

**COUNTY OF KAUA'I  
DEPARTMENT OF PARKS AND RECREATION**

Under and by virtue of the authority conferred upon him by Chapter 91, Hawai'i Revised Statutes (HRS), Chapter 23, Article 3, Kaua'i County Code 1987, as amended, and every other enabling power, the Director of the Department of Parks and Recreation of the County of Kaua'i does hereby prescribe the following:

**RULES AND REGULATIONS  
RELATING TO CAMPING AT LYDGATE PARK**

Section 1. Applicability and Purpose. These rules shall apply to the area of Lydgate Park, as set forth in Exhibit A, which is attached hereto and made a part hereof which have been designated by the Director of the Department of Parks and Recreation as the designated campground at Lydgate Park. The purpose of these rules is to provide equitable opportunities to use the designated camp sites within this campground through a reservation and enforcement system; to prevent abuse and misuse of the public campground and facilities, especially to prohibit temporary or permanent housing and to provide overnight camping areas and facilities in suitable location away from crowded residential areas.

Section 2. Definition. As used in these rules, unless the context requires otherwise:

"Applicant" means the individual, group, organization or association which request use of the Lydgate Park Camp site.

"Authorized representative" shall mean any person authorized by the Director to act for the Department of Parks and Recreation.

"Camper" shall mean any person engaged in a camping activity.

"Campground" shall mean an area within a public park designated for camping purposes.

"Camping Activity" shall mean an act of sleeping during night time hours on the premises or the use or occupation of the premises by one or more persons who remain or intend to remain on the premises past the hours of 10:00 p.m. with an authorized permit. Being in possession of a backpack, tents, blankets, tarpaulins, or other obvious camping paraphernalia anytime after the closure of the park or after dark for areas with no closing time.

"Camping Permit" shall mean a written authorization issued by the Department of Parks and Recreation which allows the holder to camp in a designated camp site within the Lydgate Park campground.

"County Engineer" shall mean the head of the Department of Public Works.

"Director" shall mean the head of the Department of Parks and Recreation.

"Department" shall mean the Department of Parks and Recreation.

"Working days" shall mean Monday thru Friday, excluding Holidays.

"Year Long Period" shall mean a period of time, 365 days long. For the purposes of calculating days used by campers, a Year Long Period will begin on the first day a permit is issued for. At the end of a Year Long Period, a camper becomes eligible to camp again. The new Year Long Period will begin on the date the camper starts camping again, not the date the camper becomes eligible.

"Adult" shall mean any person that is 18 years of age or older at the time the camping permit is issued.

"Minor" shall mean any person that is under the age of 18 years of age at the time the camping permit is issued.

"Group Camping" shall mean camping by an organized group as defined in Section 19.2.5 of Article 2 Camping on County Parks and Properties where no less than 20 (twenty) persons are allowed to camp with only one permit.

"Permit Section" shall mean the Department of Parks and Recreation's Permit Section, during normal working hours 8:00 a.m. to 4:00 p.m.

"Permittee" shall mean the qualified person, group or organization to which a valid permit is issued.

"Structure" shall mean any shelter built with construction materials, but not including tent.

"Tent" shall mean a collapsible shelter of canvas or other material stretched and sustained by poles and used for camping outdoors.

"Family Size Tent" shall mean a tent with a maximum size of 20'x20'.

"Reservation" shall mean the act of securing camping accommodations through verbal or written request to the "Department of Parks and Recreation's Permit Section. A reservation does not constitute an official authorization to camp - a permit is required.

"Service Animal" shall mean any animal individually trained to do work or perform tasks for the benefit of an individual with a disability.

Section 3. Camping Permit Procedure. The Director or an authorized representative may issue camping permits. The following conditions shall apply to all camping permits:

- (1) Reservations for camping will be allowed up to one (1) year in advance.
- (2) Camping Permits shall be issued no earlier than one (1) year in advance prior to scheduled camping activity.
- (3) Only adults may be issued permits. Photo identification cards, original and/or photocopies of all persons over 18 years of age listed on the camping permit shall be required before issuance of a camping permit.
- (4) A Hawai'i Driver's License or Hawai'i State ID is required for Hawai'i Resident Fees.
- (5) When a permit application is made the applicant must state the type of camping equipment to be used (i.e. number of tents and sizes, etc.).
- (6) Permits shall be issued from the Department or other agency that is designated by the Director.
- (7) Special group camping permit may be issued to any organized group except during three day weekends. No group camping shall be issued during three day weekends except by approval of the Director of parks and Recreation.
- (8) Reservation for organized youth groups need to be made in writing to the Department of Parks and Recreation, Permit Section, 4444 Rice Street, Mo`ikeha Building, Suite 105, Lihue, Kauai, Hawaii 96766, no earlier than one year prior and no less than 30 working days prior to the scheduled camping activity. Written requests will be accepted on a first-come-first-served basis.
- (9) A permit may be issued for one or more consecutive days, but may not exceed five (5) consecutive days. Each camping day shall be deemed to begin at 12:00 noon and shall continue until 10:00 a.m. on the following day.
- (10) Each applicant shall be limited to only one (1) camping permit at any time.
- (11) Unless authorized by the Authorized Representative, the maximum capacities of campers at designated permitted campsites are as follows:
  - 10' x 10' camp site - 5 people
  - 20' x 20' camp site - 10 people
  - Group Camp Area - not less than 20, not more than 200 people
- (12) Each camper shall be limited to sixty (60) camping days per Year Long

Period as set forth in Section 19-2.4, (4).

#### Section 4. Revocation of Permits.

- (1) Permits may be cancelled or terminated at anytime without notice when:
  - (a) A state of emergency is declared by the Director or other proper authorities.
  - (b) For health and safety purposes.
  - (c) Natural or civil disturbances, including but not limited to tsunamis, floods, earthquakes, storms, riots, demonstrations and employee strikes occur or threaten to occur.
  - (d) There is a violation of permit conditions or other provisions of these rules.
  - (e) Fees are required, are not paid.

(2) Any person aggrieved by the revocation permit may appeal to the Director. The time for initiating appeal shall be limited to 30 days, measured from the date the notice of revocation is mailed or presented by the Department to the aggrieved person, at the last known address.

#### Section 5. Failure to use Camping Permit.

- (1) If any camping permit is not used, the Department shall be contacted no later than one working day after the first day of permitted use and cancel the permit. Failure to notify in the prescribed manner shall be deemed to be a use permit.
- (2) Refunds of camping fees will be permitted under the following conditions:
  - (a) Camper adheres to Section 5(1),
  - (b) Campers shall furnish proof that other accommodations were utilized and camping permit was not in effect, such as written receipts of hotel and/or motel accommodations, State Park permits, and
  - (c) All copies of camping permit are returned to the Department.
- (3) Credit for unused days will be given from date the permit is received by the Department and will be applied towards the 60 day yearly limit.

#### Section 6. Camping Rules and Regulations.

(1) Camping is permitted only at designated camp sites within the Lydgate Park campground. Campers shall have a valid camping permit before setting up at a designated camp site.

(2) A valid camping permit must be displayed on a tent or structure at a designated camp site at all times.

(3) Unless authorized by the Authorized representative, the construction of any structure for camping purposes other than a tent shall not be allowed in the campground.

(4) Use of the Department's electricity for lights, appliances, etc., or hookup for water in connection with camping is not permitted. Extension cords from comfort station to tents is not permitted.

(5) The kindling, building or maintaining of open or pit campfires is prohibited. Fires may be allowed in grills and braziers for cooking purposes. Ashes and charcoal shall not be deposited near trees, scrubs or vines, but shall be left or deposited in designated areas.

(6) Special care shall be taken in order that trees, shrubs and vines are not damaged or destroyed. Nails, screws or spikes shall not be driven into trees or structures.

(7) Camping areas shall be kept cleared of litter and trash at all times, and refuse must be placed in proper containers.

(8) Each permittee shall leave the camp site in a sanitary, clean and orderly condition.

(9) Minors must be accompanied by at least one responsible adult at all times. No minors will be left unattended at any time.

(10) No animals, except Service Animals are allowed in the campground.

(11) No generators of any type shall be operated at the campground.

(12) Unless authorized by the Authorized representative, large military or similar size tents to accommodate a large number of people are prohibited. The maximum allowable tent size shall be 20 feet by 20 feet.

(13) All tents shall be setup in the numbered camp site that is listed on the camping permit.

(14) All tents, camping gear and personal belongings shall remain within the designate camp site area.

(15) The Authorized representative may designate and prohibit camping in

certain areas of the campground for maintenance purposes.

(16) The campground will be closed for maintenance every Tuesday morning from 10:00 a.m. through Thursday at 12:00 p.m.

(17) Items not commonly used for camping, such as pool tables, furniture, appliances, etc., shall not be allowed in campgrounds.

(18) Lydgate campground will have 32 designated camp sites. 20 (twenty) 20'x20' Large Family Camp sites, 8 (eight) 10'x10' Regular Family Camp sites, 3 (three, one raised & two flat) ADA Accessible Camp sites, and one large open Group Camp site. Camping will only be allowed in the designated numbered sites. Camping outside of designated sites will not be allowed.

- (a) Permits for designated sites are issued on a first-come first-served basis.
- (b) Site numbers will be printed on the camping permit.
- (c) Campers must have a camping permit in their possession before they setup at a designated campsite.
  - i. Designated ADA Accessible camp sites are sites #1, #2 and #3.
  - ii. If no regular campsites are available, an ADA Accessible Camping site may be reserved by a person without disabilities on a day-to-day basis only.
  - iii. Sites #1 & #2 are flat sites, site #3 is a raised site.
- (d) Designated Group Camp sites (20'x20') are sites #4, #5, #6, #7, #8, #9, #18, #19, #20, #21, #22, #23, #24, #25, #26, #27, #28, #29, #30 & #31. These sites are for no more than 10 (ten) campers.
- (e) Designated Regular Camping sites (10'x10') are sites #10, #11, #12, #13, #14, #15, #16 & #17. These sites are for no more than 5 (five) campers.
- (f) All motorized vehicles must be parked in designated parking areas. No motorized vehicles will be allowed in camping areas.

(19) No person shall urinate or defecate on the premises other than in the toilet facilities provided.

(20) No loud noise or loud music of any kind permitted between 10:00 p.m. to 6:00 a.m.

(21) All camping gear and personal belongings must be removed from the campground and park by 10:00 a.m. on the last date listed on the permit. Nothing may be stored or left in the campground or park after the permit expires.

(22) At the expiration of a camping permit, the permittee must dismantle and remove from the park any tent, trailer or any other camping equipment that was used. The Department reserves the right to remove any equipment or personal belongings which are left in the park by the permittee beyond the permit period or remove equipment left in the park by the permittee, the permittee's guests or illegal campers. Anyone claiming ownership of equipment or belongings shall be responsible for all costs incurred in the removal and storage of the equipment or belongings removed from park.

(23) Persons without valid camping permits are not allowed in the campground areas between the hours of 9:00 p.m. and 6:00 a.m. the following morning.

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

Section 7. Penalties. Any person violating any provision of these rules shall upon conviction be punished by a fine not exceeding one-hundred dollars (\$100.00). Each day of violation shall be a separate offense.

Section 8. Closing of Areas. The Director, County Engineer or Authorized representative may establish a reasonable schedule for the closure of the campgrounds and restrict the public use of all or any portion thereof, for the protection, restoration and preservation of areas and facilities, or the health, safety and welfare of persons or property. Unauthorized vehicles left in closed areas may be towed away at the owner's expense as provided in Chapter 290, Hawaii Revised Statutes.

Section 9. Severability. If any section, subsection, sentence, clause, phrase, or portion of these rules is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

PROMULGATION OF THE RULES AND REGULATIONS  
RELATING TO CAMPING AT LYDAGTE PARK

The Rules and Regulations Relating to Camping at Lydgate Park of the County of Kauai, State of Hawai'i were decided to be recommended for approval, pursuant to HRS 91-3 (2), thirty (30) days after the public hearing held by the Director of Parks and Recreation of the County of Kaua'i, State of Hawai'i on the 3<sup>rd</sup> day of January 2012.

The rules shall become effective ten (10) days upon filing with the County Clerk of the County of Kaua'i.

BY ORDER OF THE DIRECTOR OF PARKS AND RECREATION OF THE  
COUNTY OF KAUA'I, STATE OF HAWAI'I.



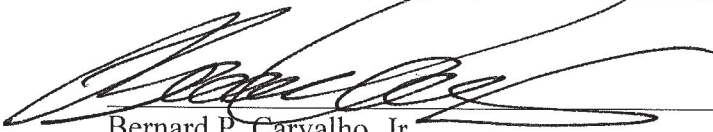
Leonard A. Rapozo, Jr., Director of Parks and Rec.

APPROVED AS TO LEGALITY AND FORM:



*for* Alfred B. Castillo, Jr.  
County Attorney

APPROVED THIS 5<sup>th</sup> DAY OF April, 2012.



Bernard P. Carvalho, Jr.  
Mayor of the County of Kaua'i

I HEREBY CERTIFY THAT THE FOREGOING RULES AND REGULATIONS  
RELATING TO CAMPING AT LYDGATE PARK OF THE COUNTY OF KAUA'I WERE  
RECEIVED AND FILED IN MY OFFICE THIS 9<sup>th</sup> DAY OF April, 2012.



Ricky Watanabe, County Clerk

PUBLIC NOTICE: December 2, 2011

PUBLIC HEARING: January 3, 2012