mean a County of Hawai'i Aquatics Division employee certified in the performance of lifeguard duties and pool operations and maintenance.
- I. "County Sponsored" shall mean any activity conducted by the Department of Parks and Recreation or other County of Hawai'i department as a planned, budgeted or staffed activity. The activity may be sponsored in partnership with other agencies (co-sponsored). The Director of Parks and Recreation or the Mayor of the County of Hawai'i must approve sponsorship or co-sponsorship.
- J. "Custodial Fee" shall mean the charge per hour for services of a County custodian either before or after regular working hours, or if during working hours, because of excessive numbers of pool patrons.
- K. "Deck" shall mean that area immediately adjacent to and surrounding the swimming pool basin upon which swimmers walk before entering or after exiting the pool.
- L. "Department" shall mean the Department of Parks and Recreation, County of Hawai'i.
- M. "Director" shall mean the Director of the Department of Parks and Recreation or the Director's designated representative.
- N. "Ends of the swimming pool" shall mean the two boundaries of a swimming pool which are parallel to each other (at one boundary of which is located diving board(s) and/or diving towers) and which are perpendicular to the longitudinal sides.
- O. "Exclusive Team Practice" shall mean organized, non-profit, competitive aquatic sports training or competitive swimming training and practice only, where only a portion of the pool is desired for exclusive use. If the entire pool is desired, the non-benefit rate shall apply when the general public is not allowed use of the pool.
- P. "Exclusive Use" shall mean a reservation for the use of the Swimming Pool Facility or space to the exclusion of the general public, usually for a private function, swim meet, or lesson. Only invitees of the lessee, lifeguards and other necessary County personnel are allowed in the Swimming Pool Facility, unless otherwise permitted by the lessee.

- Q. "Facility Use Permit/Rental Agreement" shall mean the document which notes the name, address, phone number and other necessary information of a patron who is reserving time at a swimming pool on behalf of the patron, a group, team or organization.
- R. "Flotation Devices"- Acceptable - shall mean certified, Coast Guard approved Personal Flotation Devices (PFD) and devices such as kick boards, styrofoam bar bells, styrofoam tubes and boards, and other non-inflatable man-made implements which are used in conjunction with educational, instructional, health improvement or controlled activities in a defined area for a specific time. These activities include classes, training sessions or tests.
- S. "Flotation Devices" – Unacceptable – shall mean inflatable tubes, water wings, flotation bathing suits, rafts and the like.
- T. "Free Public" shall mean functions and uses where the swimming pool complex is open to the general public with no admission charges, no donations required for entry and no solicitations made.
- U. "Government Sponsored" shall mean activities conducted by federal, state or county agencies. Government sponsored activities of Free Public or Non-Benefit nature shall be exempt from user fees. Security deposit and attendant fees may be assessed.
- V. "Group" shall mean a unit of ten (10) or more people visiting a pool facility.
- W. "Lessee" shall mean any natural person, group, corporation, partnership, association, trust or other legal entity that has a completed and approved "Facility Use Permit/Rental Agreement", has paid the necessary fees, and which has a confirmed reservation date.
- X. "Lessee Activities-Private-Full Pool" in Appendix A-shall mean the exclusive use of the entire swimming pool by a private, for-profit or non-profit entity during one time segment. Examples are, but are not limited to classes in scuba, aquatone, swim lessons, adapted aquatics, stroke development, water aerobics, lifeguard certification, masters lap swimming, concerts, water shows of any kind, swimming exhibitions and the like.
- Y. "Lessee Activities-Private-Shared Use" in Appendix A-shall mean the exclusive use of a portion, not less than 1/8 of the swimming pool, by a private entity or instructor during one time segment. Examples are, but are not limited to classes in scuba, aquatone, swim lessons, adapted aquatics, stroke development, water aerobics, lifeguard certification, masters lap swimming, non-profit age-group swim teams.
- Z. "Lifeguard Fee" shall mean the charge per hour for the services of a County lifeguard, either before or after hours or during regular hours because of excessive numbers of pool patrons.
- AA. "Locker Room" shall mean the separate enclosed areas, one for men and one for women, including but not limited to showers, changing rooms, lockers, lavatories and wash basins.
- BB. "Longitudinal sides of the swimming pool" shall mean the two boundaries of a swimming pool rectangular in shape which are parallel to each other and which, in relation to the ends of the pool, are perpendicular to these ends.
- CC. "Non-Benefit" shall mean parties, socials and other special activities limited to members and invited guests of the sponsoring group, for which there is no admission charge and no donations collected or solicited.
- DD. "Normal working hours" shall mean those regularly scheduled work hours of the County personnel normally assigned to the pool facilities.
- EE. "Patrons" shall mean those natural persons, using the facilities of the swimming pool complex, whether for swimming activity, or in attendance at any activity, function or event at the complex.
- FF. "Person with Disabilities" shall mean, with respect to an individual, a physical or mental impairment which substantially limits one or more major life activities of such individual, a record of such an impairment or being regarded as having such an impairment.
- GG. "Private Benefit" shall mean functions or events where entry or use is limited to admissions-paying customers and/or donors of monetary gifts, the subsequent full or partial proceeds of which will accrue to the sponsoring group or individuals.
- HH. "Private Instructor" in Appendix A-Fee Schedule shall mean a person or entity that applies for shared or exclusive use of all or a portion of the pool complex and such instructor works for a private organization or

- instructs for personal benefit. Such a person or entity is not a public agency, school or registered, private non-profit organization.
- II. "Public Activities" in Appendix A – Fee Schedule shall mean programs or events sponsored or co-sponsored by the County of Hawai'i P&R Department. The activity must be open to the public and/or advertised as a co-sponsored activity. The activity must be an integral part of the total P&R program. The staff must actively assist in planning, organizing and supervising the activity and the Director must approve all such activities. If admission is charged, if donations are received, or if articles or services are sold, the co-sponsor must submit a total financial accounting of the activity. P&R reserves the right to discontinue co-sponsorship at any time.
- JJ. "Public Lap Swim" shall mean lanes designated for lap swimming during public recreational swim time and shall only be so designated when pool attendance is low enough to warrant assignment of unused space. For maximum use of available lanes, circle swimming can be instituted at the discretion of the Director or designee.
- KK. "School Sponsored Activity" – means programs or events that are an integral part of the official school program; hosted and supervised by the applicant school, where the school retains all liability for any act or action of the program participants. Examples would be Physical Education classes, learn to swim classes, plunge parties, swimming team practices and water polo.
- LL. "Security Deposit" shall mean the fee charged to assure that a facility is returned to its pre-use condition, less reasonable wear and tear. The fee is refundable after inspection by a pool lifeguard or custodian who determines that the facility has been appropriately maintained during use.
- MM. "Security Guards" shall mean employees of the Hawai'i County Police Department or agencies licensed by the State of Hawai'i, Department of Regulatory Agencies, who are directly assigned by the Lessee or County of Hawai'i to perform security guard functions.
- NN. "Service Animals" mean animals that are individually trained to perform tasks for persons with disabilities; such as any guide dog, signal dog, or other animal trained to provide assistance to persons with visual, hearing or physical impairments.
- OO. "Segment" shall mean two (2) consecutive hours of use or any portion thereof.
- PP. "Shallow Water" shall mean any depth less than nine (9) feet.
- QQ. "Special Function" shall mean swimming meets, synchronized swimming meets, diving meets, pool parties, baptisms and other intermittent events as determined by the Director.
- RR. "Spectator area" shall mean that area set aside for spectators to view activities held in the swimming pool or on the deck.
- SS. "Swim Goggles" shall mean devices for seeing under water that do not cover the nose.
- TT. "Swimming Pool" shall mean the swimming area or enclosure filled with water for use in swimming, wading or diving and which is operated by the County of Hawai'i.
- UU. "Swimming Pool Complex" shall mean all land, all buildings and improvements erected for or used for the purpose of providing or furthering the operation or maintenance of County swimming pools including but not limited to parking lots, grounds, walkways, changing rooms, showers, lockers and spectator deck and pool areas.
- VV. "Swimming Pool Facility" shall mean the swimming pool(s), the deck, the spectator area, pedestrian walkways and the locker rooms of a swimming pool complex.
- WW. "Swim Team" shall mean a registered, private non-profit organization which promotes the sport of swimming and the members of which engage in swimming in competitive and non-competitive events, or a group sponsored by a school as a school sponsored activity.
- XX. "Swim Team Practice" shall mean practice during a segment of time for a swim team's use of (1/4) of a 25-yard pool or (1/8) of a 50-meter pool.
- YY. "User Fee" shall mean the financial or other method of remuneration or payment assessed for use of a County facility, service or instructional class.
- ZZ. "Utility Fees" shall mean the charge per hour for the use of utilities before or after regular pool hours.

AAA“Vending” shall mean the sale of goods other than food items for immediate consumption. Vending shall take place outside the pool deck area.

Section 2. General Rules and Regulations Affecting the Public and Users of the Swimming Pool Complex, Including but Not Limited to Locker Rooms, Pool Basin, Pool Deck, Parking Lot and Surrounding Area

- A. Rules affecting the entire swimming pool complex are hereby established for reasons of public health, safety and general welfare of the people and the County of Hawai'i:
1. Running, rough playing, loitering, offensive language or gestures or lewd behavior or any act or activity within the boundaries of the swimming pool complex that may be detrimental to the health, safety and individual rights of other persons using or present in this complex shall not be permitted.
 2. Eating or drinking of any kind shall not be permitted in the swimming pool complex unless first approved by the Director. Smoking is prohibited by law in all park facilities and on all park grounds.
 3. Persons shall not be permitted in or upon the swimming pool complex if there are reasonable grounds to believe that the persons are under the influence of alcohol or any narcotic or other drug.
 4. No animals shall be permitted on or within any swimming pool complex except service animals.
 5. The display, consumption, sale or possession of any alcoholic beverages, narcotic drugs or other stimulant or depressant drugs or substances within the entire swimming pool complex is prohibited. (Reference: Rule 8, Section 3. Rules Relating to Director's Authority to Prohibit Use.)
 6. No electrical device or equipment shall be permitted or operated within the swimming pool complex without written consent of the Director.
 7. Playing with or moving pool equipment is prohibited.
 8. The Director or Director's designated representative may, at any time, restrict the use of any County swimming pool complex or any component part thereof when, in the Director's opinion, such use would create, or cause to be created hazardous or dangerous conditions.
 9. No articles made of glass may be brought onto or into the swimming pool, locker room deck and spectator area unless use of the glass article (such as prescriptive eyewear) is necessary to provide access to swimming to a person with disabilities. Eyeglasses or contact lenses may be worn in the locker room and spectator areas.
 10. The Director shall be empowered to enforce all rules and regulations contained herein, as well as County or State laws, and may institute such temporary rules and regulations as necessary to protect persons or property.
 11. Spitting, spouting or discharging water through the mouth, blowing through the nose so as to cause a discharge of mucus or other substance and/or other similar acts are prohibited in any County swimming pool complex.
 12. All patrons under the age of seven (7) must be accompanied and supervised by a parent, guardian or responsible adult when in or upon any swimming pool complex. Pool patrons may be tested for swimming ability by any life County Lifeguard before entering the pool.
 13. Hanging on, sitting on or climbing on lane lines, either in or out of the pool, is prohibited.
 14. The use of skateboards, bicycles, roller skates, inline skates, heely skate shoes, or similar objects is prohibited in or on any part of the swimming pool complex.
 15. Sitting on or climbing on or over any railings, fence or bulkhead is prohibited, except as authorized by the Director.
 16. Littering or disposing of any object is prohibited except in containers provided for such use.
- B. Rules Relating Specifically to the Swimming Pool.
1. Persons having or suspected of having infestations, infections, communicable diseases or open wounds and sores, shall not be permitted entry into any swimming pool facility.
 2. Persons having bandages, band-aids, gauze patches, or tape, attached to their bodies shall not be

permitted entry into any swimming pool.

3. The use or bringing into the swimming pool or pool deck of any man-made or natural article such as, but not limited to, rocks, pebbles, sticks, toys, diving masks that cover the nose, balls, snorkels, certain unacceptable flotation devices, clothing, and other such man-made materials and equipment except for approved bathing attire, plastic swim goggles and nose clips, is prohibited, except as approved by the Director for use in conjunction with educational, instructional health improvement or controlled activities. The use of any man-made or natural article that is necessary to provide access to a person with a disability will be considered by the County lifeguard based on individual needs and safety issues. Training devices such as, but not limited to kickboards, pull buoys, hand paddles, flotation belts, masks, snorkels and fins shall be permitted during lap swim only.
4. Diving into the shallow water areas of any swimming pool is prohibited except as approved by the Director.
5. Protective tank boots will be required for any SCUBA tanks while they are being used in the swimming pool.
6. Protective rubberized weights will be used for weight belts.
7. Children not toilet trained must use swimsuit or swim diapers that will trap solids from leaking into the pool. Naked babies or children are not allowed in the pool, keiki pool or on the pool deck.
8. Appropriate attire shall be worn in the pool. Sarongs, jeans, thongs, tee shirts and undergarments and "street clothes" are not appropriate attire.

C. Rules for Children's (Keiki) Wading Pool

1. All children in the keiki pool must be with a responsible parent or adult who watches the child 100% all the time
2. Only children 6 years of age and under are allowed in the keiki pool.
3. No running, diving, or jumping into the keiki pool. No spitting, spouting or harmful splashing of water in the keiki pool.
4. No flotation devices, such as, but not limited to balls, kick boards, water wings (arm floats), body boards, floating toys, etc.
5. No mask (glass lens), fins, or snorkels in keiki pool.
6. Other established pool rules for the regular pool will apply to the keiki pool.

D. Rules Relating Specifically to the Pool Deck.

1. Patrons shall not be allowed on the deck or in the pool basin until the assigned lifeguard(s) is (are) on duty on the pool deck without prior written authorization of the Director.
2. Objects such as street clothing, shoes, bottles, eyeglasses, towels, hair pins, suntan oil containers, etc., shall not be permitted within the swimming pool area unless authorized by the Director.
3. Nude showering on the pool deck is prohibited.

E. Rules Relating Specifically to the Locker Room Area.

1. Throwing of soap, towels and other objects is prohibited.
2. Showers and faucets must be turned off after use.
3. Loitering, mischievous, or dangerous conduct within the locker room is prohibited.
4. Screaming, shouting or creating a disturbance within the locker room area is prohibited.
5. Showers are to be utilized only by pool patrons and only for the specific purpose of fulfilling the requirements of the Hawai'i State Department of Health Public Health Regulations, Chapter 10 Title 11-10-22 (1). Showers shall not be used for personal purposes not related to the use of the swimming pool. Shaving and hair dying is not permitted.

6. Locks are not to be left on lockers overnight. If left overnight, locks may be cut off and contents placed in the lost and found box.
7. The County of Hawai'i is not responsible for lost or stolen items.

F. Rules Relating Specifically to the Spectator Area.

1. Food, drink or other consumable items shall not be permitted within the spectator area without first obtaining the approval of the Director.

G. Rules Relating to the Use of Diving Tower and Diving Boards.

1. Diving Boards.

- a. Pushing, shoving, crowding, boisterous play or other conduct that is detrimental to the health and safety of any person is prohibited.
- b. Diving boards shall be in operation only during those hours designated by the Director.
- c. Only one person at a time is permitted on any diving board or diving board ladder.
- d. Not more than one bounce is permitted while on any diving board.
- e. Throwing of any objects from any diving board is prohibited.
- f. Except during competitive diving events and practices, all patrons, after diving from the diving board, must swim to the nearest longitudinal side of the swimming pool, and all dives must be forward facing.
- g. Diving or jumping off in any direction other than that toward the shallow end of the swimming pool and in a direction parallel to the longitudinal sides of the swimming pool is prohibited.
- h. Diving or jumping from any diving board is prohibited unless the area of water beneath or surrounding any board is clear of all persons or objects.

2. Towers.

- a. Only one patron is allowed at the edge of the tower platform at any one time, other patrons must remain behind the restraining line until such time as the preceding patron has left the platform.
- b. Standing or waiting on tower stairway or ladders is prohibited.
- c. Pushing, shoving, boisterous play or other conduct that is detrimental to the health and safety of any individual is prohibited.
- d. Patrons under the age of eighteen (18)] shall not be allowed use of the tower without the written consent of parent or legal guardian on a waiver form. Such use will be allowed only if the Director is satisfied as to the individual's competence in the use of such equipment. Patrons under the age of fourteen (14) shall not be allowed use of the tower at all.
- e. Diving or jumping from the tower is prohibited unless the area of water beneath or surrounding any tower platform is clear of all persons or objects. The lifeguard shall signal patron when it is their turn to use the platform.
- f. Except during competitive diving events and practices, all patrons, after diving from the tower, must swim to the nearest longitudinal side of the swimming pool, and all dives must be forward facing.
- g. Throwing of objects from the tower is prohibited.
- h. All patrons using the tower must, after diving or jumping from the tower, swim to the nearest longitudinal side of the pool.
- i. Diving towers shall be in operation only during those hours designated by the Director.

Section 3. General Rules and Regulations Relating to the Leasing of County Swimming Pool Facilities

- A. Because Swimming Pool Complexes and their programs are run for the benefit of the general public, County sponsored programs will have priority over all private uses.
- B. Application for Use of all County Swimming Pool Facilities
 - 1. Applications for the lease of any swimming pool complex shall be made with the departmental personnel in charge of the complex.
 - 2. Only responsible adults or responsible adult representatives of the patron group, team or organization may make applications. Applicant must show identification (i.e., driver's license) to verify age.
 - 3. Applications shall be accepted on a first-come, first-served basis and only upon the approval of the Director and only when the pool is not scheduled by the Director for general public use. In managing the pools between the hours of 2:30 p.m. to 6:30 p.m., Monday through Friday, consideration will be given to use by the greatest number of persons. Applications shall not be accepted nor shall pool use be scheduled when the pool is closed for maintenance.
 - 4. Applications must be received by pool management two (2) weeks in advance of the first day of use and shall be confirmed only after the signing of the Facility Use Permit/Rental Agreement and the receipt of the fees as prescribed. The Director shall consider all applications not so submitted or received as tentative and subject to withdrawal or cancellation.
 - 5. Applications for reservations for any team practice sessions, or other events covering a period of several days, weeks, or months, may be submitted on one application form, but must be accompanied by a schedule of such events and payment in full must be received before the first event.
 - 6. Events other than aquatic activities shall require a special use written agreement setting forth the terms and conditions regarding the special use permit.
 - 7. A security deposit shall be collected for one leased day and shall remain in effect as long as no damages deplete the security deposit. If the security deposit is diminished, the reservation or permit is cancelled until the security deposit is replenished to the original amount.
- C. Rules Affecting the Responsibilities of the Lessee of any County Swimming Pool Complex.
 - 1. The lessee shall be required to sign a written Facility Use Permit/Rental Agreement covering the length of time the lessee has full use of the swimming pool complex. The agreement shall include the requirements to be fulfilled before, during, and after the scheduled event.
 - 2. The lessee shall abide by the rules, regulations, and policies of the Department and any directives set by the Director; and shall accept the Director's interpretation of all departmental rules, regulations, policies and directives as conclusive.
 - 3. The lessee shall not sublet swimming pool facilities to any other individual, group, or organization.
 - 4. The lessee shall, at all times, use due care to assure public safety, enforce all rules and regulations as herein provided, and shall indemnify and hold the County of Hawai'i harmless from all claims and demands for property damage, personal injury, or wrongful deaths arising out of or in connection with the use of any swimming pool complex by the lessee, lessee's employees, agents, contractors, or others under lessee's direction and control.
 - 5. The lessee shall be liable for all damages incurred during the lease period to persons or property while in or upon the swimming pool complex attributable to the negligence of the lessee, lessee's employees, agents, contractors or others under lessee's control or direction.
 - 6. The total number of spectators allowed in the swimming pool complex as well as swimmers within the swimming pool and deck areas shall not exceed the safe limit as defined by the Department for each swimming pool complex. The lessee shall be responsible for enforcing and controlling this limitation.
 - 7. The lessee shall provide a sufficient number of ushers to control the seating of patrons in the spectator area. The minimum number of ushers to be used for any occasion shall be determined by the Director before the date of the occasion.

8. The lessee shall observe all Fire Department regulations and shall furnish proper clearances as may be required by the Director.
9. The lessee shall not allow patrons to stand, sit, or lie in aisles, stairways, or doorways of the spectator area.
10. The lessee shall not allow patrons to carry into the spectator areas of any swimming pool complex, objects made of glass or any objects which may be used as missiles and cause bodily injury to other persons.
11. The lessee may be required to provide security by either Hawai'i County police officers and/or bona fide security guards. The lessee shall submit to the Director written evidence confirming the hiring of the required number of security personnel fourteen (14) days prior to the scheduled event. The minimum number of security personnel to be used for any occasion shall be determined by the Director. If written evidence confirming hiring of required personnel is not submitted by the deadline, after notifying the Lessee, the Director may, at Director's option, hire the required number of security personnel and bill the lessee for the costs of such services. In such cases, the Director may collect in advance an amount sufficient to cover the cost of hiring the security personnel or charge the additional cost after the event or use the deposit as needed.
12. Security personnel such as police officers or security guards shall be responsible for maintaining order, enforcing all rules and regulations affecting the use of the swimming pool complex, as well as other laws of the County and the State of Hawai'i. Such personnel shall be under the supervision and control of the lessee. All security personnel shall be familiar and knowledgeable of all rules and regulations contained herein and the lessee shall insure such familiarity and knowledge.
13. The lessee shall not have commercial radio or television broadcasts, movies, films, recordings, or videotapes made of any performance or event in the facilities leased unless specific written permission is granted by the Director. A charge equal to thirty percent (30%) of all considerations received by the lessee for radio and television broadcasts, movies, recordings, videotapes, films, or residual rights resulting from the use of the swimming pool complex shall be levied.
14. The Director may, at Director's discretion, require the lessee to show evidence of liability and property damage insurance in accordance with the specifications set forth by the Department in Appendix C attached hereto and incorporated by reference herein.
15. The Director may, at Director's discretion, require the lessee to post a proper amount of bond based upon the estimate of costs accrued to the County of Hawai'i due to damages, repairs, etc. (to be determined with each specific event) to protect the County of Hawai'i's interest for any specific agreement made between the lessee and the department.
16. The lessee shall confine its activities to hours designated in the lease agreement, including all preparation and clean-up time.
17. All construction, decoration, placement, installation, setting up, dismantling, and removal of equipment and apparatus at the swimming pool complex shall require prior written approval by the Director and shall be the responsibility of the lessee. The lessee shall notify the Director, in writing, of any alterations to be made to the swimming pool complex at time of application or within ten (10) working days prior to the event.

The lessee shall allow free and immediate access to the swimming pool complex to the Director or the Director's representative for the purpose of periodic inspections.

D. Use of County Swimming Pool Equipment by Lessee.

1. The lessee shall include in lessee's application a request for use of equipment provided at the swimming pool complex by the County and shall be responsible for setting up and removing all such equipment. The lessee shall be responsible for obtaining equipment, other than that assigned to the swimming pool facility, through lessee's own efforts.
2. Any public address system assigned to the swimming pool complex shall be made available to the lessee without cost. It shall be set up and operated by the assigned lifeguard or attendant or a representative of the lessee who has previously been cleared for operational efficiency by the Director.

E. Supervisory Requirements for Leased or Rented County Swimming Pool Complexes.

1. A minimum of one (1) certified lifeguard for every fifty (50) swimmers must be present and on duty when any County swimming pool complex is leased or rented.
2. When any County swimming pool complex is in use, there must be at least one (1) certified lifeguard in attendance at all times.
 - a. The Lessee may be required to furnish one or more additional certified lifeguard(s) who shall be solely responsible for the safety of their participants and for the enforcement of all rules as specified in Section 2 of these rules.
 - b. When a County lifeguard is required, a lifeguard fee shall be charged per hour, as set forth in Appendix A, either before or after hours or during regular hours because of excessive numbers of pool patrons.
3. Whenever more than fifty (50) swimmers are using any leased County swimming pool, an additional certified lifeguard is required and must be on duty.
 - a. At the Director's discretion the lessee may provide the additional certified lifeguard(s).
 - b. At the Director's discretion the lessee may hire additional County lifeguard(s) at a cost set forth in Appendix A attached to and incorporated in these rules.

F. Rules and Regulations Applicable to Rentals Covered Under Usage Type "Swim Team Practice."

1. For purposes of this subsection, the term "month" shall refer to one of the twelve (12) months in a year.
2. Fees shall be payable fourteen (14) days in advance for the following month. Partial payments shall not be accepted.
3. No fees shall be refunded unless written cancellation is made at least sixty (60) days before a special function, as determined by the Director.
4. The Director reserves the right to modify or cancel all or any part of the rental agreement or permit upon ten (10) days prior notice to the lessee. No cash refunds shall be made; however, additional training time shall be granted on days and times specified by the Director to compensate for time lost as a result of such modification or cancellation.
5. Reservations shall be granted on a time and space available basis. If space is available it shall be allotted equally by the Director to each requesting organization. In managing the pools between the hours of 2:30 p.m. to 6:30 p.m., consideration will be given to use by the greatest number of persons.
6. Facility Use Permit/Rental Agreements issued under this category shall be made only with the legal adult representative of the competitive aquatic sport club or organization. No agreements shall be made with individual participants.
7. Initial fees collected shall reflect the maximum number of persons who are to utilize the pool. Fees are not refundable; however, new members may be allowed to replace those members already paid for but who have dropped out of the training program. Additions to membership above that of the maximum paid membership shall require an additional rental fee assessment.
8. Space shall be leased in two (2) hour segments, including setup and breakdown of pool equipment.
9. Each aquatic sport organization shall provide one certified lifeguard who shall be on duty at all times during any training session and who shall be responsible for the enforcement of all rules as covered in Section 2 of these rules as well as for the safety of each participant of his organization.

Section 4. Rules and Regulations Relating to Concessions and Vending at all County Swimming Pool Complexes

- A. Concession and vending permits for special events at the swimming pool complex may be granted by the Director.
- B. Applications for concession and vending permits must be submitted to the Department not later than fourteen (14) days prior to the scheduled event, and must have the approval of the sponsoring entity.
- C. Each operator of the concession or vending booth shall be charged Twenty-Five Dollars (\$25) per day of sales.

- D. All concession operators and vending operators shall be required to pay a security deposit of fifty dollars (\$50.00) per event with the Department.
- E. The hours of operation for the concession or vendor shall be for not more than one (1) hour before the scheduled event and not more than one (1) hour after the event.
- F. The site within which the concession or vending operation may be operated will be determined by the Director.
- G. Concession operators shall keep the swimming pool complex clean of any food or beverage spills and all leftover food shall be removed from the premises.
- H. All concession operators shall comply with licensing requirements and the rules and regulations of the Department of Health, State of Hawai'i, for handling of food.
- I. The Director reserves the right to ban the sale of any food item which is detrimental to the health of patrons or which may contribute to unsanitary conditions at the swimming pool complex.

Section 5. Penalties Relating to the Violation of County Swimming Pool Complex Rules and Regulations

- A. The penalty for breaking any provision of this rule shall be a fine of two hundred fifty dollars (\$250) and/or the denial of the use of any or all Parks and Recreation facilities until the Director is reasonably satisfied that the person intends to abide by all rules and regulations, laws or ordinances concerning the person's conduct or use of park facilities.
- B. Any person aggrieved by the decision of the Director to prohibit or limit a patron's use of any County swimming pool facility shall have the right to appeal the Director's decision within thirty (30) days of said decision, pursuant to Rule 1 of the Rules and Regulations of the Department of Parks and Recreation and Chapter 91 of the Hawai'i Revised Statutes.

Section 6. Appendices

- A. The Appendices attached hereto shall be deemed incorporated and made a part of these rules.

Section 7. Severability

- A. If any provision of these rules and regulations contained herein or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the rules and regulations which can be given effect without the invalid provision or application, and to this end the provisions of these rules are declared to be severable.

USER FEE SCHEDULE FOR ALL COUNTY SWIMMING POOLS

Classification of Activities		Use Type and Fees							
		Programs & Classes	Free Public		Non-Benefit		Private Benefit		
			25 yd	50 M	25 yd	50 M	25 yd	50 M	
1. Public Activities	Learn to Swim *	\$10/2 weeks	N/A	N/A	N/A	N/A	N/A	N/A	
	a. Sponsored or co-sponsored by P&R:								
	Novice Swim	\$25/3 months	N/A	N/A	N/A	N/A	N/A	N/A	
	Classes	\$15/month	N/A	N/A	N/A	N/A	N/A	N/A	
	Junior Lifeguard	\$20/2 weeks	N/A	N/A	N/A	N/A	N/A	N/A	
	American Red Cross Classes: \$20 Lifeguard Training, CPR, First Aid, \$10 Modules, (Books and Supplies must be purchased separately)								
	* Classes offering American Red Cross Certificates will have an additional charge for Red Cross fees								
b. School sponsored activity:	Rental Fee (per segment)	N/A	N/C	N/C	N/C	N/C	\$10	\$15	
	Utility Fee (per hour)	N/A	\$4	\$6	\$4	\$6	\$4	\$6	
	Lifeguard Fee (per hour)	N/A	\$25	\$25	\$25	\$25	\$25	\$25	
	Custodial Fee (per hour)	N/A	\$20	\$20	\$20	\$20	\$20	\$20	
	Security Deposit	N/A	\$100	\$200	\$100	\$200	\$100	\$200	
	2. Lessee Activities – Private – Shared Use:	Rental Fee (per segment)	N/A	N/C	N/C	N/A	N/A	\$30	\$30
Utility Fee (per hour)		N/A	\$4	\$6	\$4	\$6	\$4	\$6	
Lifeguard Fee (per hour)		N/A	\$25	\$25	\$25	\$25	\$25	\$25	
Custodial Fee (per hour)		N/A	\$20	\$20	\$20	\$20	\$20	\$20	
Security Deposit		N/A	\$100	\$200	\$100	\$200	\$100	\$200	
3. Lessee Activities – Private – Full Pool:	Rental Fee (per segment)	N/A	N/C	N/C	\$50	\$100	\$200	\$500	
	Utility Fee (per hour)	N/A	\$4	\$6	\$4	\$6	\$4	\$6	
	Lifeguard Fee (per hour)	N/A	\$25	\$25	\$25	\$25	\$25	\$25	
	Custodial Fee (per hour)	N/A	\$20	\$20	\$20	\$20	\$20	\$20	
	Security Deposit	N/A	\$200	\$200	\$200	\$200	\$200	\$500	
4. Swim Team Practice – Shared Use	50 Meter Pools: \$30 per month for 20 persons per segment, 5 days per week. \$2 per person over 20 persons.								
	25 Yard Pools: \$15 per month for 20 persons per segment, 5 days per week. \$2 per person over 20 persons.								
Concession and Vendor Fees: \$25.00 per day									

Appendix A, January 2004

Definitions for User Fee Schedule (in alphabetical order)

<i>FREE PUBLIC</i>	means functions and uses where the swimming pool complex is open to the general public with no admission charges, no donations required for entry and no solicitations made.
<i>NON-BENEFIT</i>	means parties, socials and other special activities limited to members and invited guests of the sponsoring group, for which there is no admission charge and no donations collected or solicited.
<i>PRIVATE BENEFIT</i>	means functions or events where entry or use is limited to admissions-paying customers and/or donors of monetary gifts, the subsequent full or partial proceeds of which will accrue to the sponsoring group or individuals.

“Custodial Fee” shall mean the charge per hour for services of a custodian either before or after regular working hours, or if during working hours, because of excessive numbers of pool patrons.

“Lifeguard Fee” shall mean the charge per hour for the services of a lifeguard, either before or after hours or during regular hours because of excessive numbers of pool patrons.

“Private – Shared Use” – means exclusive use of a portion of the pool, no less than one eighth (1/8) of the entire 50 meter swimming pool or one fourth (1/4) of an entire 25 yard swimming pool, by a private entity or instructor during one time segment. Examples are, but are not limited to classes in scuba, aquatone, swim lessons, adapted aquatics, stroke development, water aerobics, lifeguard certification, masters lap swimming and non-profit age-group swim teams.

“Private – Full Pool” – means exclusive use of the entire swimming pool by a private, for-profit entity or non-profit entity during one segment. Examples are but are not limited to classes in scuba, aquatone, swim lessons, adapted aquatics, stroke development, water aerobics, lifeguard certification, masters lap swimming, concerts, water shows of any kind, swimming exhibitions and the like.

“Public Activities” – means programs or events sponsored or co-sponsored by the County of Hawai'i P&R Department. The activity must be open to the public and/or advertised as a co-sponsored activity. The activity must be an integral part of the total P&R program. The staff must actively assist in planning, organizing and supervising the activity and the Director must approve all such activities. If admission is charged, if donations are received, or if articles or services are sold, the co-sponsor must submit a total financial accounting for the activity. P&R reserves the right to discontinue co-sponsorship at any time.

“School Sponsored Activity” – means programs or events that are an integral part of the official school program; hosted and supervised by the applicant school, where the school retains all liability for any act or action of the program participants. Examples would be Physical Education classes, learn to swim classes, plunge parties, swimming team practices and water polo.

“Segment” – means two (2) consecutive hours of use or any portion thereof.

“Swim Team” - means a registered, private non-profit organization which promotes the sport of swimming and the members of which engage in swimming in competitive and non-competitive events, or a group sponsored by a school as a school sponsored activity.

“Swim Team Practice” - means practice during a segment of time for a swim team's use of (1/4) of a 25-yard pool or (1/8) of a 50-meter pool.

APPENDIX C

INSURANCE REGULATIONS FOR LESSEE OF COUNTY SWIMMING POOL COMPLEXES

LESSEE shall file with the County of Hawai'i, upon approval of the Application for use of any swimming pool complex, a copy of a policy of public liability and property damage insurance in the following amounts:

- | | |
|-----------------------|-------------|
| 1. General Aggregate: | \$1,000,000 |
| 2. Products-C.O. | \$1,000,000 |
| 3. Personal Injury | \$1,000,000 |
| 4. Each Occurrence | \$1,000,000 |
| 5. Fire Damage | \$50,000 |
| 6. Medical Expense | \$5,000 |

and which meets the following requirements:

1. Provides coverage for "all operations of the insured conducted on County property" and contains a description of the work performed by the insured. (This may require policies covering premises occupied, products sold, amusement liability, or automobiles used.)
2. The County of Hawai'i shall be named as an additional insured with respect to all operations of the insured at the County facility.
3. Said policy shall contain a cancellation clause reading, in substance, as follows:

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT.

4. No policy shall be acceptable unless first approved by the Department of Parks and Recreation.
5. The Deductible Clause shall be no more than \$500.

All policies, certificates and endorsements shall be sent to the Department of Parks and Recreation, County of Hawai'i, 101 Pauahi Street, Suite 6 Hilo, HI 96720.

CERTIFICATION

I, Patricia G. Engelhard, Director of the Department of Parks and Recreation of the County of Hawaii, State of Hawaii, do hereby certify:

1. That the foregoing is a full, true and correct copy of the amendments to the Rules and Regulations of the Department of Parks and Recreation on matters relating to the All County Swimming Pool Complexes. Rule 5 changes were adopted after public hearings held on November 17, and November 18, 2008.

2. That notices of the public hearing on the foregoing Rule 5, which notice included a statement of the substance of the proposed rule changes were published in both the Hawaii Tribune Herald and the West Hawaii Today on October 16, 2008.


Dated this 20th day of November 2008.



PATRICIA G. ENGELHARD, Director
Department of Parks and Recreation

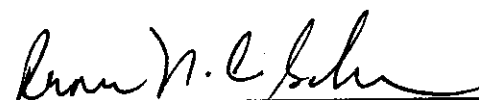
DATE OF PUBLIC HEARINGS:
NOVEMBER 17, 2008 (East Hawai'i)
NOVEMBER 18, 2008 (West Hawai'i)

APPROVED:



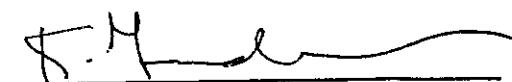
HARRY KIM, Mayor
County of Hawaii

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel
County of Hawaii

I hereby certify that the foregoing rule was received and filed in the Office of the County Clerk this 21st day of November 2008.



County Clerk
County of Hawaii