

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

July 21, 1994

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

For transmittal to:

RECEIVED  
*Linda Crockett Lingle* 7/21/94  
Mayor Date

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 1 - RULES RELATING TO GIFT AND CRAFT  
FAIRS ON MAUI COUNTY PARKS PROPERTIES" effective  
July 30, 1994.

Respectfully,

*Daryl T. Yamamoto*  
DARYL T. YAMAMOTO  
County Clerk

/jym

Attachment

DEPARTMENT OF PARKS AND RECREATION

COUNTY OF MAUI

ADOPTION OF CHAPTER 1  
RULES RELATING TO GIFT AND CRAFT FAIRS  
ON MAUI COUNTY PARKS PROPERTIES

SUMMARY

Chapter 1, entitled "Rules Relating to Gift and Craft Fairs on Maui County Parks Properties", is hereby adopted.

TITLE MC-10

DEPARTMENT OF PARKS AND RECREATION

SUBTITLE 01

CHAPTER 1

RULES RELATING TO GIFT AND CRAFT FAIRS  
ON MAUI COUNTY PARKS PROPERTIES

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SUBCHAPTER 1

GENERAL PROVISIONS

§10-1-1 Title. The rules in this chapter shall be known as the "rules relating to gift and craft fairs on Maui County parks properties". [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2).

§10-1-2 Purpose. These rules are adopted for the following purposes:

(a) To ensure that the public receives the greatest benefit from gift and craft fairs held on Maui County parks properties, recognizing that such properties should be available for the broadest possible variety of uses by individuals and groups, and recognizing that commercial activities on Maui County parks properties exist as a privilege, not as a right;

(b) To manage access to Maui County parks properties when demand exceeds supply; and

(c) To ensure that the appropriate permits are obtained and the appropriate permit fees and custodial deposits are paid. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §13.04.220)

§10-1-3 Definitions.

"Applicant" means an individual, corporation, partnership, group or organization who is requesting a permit from the department to conduct a gift and craft fair according to these rules.

"Authorized agent" means an executive director or officer of a corporation, or a general partner of a general or limited partnership, or an active member of an unincorporated group or organization. Before representing any corporation, partnership, group, or organization in connection with a gift and craft fair, an authorized agent must provide the director with notarized written authority to do so.

"Bona fide nonprofit entity" means an entity which complies with section 501(c)(3) of the Internal Revenue Code (tax exemption) and all other requirements under federal, state and county law regulating the conduct of charitable or nonprofit organizations.

"Complex(es)" means all grounds, fields, areas, buildings, and physical structures on Maui County parks properties.

"Co-sponsored by the County" means, for purposes of obtaining type II permits, an activity that meets the criteria set forth in section 13.04.030 of the Maui County Code.

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

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

"Districts" means the following general geographic areas and communities in the County of Maui: East Maui, Central Maui, South Maui, West Maui, Molokai, and Lanai.

"Fiscal year" means the twelve-month period starting on July 1 and ending on June 30.

"Gift and craft fair" means an event at which promoters, artists, crafters, and others gather together for the primary purpose of exhibiting and selling, exchanging, or otherwise conveying products to the general public.

"Held by or for a nonprofit entity" means, for purposes of obtaining type II permits, that the permittee is a bona fide nonprofit entity and the permittee is the primary beneficiary of the gift and craft fair by receiving and retaining at least fifty-one percent of the gross receipts therefrom. For purposes of calculating this percentage, gross receipts shall include any and all income received by the permittee and any promoter from the gift

and craft fair, including, but not limited to, admission gate charges, equipment rentals, booth or space rentals, receipts from sales of products and the sale or rental of any other items or services at the gift and craft fair, excluding only refreshment concessions receipts.

"Holiday" means all holidays officially recognized by the State of Hawaii and the County of Maui as well as Mother's Day and Father's Day.

"Lottery meeting" means an advertised time and place, once per fiscal year, where the director assigns, on a random selection basis, to applicants present in attendance, reservations to conduct gift and craft fairs on certain previously advertised Sundays per fiscal year.

"Maui County parks properties" means all parks and recreational facilities, as defined in section 13.04.020 of the Maui County Code, under the control, management, and operation of the department.

"Permit" means a form of written authorization, signed by the director, or an authorized representative, required to conduct a gift and craft fair on Maui County parks properties.

"Permittee" means an individual, corporation, partnership, group, or organization who has requested and received written authorization by way of a permit from the department to conduct a gift and craft fair according to these rules.

"Products" means any handcrafted items, original works of art and any other gifts or merchandise which are new and have not been previously used or sold to the general public.

"Promoter" means a person or entity hired by a permittee to conduct a gift or craft fair for the permittee.

"Sellers" means all permittees, promoters, artists, crafters, concessionaires, and any others who offer for rent or sale any space, equipment, admission gate tickets, products, refreshments, or any other items or services at a gift and craft fair.

"Sites" means any parks or recreational facilities, under the control, management and operation of the department, and designated by the director, to be available for permits to conduct gift and craft fairs, which shall include, but are not limited to the following complexes: the Hana ball park complex and the Pukalani park complex in the West Maui district, the War Memorial complex in the Central Maui district, the Kalama Park complex in the South Maui district, the Lahaina Civic Center complex in the West

Maui district, the Mitchell Pauole Center complex in the Molokai district, and the Lanai park and gym complex in the Lanai complex.

"Sponsored by any nonprofit entity" means, for purposes of obtaining type III and type IV permits, that the permittee is a bona fide nonprofit entity and the permittee is the primary beneficiary of the gift and craft fair by receiving and retaining at least fifty-one percent of the gross receipts therefrom. For purposes of calculating this percentage, gross receipts shall include any and all income received by the permittee and any promoter from the gift and craft fair, including, but not limited to, admission gate charges, equipment rentals, booth or space rentals, receipts from sales of products and the sale or rental of any other items or services at the gift and craft fair, excluding only refreshment concession receipts.

"Sponsored by any person or entity for the purpose of carrying on a profit making enterprise" means, for purposes of obtaining type V permits, that the permittee is not a bona fide nonprofit entity and the permittee is the primary beneficiary of the gift and craft fair by receiving and retaining at least fifty-one percent of the gross receipts therefrom. For purposes of calculating this percentage, gross receipt shall include any and all income received by the permittee and any promoter from the gift and craft fair, including, but not limited to, admission gate charges, equipment rentals, booth or space rentals, receipts from sales of products and the sale or rental of any other items or services at the gift and craft fair, excluding only refreshment concession receipts.

"Type I, type II, type III, type IV, and type V" means, whenever used in reference to gift and craft fairs, the types of activities defined in section 13.04.020 of the Maui County Code and any amendments thereto.

"Waiting list" means the names of applicants, or their authorized agents, randomly selected at the lottery meeting or added during the fiscal year, according to these rules, to reserve gift and craft fairs at the Lahaina Civic Center complex and if demand should exceed supply at other sites. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §§13.04.020, 13.04.150, 13.04.220)

§10-1-4 Applicability and scope. These rules shall apply to all craft fairs held on Maui County parks properties. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §13.04.220)

§10-1-5 Permit required. Any person or entity desiring to use Maui County parks properties to conduct a gift and craft fair must first obtain the appropriate permit from the department:

(a) If the gift and craft fair is organized and conducted by the County, the applicant must obtain a type I permit;

(b) If the gift and craft fair is open to the public, co-sponsored by the County, and held by or for a nonprofit entity, the applicant must obtain a type II permit;

(c) If the gift and craft fair is organized and sponsored by any nonprofit entity which does not charge an admission to attend the activity, the applicant must obtain a type III permit;

(d) If the gift and craft fair is organized and sponsored by any nonprofit entity which charges admission to attend the activity, the applicant must obtain a type IV permit;

(e) If the gift and craft fair is organized and sponsored by any person or entity for the purpose of carrying on a profit making enterprise, the applicant must obtain a type V permit.

(f) Permits are non-transferable. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §§13.04.020, 13.04.030, 13.04.090)

§10-1-6 Permit fee required. Any person or entity desiring to use Maui County parks properties to conduct a gift and craft fair must pay the appropriate permit fee to the County as set forth in the annual budget:

(a) For type I and type II permits, no permit fee is required;

(b) For type III and type IV permits, the permittee shall pay the required flat fee, as set forth in the annual budget, at least thirty days in advance with the applicant's permit application per §10-1-13;

(c) For type V permits, the permittee shall pay the required flat fee, as set forth in the annual budget, in advance with the applicant's permit application per §10-1-13 and, if the required percentage of the gross receipts

is greater than the flat fee, the permittee shall pay the greater amount as follows:

- (1) The required percentage is set forth in the annual budget;
- (2) For purposes of calculating the required percentage, gross receipts shall include any and all income received by the permittee and any promoter from the gift and craft fair, including, but not limited to, admission gate charges, equipment rentals, booth or space rentals, receipts from sales of products and the sale or rental of any other items or services at the gift and craft fair, including refreshment concession receipts;
- (3) If it is greater than the flat fee, the required percentage shall be paid within forty-eight hours after the gift and craft fair closes with the permittee's affidavit per §10-1-14. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §§13.04.080, 13.04.090)

§10-1-7 Custodial deposit required. Any person or entity desiring to use Maui County parks properties to conduct a gift and craft fair must pay the appropriate custodial deposit to the County as set forth in the annual budget:

(a) For type I and type II permits, no custodial deposit is required;

(b) For type III, type IV, and type V permits, the permittee shall pay the required custodial deposit, as set forth in the annual budget, at least thirty days in advance with the applicant's permit application per §10-1-13. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §§13.04.080, 13.04.090)

§10-1-8 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. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2)

## SUBCHAPTER 2

### SPECIFIC PROVISIONS

§10-1-9 Hours of gift and craft fairs. Gift and craft fairs shall be conducted between the hours of 6:00 a.m. and 6:00 p.m., including set-up time and clean-up time. For special events associated with any holiday, the director may allow an extension of the closing hour for a gift and craft fair at an appropriate site depending on the adequacy of lighting, parking and other public safety factors at the site. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §13.04.220)

§10-1-10 Signs and other advertisements. (a) Signs advertising gift and craft fairs shall not be displayed on Maui County parks properties except with the prior written permission of the director. Such signs shall comply with the outdoor signs ordinance, chapter 16.12A of the Maui County Code, and may be displayed only at the site of the gift and craft fair. Signs may be displayed no longer than four days prior to the opening of the gift and craft fair, and must be removed no later than one hour after the close of the gift and craft fair.

(b) All other advertising material, including, but not limited to, handbills, circulars, and notices, shall not be displayed, posted, or distributed within Maui County parks properties, except with the prior written permission of the director. Permission may be granted only if the advertising material relates to services, goods, or facilities available within the premises, and the advertising material is found by the director to be desirable and necessary for the convenience and guidance of the general public. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §§13.04.040, 13.04.220)

§10-1-11 Dates and sites for gift and craft fairs. Gift and craft fairs shall be conducted only on dates and only at sites reserved by the procedures described in §10-1-12. Notwithstanding anything to the contrary in this chapter, any activity for which any park or recreational facility was specifically designed shall have priority to reserve that park or recreational facility for that activity. Such priority shall include, but is not limited to, playing football in football stadiums, playing baseball

in ballfields and baseball stadiums, playing soccer in soccer fields, and playing basketball and volleyball in gymnasiums. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §13.04.220)

§10-1-12 Reservation of dates and sites. Dates and sites for gift and craft fairs shall be reserved only by obtaining a signed written permit from the department, which permit shall be displayed at all times during the gift and craft fair.

(a) For type I and type II permits, the department may reserve dates and sites for gift and craft fairs at any site on any date, by the director calendaring them in advance on the department's master calendar.

(b) At the Lahaina Civic Center complex, for type III, type IV, and type V permits, dates for gift and craft fairs may be reserved in advance at the lottery meeting described herein:

- (1) Each fiscal year, the director shall designate, and the department shall advertise, a list of Sundays per month in the fiscal year which are available at the Lahaina Civic Center complex, for reservation in advance at the lottery meeting described herein. The director shall designate only Sundays on the list, and only those Sundays which are consistent with the following provisions:
  - (A) Two Sundays per month shall remain open and not subject to reservation in advance at the lottery meeting; these Sundays may be reserved for gift and craft fairs as provided in §10-1-12(a), §10-1-12(c), and §10-1-12(e);
  - (B) If any month has five Sundays, three Sundays that month shall be available for reservation in advance at the lottery meeting for type III, type IV, or type V permits for gift and craft fairs;
  - (C) If any month has four Sundays, two Sundays that month shall be available for reservation in advance at the lottery meeting for type III, type IV, or type V permits for gift and craft fairs.
- (2) Each fiscal year, the director shall also designate, and the department shall advertise, the date, time, and place of a lottery meeting to

be held as soon as practicable to select the permittees for gift and craft fairs on the Sundays advertised per §10-1-12(b)(1).

(3) The selection of permittees shall be made as follows:

(A) The department shall conduct a lottery to assign dates from the list of Sundays previously advertised per §10-1-12(b)(1);

(B) Applicants, or their authorized agents, who are present at the lottery meeting, shall submit their names in writing to the director for the lottery;

(C) The director shall randomly select the names and list them on a waiting list in the order that their names are drawn;

(D) Each name on the list shall proceed, in order, to select a date to reserve for a gift and craft fair from the list of Sundays previously advertised per §10-1-12(b)(1), until all available dates have been selected;

(E) After completing the selection of the advertised Sundays, those whose names are on the waiting list may choose to keep their names on the list for the opportunity to reserve any dates that may become available as provided in §10-1-12(c);

(F) At any time during the fiscal year, new applicants may add their names to the waiting list, adding their names last in order to the list, to reserve any dates that may become available as provided in §10-1-12(c).

(4) Any advertised dates that are not reserved by lottery at the lottery meeting shall be available for gift and craft fairs by reservation as provided in §10-1-12(a), §10-1-12(c), and §10-1-12(e).

(c) At the Lahaina Civic Center complex, for type III, type IV, and type V permits, dates for gift and craft fairs may also be reserved as follows:

(1) On the first Wednesday of each month, any applicant whose name is on the waiting list, described in §10-1-12(b)(3), may apply in person, at the West Maui district office, to reserve a date for a gift and craft fair on any available dates in the next month;

- (2) The dates available for reservation herein are any Sunday in the next month which was not reserved at the lottery meeting or becomes available by an applicant's failure to complete the permit process, cancellation or revocation, as well as any Saturday, Sunday, or holiday in the next month which is still available and not reserved for any gift and craft fair or other lawful purpose;
- (3) If more than one applicant applies, as provided herein, for the same available date in the next month, the reservation shall be given to the applicant who has had the fewest number of gift and craft fairs in that fiscal year with the highest priority on the waiting list described in §10-1-12(b)(3).
- (d) At any sites other than the Lahaina Civic Center complex, for type III, type IV, and type V permits, dates and sites for gift and craft fairs may be reserved for no more than one Sunday per quarter of each fiscal year, per site, that is still available, and not reserved for any gift and craft fair or other lawful purpose, up to no more than one year in advance of that Sunday.
  - (1) Any applicant or authorized agent shall apply in person, at the department office in the district where the available site is located, to apply for a permit for a gift and craft fair, up to no more than one year in advance of the available date.
  - (2) If demand should exceed supply at any of these sites, the director may utilize, as needed, the procedure of advertising a list of dates, and conducting a lottery meeting, as described in §10-1-12(b), to manage access to these sites.
- (e) At the director's discretion, the director may, in the public interest, issue permits for additional gift and craft fairs to be held at any site on any date. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §§13.04.020, 13.04.070, 12.04.220)

§10-1-13 Information to be submitted before gift and craft fair opens. Those selected by lottery, at the lottery meeting provided in §10-1-12(b), and all other applicants for gift and craft fairs according to these rules, shall submit to the department, at least fifteen days before the gift and craft fair opens, the following information:

(a) A completed permit application, proof of insurance per §10-1-16, and advance payment of permit fees and custodial deposits per §10-1-6 and §10-1-7;

(b) A statement, notarized by the applicant to be true and correct, containing the following information:

- (1) Preliminary floor plan showing how the tables will be displayed during the gift and craft fair;
- (2) Estimate how many artists, crafters, concessionaires, and any other sellers are expected to participate in the gift and craft fair, disclose the fees that they will be charged for equipment rentals, booth or space rentals, and any other charges by the permittee and any promoter, estimate the admission gate fees to be charged, and estimate the anticipated attendance at the gift and craft fair;
- (3) Copies of current general excise tax licenses for the applicant, any promoter, and all artists, crafters, concessionaires, and any other sellers who are expected to offer products, refreshments, or any other items for sale or rental at the gift and craft fair, unless such copies are already on file with the department; such licenses shall also be displayed at all times during the gift and craft fair;
- (4) If the applicant is a bona fide nonprofit entity, a list of current directors and officers, including addresses and phone numbers;
- (5) If the applicant is a bona fide nonprofit entity, one copy of its articles of incorporation and one copy of its bylaws;
- (6) For type II, type III, or type IV permits, the applicant shall submit reliable evidence that it is a bona fide nonprofit entity, including, but not limited to, certification of the applicant's compliance with section 503(c)(3) of the Internal Revenue Code (tax exemption);
- (7) Resume showing that the applicant or its promoter has had past experience conducting at least one gift and craft fair or similar event, or any other comparable qualifications of the applicant or its

- promoter to conduct the gift and craft fair for which a permit is being requested;
- (8) Any other information and documentation required by the director to properly process the application, to determine the ability of the applicant or its promoter to conduct a gift and craft fair, and to ensure that the applicant obtains the appropriate type of permit and pays the appropriate permit fee and custodial deposit. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §§13.04.020, 13.04.100, 13.04.220)

§10-1-14 Information to be submitted after gift and craft fair closes. Permittees shall submit the following information in writing to the department after the gift and craft fair closes:

- (a) Within forty-eight hours after the gift and craft fair closes, the permittee shall submit to the department:
- (1) For type V permits only, payment of the required percentage of gross receipts, as set forth in the annual budget, if this amount is greater than the flat permit fee already paid with the permit application submitted per §10-1-6 and §10-1-13;
  - (2) Copies of current general excise tax licenses, if not previously submitted to the department per §10-1-13, for any additional artists, crafters, concessionaires, and any other sellers who participated in the gift and craft fair;
  - (3) An affidavit by the permittee disclosing the following information:
    - (A) The total dollar amount and breakdown of gross receipts meaning, for purposes of this affidavit, any and all income received by the permittee and any promoter from the gift and craft fair including, but not limited to, admission gate receipts, booth or space rentals, equipment rentals, receipts from sales of products and the sale or rental of any other item or service at the gift and craft fair, including refreshment concession receipts;
    - (B) The total dollar amount of the gross receipts, disclosed per §10-1-14(a)(3)(A), received and retained by the permittee (not the promoter, if any) from the gift and

craft fair, excluding only refreshment concession receipts.

(b) Every type II, type III, type IV, and type V permittee shall also file timely gross income statements, and provide copies to the department, after the gift and craft fair closes per §10-1-15.

(c) If any type II, type III, type IV, or type V permittee is required by law to file financial statements or other disclosures, including, but not limited to, statements required by the state department of commerce and consumer affairs for persons and entities engaged in charitable solicitation activities, the permittee shall also submit copies of such statements or disclosures to the department within forty-eight hours after filing the same as required by law. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §§13.04.020, 13.04.080, 13.04.090, 13.04.100, 13.04.220)

§10-1-15 Filing of gross income statements. Every type II, type III, type IV, and type V permittee shall file gross income statements with the state tax collector on a monthly, quarterly or semi-annual basis as required by law, and shall submit copies of such statements to the director within forty-eight hours after filing such statement with the State tax collector. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §§13.04.020, 13.04.100, 13.04.220)

§10-1-16 Insurance requirement. Every type II, type III, type IV, and type V permittee shall secure general liability, property damage, and other insurance, in amounts and kinds established by the director of the department of finance, County of Maui; all insurance shall include the County of Maui as an additional insured on such policies; and proof of such insurance shall be submitted per §10-1-13. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §§13.04.020, 13.04.110, 13.04.220)

§10-1-17 Additional requirements on permittees. Permittees shall also comply with the following requirements:

(a) Every type II, type III, and type IV permittee shall actively participate in the gift and craft fair, and not merely sponsor the event, by providing at least one

display booth or table providing, free of charge to the general public, informational material about the permittee's non-profit purpose and organization, open at all times during the gift and craft fair.

(b) Every type II, type III, type IV, and type V permittee shall also do the following:

- (1) Obtain the necessary permits required by Federal, State and other agencies of the County of Maui;
- (2) Secure necessary utility services not provided by the department;
- (3) Hire personnel deemed necessary by the director for the safety and welfare of the general public;
- (4) Hire or arrange for volunteer off-duty Maui police department officer(s) or other security guard services as required for security, public safety, control of illegal vendors, illegal parking, etc., during the event's hours. The director shall determine the number and type of persons needed for these purposes at the gift and craft fair, after conferring with the permittee and the Maui police department before the gift and craft fair opens;
- (5) Arrange for delivery and pick-up of portable toilets and trash bins if any are required by the director, after conferring with the permittee before the gift and craft fair opens, to ensure proper sanitation and restoration of the premises;
- (6) Ensure that state department of health clearances have been obtained if food and refreshments are to be sold at the gift and craft fair, ensure that separate permits have been obtained for any refreshment concessions pursuant to section 13.04.150 of the Maui County Code, and submit health certificates to the department at least forty-eight hours before the gift and craft fair opens;
- (7) Ensure that the sale of food and refreshment items shall be limited only to those items which will be consumed at the gift and craft fair, excluding packaged items;
- (8) Ensure that current general excise tax licenses are displayed at all times during the gift and craft fair in the booth or space used by every artist, crafter, concessionaire, and any other sellers offering any items for rental or sale at the gift and craft fair;

(9) Perform any services deemed necessary by the director to accommodate the gift and craft fair.

(c) Permittees are bound by the permit conditions stipulated on or attached to the permit and any applicable Federal, State and County law, ordinances, rules and regulations. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §§13.04.020, 13.04.080, 13.04.090, 13.04.100, 13.04.150, 13.04.220)

§10-1-18 Inspection of records. Permittees, promoters, artists, crafters, concessionaires, and any other sellers participating in gift and craft fairs on Maui County parks properties, shall make their receipts, deposits and other records available to the department for inspection or audit, upon the department's request, and shall cooperate fully and assist the department in such inspection or audit, for purposes of determining compliance with these rules. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §13.04.220)

§10-1-19 Revocation of gift and craft fair permits.

(a) The director shall have the authority to revoke craft fair permit(s), in the same or subsequent fiscal year(s), or deny any future permit(s), for non-compliance with any permit condition, rule, ordinance or statute, as determined by the director.

(b) The director shall also deny any future permits to permit holders for a period of one year upon the failure on the part of the permittee to:

- (1) Satisfactorily clean and restore any park or recreational facility; or
- (2) Pay any costs in excess of the required custodial deposit to clean and restore any park or recreational facility. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, MCC §§13.04.080, 13.04.120, 13.04.220)

### SUBCHAPTER 3

#### HOW PUBLIC MAY OBTAIN INFORMATION

§10-1-20 Where obtained. The department shall maintain all rules, orders and opinions of the department on file and available for public inspection at its office.

Copies of rules and supplements thereto shall be available to the public at a price as provided by law. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2)

§10-1-21 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. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2)

#### SUBCHAPTER 4

##### PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF RULES

§10-1-22 Petition. Any person may petition the department for the adoption, amendment or repeal of any rules of the department. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §91-2, §91-6)

§10-1-23 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. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §§91-2, 91-6)

§10-1-24 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. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §§91-2, 91-8)

## SUBCHAPTER 5

### DECLARATORY RULINGS BY DEPARTMENT

§10-1-25 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. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §§91-2, 91-8)

§10-1-26 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. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §§91-2, 91-8)

§10-1-27 Rejection of petition. Any petition that does not conform to the foregoing requirements may be rejected by the department. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §§91-2, 91-8)

§10-1-28 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. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §§91-2, 91-8)

§10-1-29 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. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §§91-2, 91-8)

§10-1-30 Notification of petitioner. Upon the disposition of a petition, the petitioner shall be promptly informed thereof by the department within sixty days. [Eff. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §§91-2, 91-8)

§10-1-31 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. 07/30/94] (Auth: HRS §91-2) (Imp: HRS §§91-2, 91-8)

ADOPTED this 19th day of July,  
1994, at Wailuku, Maui, Hawaii.

DEPARTMENT:

By *Charmaine Tavares*  
CHARMAINE TAVARES  
Director of Parks and  
Recreation

*Linda Crockett Lingle*  
LINDA CROCKETT LINGLE  
Mayor, County of Maui

Approved this 19th day of  
July, 1994.

APPROVED AS TO FORM  
AND LEGALITY:

*Lillian B. Koller*

LILLIAN B. KOLLER  
Deputy Corporation Counsel  
County of Maui  
c:\rules\craft1(syc)

RECEIVED this 20th day of  
July, 1994 .

*Daryl T. Yamamoto*  
DARYL T. YAMAMOTO  
County Clerk  
County of Maui

CERTIFICATION

I, CHARMAINE TAVARES, 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 Relating to Gift and Craft Fairs on Maui County Parks Properties.

2. That the notice of public hearing on the foregoing rules was published in the Maui News on the 12th day of June, 1994.

COUNTY OF MAUI



CHARMAINE TAVARES  
Director