

CITY AND COUNTY OF HONOLULU  
DEPARTMENT OF PARKS AND RECREATION

1984 AMENDED RULES AND REGULATIONS FOR  
COMMUNITY RECREATIONAL GARDENING PROGRAM

Pursuant to and by virtue of the authority set forth in Chapter 13 of the Revised Charter of the City and County of Honolulu (1973), and Chapter 91, HRS, the Director of the Department of Parks and Recreation of the City and County of Honolulu, hereby adopts the following rules and regulations for the Community Recreational Gardening Program under the Department of Parks and Recreation.

PART I. GENERAL PROVISIONS

1.1 Applicability and Scope

a. These regulations shall apply to the operation and management of all community recreational gardening projects under the Department of Parks and Recreation. If any provision of these regulations, or the application of such provision is held to be invalid, the remaining portions of these regulations or the application of said portions shall not be affected.

1.2 Definitions

a. Whenever used in these rules, unless plainly evident from the context that a different meaning is intended:

1) "City" means the City and County of Honolulu.

2) "Department" means the Department of Parks and Recreation, City and County of Honolulu.

3) "Garden Plot" means land assigned to an individual or group to be used for gardening purposes.

4) "Garden Organization" means the collective gardeners in any one City garden organized to deal collectively with that garden's business.

5) "Gardens Council" means the Community Recreational Gardens Council.

1.3 Rules for Individual Gardeners

a. The City shall provide land and water. All other improvements and services shall be provided by the gardeners.

b. Assignment of garden plots will be issued by the Garden organization subject to approval of the Department and shall be on the basis of one plot per family or household. Each applicant must be 18 years or older. The plot must be worked by the person(s) or family whose name is on the application.

c. Gardeners, other than family members with the same surname, who wish to use garden plots cooperatively must sign the original application at the time it is first submitted. Nonfamily members who wish to co-garden a plot with original applicant(s) must follow regular procedure for plot application. When he or she reaches the head of the waiting list his or her name may be added to the original application if it is agreeable to the original applicant.

d. Produce shall not be sold or put to any commercial use.

e. Walkways, surrounding areas, and the garden plot must be kept clean and neat; trash and debris must be put in appropriate containers if available. If no containers are provided, each gardener must remove his own trash.

f. No pesticides which are poisonous to humans or are in poisonous concentrations, before or after application, shall be brought to or used in the garden area. (See attached approved list of acceptable pesticides and acceptable concentrations).

g. Water conservation policy prohibits the planting of flowers and vegetables requiring excessive watering (e.g., wetland taro, watercress, lotus).

h. No herbicides shall be used in the garden area.

i. The garden plot shall be returned in as good or better condition than when it was let out.

j. No illegal drug plants shall be grown.

k. The City may require return of the garden plot, by giving 30 days notice, if the garden area is required for another use.

l. The gardener is subject to all applicable rules of the City.

m. All gardeners become members of the garden organization upon assignment of a garden plot.

#### 1.4 Applications Procedure

a. Applications for garden plots will be issued by the garden organization's plot Application Officer on a first come, first served basis. Assignment will be issued by the Garden Organization subject to final approval of the Department.

b. The Application Number will indicate the order of plot assignment. Each applicant is allowed to choose from available plots.

c. The Application officer will provide a plot map showing the location and identifying symbol for each plot. As applicants choose their names will be entered on the plot map and their plot symbol entered on their application.

d. The "assignment begins" date shall be the assignment date. The "assignment ends" date shall be left open. A gardener may keep his plot indefinitely if he follows these rules and regulations and makes intensive recreational use of the plot.

## PART II. COMMUNITY GARDENS COUNCIL

2.1 Each garden organization shall be active participants in a Gardens Council composed of two members of each formally constituted garden organization.

## PART III. PENALTY

### 3.1 Penalty for Violation of Rules

a. Individual gardeners who knowingly and continuously break the preceding rules shall, after two warnings have their plot assignments revoked and be prohibited from re-applying for a period of up to one year.

## PART IV. METHODS WHEREBY PUBLIC MAY OBTAIN INFORMATION

### 4.1 Where Obtained

The public may obtain information as to matters within the jurisdiction of the Director of Parks and Recreation, Department of Parks and Recreation, City and County of Honolulu, by inquiring at:

a. The Office of the City Clerk, City Hall, where there are on file all rules of the Department; or

b. The office of the Department of Parks and Recreation. All rules, orders or opinions of the Department are on file and are available for public inspection at said office. Copies of compilation of rules and supplements thereto are available to the public at a price to be fixed by the agency to cover mailing and publication costs.

### 4.2 Submittals or Requests for Information

Such inquiry may be made in person at said offices during business hours, or by submitting a request for information in writing to the Director, Department of Parks and Recreation, 650 South King Street, Honolulu, Hawaii 96813.

## PART V. PETITION FOR ADOPTION, AMENDMENT OR REPEAL OF RULES

### 5.1 Petition

Any interested person may petition the Department requesting the adoption, amendment or repeal of any rules of the Department.

### 5.2 Submission

The petition shall be submitted in 10 copies to the Director, Department of Parks and Recreation, City and County of Honolulu. It shall include:

- a. A statement of the nature of the petitioner's interest.
- b. A draft of the substance of the proposed rule or amendment or a designation of the provision sought to be required.
- c. An explicit statement of the reasons in support of the proposed rule, amendment or repeal.

### 5.3 Disposition of Petition

The Department shall within 30 days after the submission of the petition either deny the petition in writing, stating its reasons for such 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.

## PART VI. DECLARATORY RULINGS BY DEPARTMENT

### 6.1 Petition

Any interested 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.

### 6.2 Submission of Petition

The petition shall be submitted in duplicate to the Director, Department of Parks and Recreation, City and County of Honolulu, and it shall contain:

- 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.

### 6.3 Rejection of Petition

Any petition which does not conform to the foregoing requirements may be rejected by the Department.

### 6.4 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 fact, or facts which can reasonably be expected to exist in the near future.
- b. The petitioner's interest is not of the type which would give him standing to maintain an action if he were to seek judicial relief.
- c. The issuance of the declaratory ruling may adversely affect the interests of the City, the Department or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise.
- d. The matter is not within the jurisdiction of the Department.

### 6.5 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.

### 6.6 Notification of Petitioner

Upon the disposition of his petition, the petitioner shall be promptly informed thereof by the Department.

### 6.7 Status of Orders

Orders 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.

## PART VII. RULES GOVERNING HEARINGS

### 7.1 Informal Discussion

A person seeking relief from any provision of the Community Recreational Gardens Rules and Regulations may discuss the matter informally with the Director of Parks and Recreation or his authorized representative.

### 7.2 Formal Application

If the matter is not disposed of thereby, such person may apply to the Department for relief by completing the appropriate "Application for Relief" form available at the Department of Parks and Recreation.

### 7.3 Public Hearing

Notice of such hearing, in conformance with Section 91-3, Hawaii Revised Statutes, shall be published at least twenty (20) days prior to such hearing in a newspaper of general circulation in the City and County of Honolulu. At the hearing, opportunity shall be afforded all persons to present evidence and argument on all issues involved.

ADOPTED this 24th day of October, 1984, by the Director of the Department of Parks and Recreation, City and County of Honolulu, State of Hawaii.

/s/ Emiko I Kudo  
EMIKO I. KUDO, Director  
Department of Parks and Recreation  
City and County of Honolulu

APPROVED as to form:

/s/ Maria C. Aviante-Tanaka  
Deputy Corporation Counsel

APPROVED this 24th day of  
October, 1984.

/s/ Eileen R. Anderson  
EILEEN R. ANDERSON, Mayor

## CERTIFICATION

I, EMIKO I. KUDO, in my capacity as Director of the Department of Parks and Recreation of the City and County of Honolulu, do hereby certify:

1. That the foregoing is a full, true and correct copy of the Rules of the Department of Parks and Recreation governing the operation and use of Community Recreational Gardens.
2. That a public hearing was held on the foregoing on May 29, 1984, and that the notice of public hearing, including a statement of the substance of the proposed Rules and Regulations, was published in the Honolulu Star Bulletin and Advertiser on May 5, 1984.

/s/ Emiko I Kudo  
EMIKO I. KUDO, Director  
Department of Parks and Recreation  
City and County of Honolulu

Received this 25th day of  
October, 1984.

RAYMOND K. PUA, City Clerk

### CITY AND COUNTY OF HONOLULU DEPARTMENT OF PARKS AND RECREATION

#### BY-LAWS FOR COMMUNITY RECREATIONAL GARDEN ORGANIZATION

- I. The objects and purposes of the organization are:
  - a. To support the aims and policies of the Department of Parks and Recreation's Community Recreational Gardening Program so that knowledge, enjoyment and recreation concerning the growing of vegetables, herbs and flowers may be spread and deepened among the people of Honolulu.
  - b. To foster, encourage and carry on instructions, demonstrations, lectures and other activities pertaining to horticulture;
  - c. To provide volunteer service to the garden and the gardeners;
  - d. To promote fellowship and neighborliness among the gardeners;

e. To aid in securing funds in any lawful way to support the garden's activities and programs.

## II. Organization and management

a. Any person who fills out an application becomes a member of the Garden Organization, although he is non-participatory until he is assigned a plot.

b. The Garden Organization for each garden site shall hold monthly meetings to conduct the business of garden management. All official business shall be conducted at these meetings. Members must attend a minimum of four meetings per year.

c. A bulletin board shall be placed in a prominent place near the entrance to the garden. Information shall be posted identifying the garden; giving the time, place, and date of monthly meetings; and announcing that application for membership may be made at monthly meetings. Applicants shall appear in person. The posting of any information relating to garden management on the bulletin board constitutes formal notification to all gardeners; every effort will be made to provide adequate interpretation for non-English speaking gardeners;

d. The Garden Organization shall have a president, vice president, secretary, treasurer and applications officer.

1) The duties of the president shall be to conduct meetings, set up meeting agenda, and represent the Garden Organization at community meetings, and appoint two representatives who shall attend monthly Garden Council meetings.

2) The duties of the vice-president shall be to stand in for the president when necessary. As needed by the Garden Organization, the vice-president will also act as the rules officer. He will compile and keep up to date a list of Garden Organization rules, which must be posted, and forward a copy to the City Coordinator. He will also provide advice on matters related to making and changing rules.

3) The duties of the secretary shall be to take minutes of the monthly meetings and forward a copy to the City staff supervisor; schedule monthly meetings as directed by the Garden Organization; set up and keep up to date a bulletin board (see item c above) where the minutes, notices, etc., are to be posted.

4) The duties of the applications officer shall be as indicated in Section III, Applications Procedure.

5) The duties of the treasurer shall be to collect, disburse, record funds; disbursements to be made only as approved by majority of Garden Organization officers.

6) Garden officers shall serve a term of office no longer than one year and shall not serve consecutive terms.



e. The Management duties of the Garden organization shall be:

1) To police the garden area and carry out a system of plot revocation and/or other enforcement activities to ensure that all gardeners follow the Rules and Regulations for the Community Recreational Gardening Program of the Department of Parks and Recreation of the City and County of Honolulu and the By-laws of this Garden Organization

2) To ensure that the Garden area is maintained as required by the City and the Garden Organization.

3) To survey and stake new plots.

4) To orient new gardeners to rules and procedures, and to set up a buddy system for non-English speaking gardeners.

f. The Garden Organization may perform other duties or services such as cooperative buying, defining common use areas, composting, social activities, collecting reasonable dues, etc.

g. The Garden Organization shall not take any action nor pass any rule which contradicts City Ordinance or Department policy or the intent of the Community Recreational Gardening Program.

### III. Application Procedure

a. Applications for garden plots will be issued by the applications officer on a first come, first served basis at monthly meetings of the Garden Organization. Approval of assignments will be by the Department.

b. The Application Number will indicate the order of plot assignment. Each applicant is allowed to choose from available plots.

c. The applications officer will provide a plot map showing the location and identifying symbol for each plot. As applicants choose their plots their names will be entered on the plot map and their symbol entered on their application.

d. The "assignment begins" date shall be the assignment date. The "assignment ends" date shall be left open. A gardener may keep his plot indefinitely if he follows these rules and regulations and makes intensive recreational use of the plot.

e. The applications officer will keep the file of applications up to date and will provide a quarterly report thereof to the Gardens Council and the Department.

f. Should plots become vacant and the applications officer has no waiting list he may temporarily assign, for a period not to exceed 60 days, vacant plots to members on a first come first served basis.

#### IV. Special Provisions:

##### Rules and Regulations

a. Every garden member must participate in at least two general garden cleanup parties per year;

b. The Garden Organization shall make special garden rules, including the collecting of fees and assessments; such rules may not be in contradiction of any City rule or law; such rules must be approved by a majority vote of gardeners present at a regular garden meeting following a 30-day written notification.

### CITY AND COUNTY OF HONOLULU DEPARTMENT OF PARKS AND RECREATION

#### BY-LAWS OF THE COMMUNITY RECREATIONAL GARDENS COUNCIL

##### I. The objects and purposes of the Council are:

- 1) To disseminate information concerning business affecting all gardens.
- 2) To act as liaison between the Director of Parks and Recreation and the garden organizations.
- 3) To assist garden organizations with obtaining educational materials and programs.
- 4) To maintain a gardener's library.
- 5) To assist the Department with disciplinary problems and act as a fact-finding board for gardeners appealing disciplinary decisions of the garden organization; findings and recommendations of the Council shall be forwarded to the Director of Parks and Recreation for final disposition.
- 6) To coordinate fund-raising efforts, maintain a treasury which shall be used only for purposes benefiting equally all garden organizations.
- 7) To assist the Director of Parks and Recreation in enforcing City Rules and Regulations within individual garden organizations.

## II. Organization and Management

- a. The Community Gardens Council shall be composed of two representatives from each garden organization.
- b. Representatives shall be appointed by the president of each garden organization.
- c. Representatives, or alternates appointed by the garden organization president, must attend all meetings of the council.
- d. The Council shall meet monthly at a time and place to be determined by the Council president.
- e. The Council shall elect from among the representatives, a president, vice-president, secretary and treasurer whose duties shall be those normally assigned under Roberts Rules of Order which shall govern the conducting of Gardens Council meetings.
- f. Council officers shall serve a term of office no longer than one year and shall not serve consecutive terms.