

DEPARTMENT OF PARKS AND RECREATION

Adoption of Chapter 10-103
Rules for the
Waiehu Municipal Golf Course

SUMMARY

1. Chapter 10-103, entitled "Rules for the Waiehu Municipal Golf Course", is adopted to read as follows:

"TITLE MC-10
DEPARTMENT OF PARKS AND RECREATION
SUBTITLE 01
DIRECTOR OF PARKS AND RECREATION
CHAPTER 103
RULES FOR THE
WAIEHU MUNICIPAL GOLF COURSE

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SUBCHAPTER 1

GENERAL PROVISIONS

§10-103-1 Title. The rules in this chapter shall be known as the "Rules for the Waiehu Municipal Golf Course." [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-2 Purpose. These rules shall regulate golf activity to ensure the efficient operation of the Waiehu Municipal Golf Course. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-3 Construction. These rules shall be read in conjunction with the Hawaii Revised Statutes, the Revised Charter of the County of Maui (1983), as amended, and the Maui County Code. In any conflict between the provisions herein and any other provision, the more restrictive provision shall govern. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.04.010.B)

§10-103-4 Definitions. For the purpose of these rules, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

"Club" means an organized group of Maui County resident players that consists of at least sixteen members.

"Club no-show fee" means the fee, as set forth in the annual budget, that is charged to clubs for each member who fails to register for a confirmed club reservation without canceling the reservation at least twenty-four hours before the reserved starting time.

"Club play annual drawing" means the drawing held by the superintendent to determine when each club may reserve starting times.

"Concessionaire" means the person who has been awarded the food and liquor concession at the course.

"County" means the County of Maui.

"Course" means the area of the Waiehu Municipal Golf Course where golfing takes place including, but not limited to, the eighteen holes, the associated features of each hole, and the cart paths.

"Department" means the department of parks and recreation of the County.

"Director" means the director of the department of parks and recreation of the County or the director's authorized designee.

"Golf course" means the Waiehu Municipal Golf Course including, but not limited to, the clubhouse, parking lot, and other adjacent areas under the control of the superintendent.

"Golf pro" means the person who has been awarded the pro shop concession at the course.

"Group" means more than one golfer assigned an identical starting time on a particular teeing area of the course.

"Holiday" means all days on which a holiday is observed by the County of Maui, regardless of the date of the actual holiday.

"Marshal" means any authorized department personnel patrolling the course to ensure smooth play and compliance with these rules.

"Maui County resident card" means the card that allows County residents to play at the County resident rate as set forth in the annual budget.

"Player" means an individual who has registered and intends to play golf at the course.

"Practice" means the non-continuous playing of a round of golf which includes, but is not limited to, playing multiple shots or putts from a single location.

"Registration" means signing in and paying all appropriate fees prior to commencing play.

"Round" means playing nine or eighteen holes of golf in numerical sequence beginning on the first hole or as otherwise provided.

"Starter" means the County of Maui personnel assigned to, and working out of, the starter's office.

"Starting time" means the specific time assigned to a group or individual for the commencement of play.

"Student" means a person who is attending school in the State of Hawaii on a full-time basis and is no more than eighteen years of age; provided, that such a person shall present a student identification card or other

evidence of student status at the time of application for the student monthly rate.

"Student monthly rate" means the monthly rate, as set forth in the annual budget, that is charged to students for the privilege to play at the course on any day that the course is open during the calendar month for which the fee is paid.

"Superintendent" means the superintendent of the golf course or the superintendent's authorized designee.

"Tournament fee" means the fee, as set forth in the annual budget, that is charged for each player who is participating in a tournament authorized by the superintendent.

"Twilight play" means play that begins at the time set forth in the Maui County Code or later.

"Twilight rate" means the rate, as set forth in the annual budget, that is charged for the privilege of playing nine holes of golf or a fraction thereof provided play begins at the time set forth in the Maui County Code or later. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §§ 13.16.010, 13.16.050.D)

SUBCHAPTER 2

OPERATIONS

§10-103-5 Days of operation. The course shall be open for play everyday except Christmas Day, New Year's Day, and when unusual climatic or other circumstances require its closing. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.A)

§10-103-6 Hours of operation. (a) Play shall start on the first or tenth tee at 7:00 a.m. on weekdays (Monday through Friday) and 6:00 a.m. on weekends (Saturday and Sunday) and holidays. Light conditions permitting, the starter may, at the starter's discretion, commence play at an earlier time.

(b) The first and tenth tees shall close at 5:00 p.m.

(c) Players on the course shall be allowed to continue play until sunset.

(d) No round shall commence after 5:00 p.m.

(e) Twilight play shall begin at the time set forth in the Maui County Code.

(f) Only department personnel may be on the course between sunset and 5:45 a.m.

(g) The superintendent may close the course to protect the course during unusual climatic conditions or adverse weather conditions. The superintendent may close the course when other circumstances require. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050)

§10-103-7 Playing fees. (a) No person shall be permitted to play at the course unless the appropriate playing fees are paid.

(b) No tournament shall be permitted at the course unless the appropriate fee is paid. Prior to the commencement of the tournament, tournament organizers shall provide the tournament fee to the starter for each player whose starting time has been confirmed in accordance with §10-103-13 of these rules.

(c) Students shall be eligible to play at the student monthly rate. The fee shall be paid prior to the start of play and does not waive the requirement of registering to play and reserving a starting time.

(d) Maui County residents holding a Maui County resident card shall be eligible to play at the appropriate resident rate.

(e) Professional golfers and other golf officials who are bona fide members of the Professional Golfer's Association or Golf Course Superintendent's Association shall be exempt from paying any playing or tournament fees. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §§13.16.030, 13.16.035, 13.16.040, 13.16.050)

§10-103-8 Maui County resident card. An individual may obtain a Maui County resident card by submitting an application to the department along with documentary proof that confirms County residency status. The following shall be deemed sufficient as proof of residency status:

- (1) Proof that the individual filed a Hawaii resident income tax return during the year preceding the application and that the individual resided in the County during the year immediately preceding the application; or
- (2) Other proof that the director deems adequate to show that the individual has resided within the County for the year immediately preceding the application. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.010)

§10-103-9 Refunds. (a) Refunds shall not be issued once a player has commenced play from the player's designated teeing ground, unless the golf course is closed by the superintendent.

(b) There shall be no refund if a player is removed from the course for violating these rules or failing to comply with requests of department personnel. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

SUBCHAPTER 3

RESERVATIONS AND REGISTRATION

§10-103-10 Groups. Groups shall consist of a minimum of three players and a maximum of six players. If conditions permit, the starter may allow groups of two to play. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-11 Daily play reservations. (a) Reservations for daily play may be made, at the earliest, two days in advance.

(b) Starting times for daily play shall be made available for reservation on a first-come basis.

(c) Reservations for daily play shall be taken over the phone during the hours posted at the starter's window. Reservations for daily play may be made in person no earlier than thirty minutes prior to the hours posted at the starter's window.

(d) Individuals may reserve no more than one starting time per day.

(e) Reservations for groups of two or three individual players shall be made at the discretion of the starter on duty. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-12 Club play reservations. (a) Reservations for club play may be made at the club play annual drawing by clubs that have properly registered with the superintendent. The club play annual drawing shall be conducted at a time and place designated by the superintendent.

(1) All clubs shall consist of at least sixteen members. An individual shall not be counted towards the required sixteen members in more than one club.

(2) Clubs shall submit a current club roster to the starter's window not later than one week prior to the club play annual drawing.

(b) Clubs shall reserve starting times for groups between four and six players.

(c) Clubs must request a minimum of four starting times to be eligible for club play reservations.

(d) Clubs shall be limited to reserving starting times for club play to one day per calendar month.

(e) Club play reservations shall be limited to those starting times designated by the superintendent. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-13 Tournament reservations. (a) Tournament reservations shall be made in writing or in person with the prior written approval of the superintendent.

(b) Starting times for tournaments may be reserved at any time prior to November 30 of the year preceding the tournament.

(c) Starting times shall be confirmed no later than 12:00 p.m. five days prior to tournament commencement. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-14 Appointment book. All reservations shall be recorded in the appointment book. Any discrepancies between the appointment book and other documents shall be decided in favor of the appointment book. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-15 Standby list. (a) The starter shall maintain separate standby lists for individuals and groups.

(b) Any individual or group without a reserved starting time desiring to play at the course shall report to the starter and request to be placed on the appropriate list.

(c) Individuals and groups on the respective standby list shall be called by the starter as appropriate starting times become available in the order in which they reported.

(d) Individuals and all members of a group must be present and ready to register at the time the starter calls either the individual or group name from the

respective standby list. Failure to appear, by either an individual or any member of the group, shall result in a forfeiture of the starting time. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-16 Registration. Players shall report to the starter's window, register with the starter, pay all appropriate fees to the starter, and be ready to play at least twenty minutes prior to their reserved starting time. Identification shall be required for registration. Failure to appear in person twenty minutes prior to the reserved starting time shall result in the forfeiture of the reserved starting time. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-17 Daily play substitutions. Substitutions for those players listed under any daily play reservation shall be permitted. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-18 Club play registration. (a) Clubs shall submit a list of club pairings to the starter's office no later than thirty minutes prior to the first club starting time. Failure to submit the list in a timely manner shall result in the cancellation of the club's reserved starting times for that day.

(b) Club players shall register in accordance with §10-103-17.

(c) Clubs shall confirm the reserved starting times three days in advance. Failure to confirm the reserved starting times shall result in a forfeiture of the reservation.

(1) Failure to confirm reserved starting times on two separate occasions shall result in the cancellation of remaining club play reservations for the year.

(2) Reserved and confirmed reserved starting times may be canceled without penalty up to twenty-four hours before the starting time.

- (3) Clubs shall pay a club no-show fee for each member who fails to register for a confirmed club starting time.
- (4) Failure to pay the club no-show fee shall disqualify the club from confirming any subsequent starting times. [Eff 7/7/08]
(Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-19 Tournament play registration. (a) Tournament organizers shall confirm all tournament players by supplying the starter with a list of the names of tournament players at least twenty-four hours prior to the commencement of the tournament.

(b) A minimum of one hundred and forty-four confirmed players shall be required to hold a shotgun or two-tee tournament. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

SUBCHAPTER 4

COURSE RULES

§10-103-20 Permitted activities. Golfing and activities directly related to golfing shall be the only permitted activities on the course. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-21 Practice. Players shall not practice on the course. Practice shall be conducted on the practice green or at the driving range. Whether a player is practicing on the course shall be determined by a marshal. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-22 Concessions. Only the concessionaire and golf pro, subject to the terms of their concession agreements, shall engage in the sale or rental of items such as golf balls, merchandise, refreshments, riding carts, and hand carts at the golf course. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-23 Age. No person under the age of twelve shall be allowed on the course unless they are accompanied by an adult and are registered to play or are participating in an activity sanctioned by the superintendent. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-24 Non-players. (a) Individuals that are not players may accompany players on the course.

(b) Non-players shall not enter the course without an accompanying player or permission from the superintendent.

(c) Non-players shall abide by all rules pertaining to the course. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-25 Equipment and dress code. (a) Each player shall possess a set of clubs that shall include, but not be limited to, at least one driver, one putter, and three different irons, while participating in a round. The sharing of clubs is prohibited.

(b) Footwear shall be worn at all times while at the golf course. Permitted footwear on the course shall include, but not be limited to:

- (1) Soft spiked golf shoes; and
- (2) Spikeless golf shoes.

(c) A shirt or tank top shall be worn at all times while at the golf course. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-26 Play. (a) No one except authorized department personnel shall remove any fixtures on the course, including, but not limited to, barricades, stakes, tee markers, and signs.

(b) No one except authorized department personnel shall enter areas marked "ground under repair".

(c) Hand-carried golf bags shall be kept out of tee boxes and placed at least twenty feet from the edge of greens.

(d) If a player creates a divot, the divot shall be replaced immediately and as neatly as possible by the player.

(e) Any person who enters a sand trap or bunker shall properly rake and level the trampled areas.

(f) Tee shots shall be executed only between tee markers.

(g) All players shall proceed in a timely fashion, to the tenth tee after completion of the ninth hole. Players shall keep their original order of play.

(h) Players shall not intentionally hit golf balls into the ocean.

(i) The skipping of holes to maneuver around another group is prohibited.

(j) Slower players or groups shall permit faster players or groups to play through. Any disputes regarding speed of play shall be resolved by a marshal. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-27 Carts. (a) Carts shall not be driven over greens, tee areas, and areas designated as off-limits.

(b) Carts shall be kept on cart paths at all times except as may be authorized by the superintendent.

(c) Riding carts and hand carts shall be kept out of tee boxes and at least twenty feet from the edge of greens.

(d) Cart drivers should avoid muddy areas.

(e) Privately owned motorized or electric carts are prohibited on the course. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-28 Animals. Animals, except licensed service animals, are prohibited from entering the course. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-29 Litter. Players shall not litter the golf course. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-30 Vandalism. No individual shall knowingly, willfully, or maliciously damage golf course property. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

§10-103-31 Disorderly conduct. Disorderly conduct at the golf course is prohibited. All instances of disorderly conduct shall be reported to the proper authorities. [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

SUBCHAPTER 5

VIOLATIONS

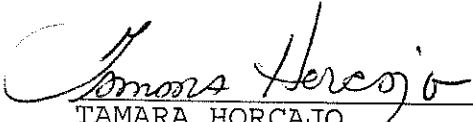
§10-103-32 Violations. (a) Failure to abide by these rules or to comply with requests of department personnel may result in removal from the golf course.


(b) The department may seek legal action against persons who commit repeated violations or a serious single violation of these rules." [Eff 7/7/08] (Auth: HRS §91-2, MCC §13.04.220) (Imp: HRS §91-2, MCC §13.16.050.D)

2. Chapter 10-103, Rules for the Waiehu Municipal Golf Course, shall take effect ten days after filing with the Office of the County Clerk.

ADOPTED THIS 27th day of June, 2008.


DEPARTMENT OF PARKS AND
RECREATION


TAMARA HORCAJO
Director of Parks
and Recreation


CHARMAINE TAVARES
Mayor, County of Maui

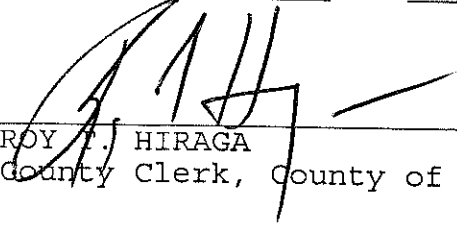
Approved this 27th day of
June, 2008.

APPROVED AS TO FORM
AND LEGALITY:


JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

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Received this 27th day of
June, 2008.


ROY P. HIRAGA
County Clerk, County of Maui

CERTIFICATION

I, TAMARA HORCAJO, Director, Department of Parks and Recreation, County of Maui, do hereby certify:

1. That the foregoing is a full, true and correct copy of the Rules for the Waiehu Municipal Golf Course drafted in Ramseyer format, pursuant to the requirements of Section 91-4.1, Hawaii Revised Statutes, which were adopted on the 27th day of June, 2008, following a public hearing that closed on June 23rd, 2008, and which were filed with the Office of the County Clerk.

2. That the notice of public hearing on the foregoing Rules, which notice included the substance of such Rules, was published in The Maui News on sp May 21st, 2008.



TAMARA HORCAJO
Director of Parks and Recreation