

ORDINANCE NO. _____

BILL NO. 2149, Draft 1

A BILL FOR AN ORDINANCE AMENDING
SECTION 19-2.1 AND ADDING A NEW ARTICLE TO
CHAPTER 19 OF THE KAUA'I COUNTY CODE 1987,
RELATING TO CAMPING AT LYDGATE PARK

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I,
STATE OF HAWAII:

SECTION 1. Section 19-2.1 of the Kaua'i County Code 1987 is hereby amended as follows:

"Sec. 19-2.1 Purpose.

An Article to establish proper controls over the use of County Parks, except for Lydgate Park, so that the people will have the optimum use and enjoyment of the parks."

SECTION 2. Chapter 19 is hereby amended by adding a new Article 4 to Chapter 19 of the Kaua'i County Code 1987, as follows:

"ARTICLE 4. CAMPING AT LYDGATE PARK

Sec. 19-4.1 Definitions.

"Person with a disability" is a person with a disability as defined in Hawai'i Revised Statutes, Section 291-51, and Section 11-219-4, Hawai'i Administrative Rules.

"Parking Permit Placard" means a two-sided hanger-style windshield placard with the international symbol of access on it, issued by the department of motor vehicles for a person who has been certified with a temporary or permanent disability by a practicing physician.

"Special License Plates" means license plates displaying the international symbol of access in a color contrasting to the background and with the same size as the letters and numbers on the plates, issued by the department of motor vehicles to a person whose disability is expected to last for at least four years as certified by a practicing physician.

“Group Camping” means twenty (20) or more people listed on a camping permit not to exceed two hundred (200) persons.

“Service Animals” means any animal individually trained to do work or perform tasks for the benefit of an individual with a disability.

Sec. 19-4.2 Purpose.

An article to establish proper controls over the use of Lydgate Park so that the people will have the optimum use and enjoyment of said park.

Sec. 19-4.3 Title.

This Article shall be known as and may be cited as the “Lydgate Park Camping Ordinance.”

Sec. 19-4-4 When Permit Required; Time For Issuance.

(a) Any person who camps, erects a tent or constructs any temporary sleeping quarters at the Lydgate Park Designated Camping Area shall first obtain a camping permit from the Department of Parks and Recreation or any other authorized county agency.

(b) Permits shall be issued during the hours of 8:15 a.m. – 4:00 p.m. from the Department of Parks and Recreation or other agency that is designated by the Director of the Department of Parks and Recreation.

Sec. 19-4.5 Permit Terms and Conditions.

(a) The Department of Parks and Recreation shall issue a camping permit upon the following terms and conditions:

(1) One permit shall be issued for each of the thirty-one (31) numbered camping sites which contains a 10' x 10' or 20' x 20' tent area, or the group-camp site.

(2) Accessible sites are reserved for a qualified person with a disability.

(a) Identification of a qualifying person with a disability requires the individual to provide the Fiscal Management Division with a current parking permit placard or evidence of special license plates.

(b) One of the three accessible camping sites shall be reserved exclusively for a group that includes an individual, or individuals, with a qualifying disability.

(c) In the event all non-accessible sites are issued, an accessible site can be issued to a non-qualified user as long as one accessible site is left available for a person with a qualifying disability.

(1) In the event one of the accessible sites is issued to a non-qualified user (because all other sites, non-accessible and accessible sites, have been issued accordingly) and a qualifying individual with a disability requests an accessible site, the qualified individual with the disability shall wait until there is a vacancy.

(2) Qualified individuals with disabilities have first choice of the accessible sites but are not precluded from camping at a non-accessible site.

(3) There shall be a maximum of five (5) people per 10' x 10' camping site and ten (10) people per 20' x 20' camping site at any one time. The names of the campers shall be stated on the permit.

(4) No permit shall be issued to allow camping and no one shall be allowed to camp for more than five (5) consecutive days at Lydgate Park.

(5) The number of days camped at Lydgate Park shall be included in the sixty (60) camping days maximum yearly limit set forth in Section 19-2.4(4).

(6) The camping site may be closed for maintenance at the discretion of the Director of Parks and Recreation.

(7) Tents and structures shall be placed only on the designated tent areas.

(8) A group camping permit includes exclusive use of the group camp pavilion.

(9) Each permitted camper shall leave the premises in a sanitary, clean, and orderly condition.

(10) Each permitted camper must display the permit to any authorized county officer, employee, or contractor.

(11) Failure to comply with any of the above conditions shall result in the permit being revoked.

Sec. 19-4.6 Fees.

The following camping fees shall be collected at the time the permit is issued:

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| <u>(1) Camping site (State Residents)</u> | <u>No Fee</u> |
| <u>(2) Group camping site (State Residents)</u> | <u>No Fee</u> |
| <u>(3) Camping site</u> | <u>\$25.00 per day</u> |
| <u>(4) Group Camping site</u> | <u>\$150.00 per day</u> |

Sec. 19-4.7 Animals Prohibited.

Animals, with the exception of service animals, are prohibited from being brought into the camping area. The county park caretaker, or other county employee authorized by the Director of the Department of Parks and Recreation, shall ask that the animal be removed from the camping area, and for failure to comply therewith, the park caretaker or other county employee may summarily revoke the camping permit.

Sec. 19-4.8 Camping Without Permits.

Any person found camping without a permit by the county park caretaker or other county employee authorized by the Director of the Department of Parks and Recreation, may be evicted from Lydgate Park.

Sec. 19-4.9. Penalty.

Any person found camping in the Lydgate Park without a camping permit shall be punished by a fine not exceeding One Hundred Dollars (\$100.00). Each day of violation shall be a separate offense.”

SECTION 3. This ordinance shall be deemed to be severable in that in the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the remaining portions of this ordinance.

SECTION 4. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Kaua'i County Code 1987, the bracketed provisions and underscoring need not be included.

SECTION 5. This Ordinance shall take effect upon its approval.

INTRODUCED BY: /s/ SHAYLENE ISERI-CARVALHO
(By Request)

DATE OF INTRODUCTION:
September 22, 2005
Lihu'e, Kaua'i, Hawai'i