

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 11

OCEAN RECREATION AND COASTAL AREAS

PART III

OCEAN WATERS, NAVIGABLE STREAMS AND BEACHES

CHAPTER 255

WAIKIKI BEACH

Historical note

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Historical note: This chapter is based on the rules governing Waikiki Beach, effective November 6, 1981, under the jurisdiction of the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related vessel activity was transferred from the Department of Transportation, Harbors Division to the Department of Land and Natural Resources, Division of Boating and

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Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

§13-255-1 Purpose and scope. The purpose of these rules is to further the public interest and welfare and to promote safety by keeping Waikiki Beach, as defined in section 13-255-5, free and clear of business activities and obstructions and open for the use of the public as a bathing beach and for passing over and along by foot. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-255-1 Interpretation. If any section of these rules is inconsistent with any act of the Congress of the United States or any rule, or standard established pursuant thereto, the section shall be construed to be superseded or governed thereby. Nothing contained in these rules shall be construed to limit the powers of any state department or agency. These rules shall be construed liberally and consistent with the purpose stated in section 13-255-1. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-255-3 Severability. These rules are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of these rules or the application of the remainder to other persons or property shall not be affected. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-255-4 Reserved

§13-255-5 Definitions. As used in this part, unless the context clearly indicates otherwise:

"Business" means all activities engaged in or caused to be engaged in by any person or legal entity with the object of making a profit or obtaining an economic benefit either directly or indirectly.

"Chairperson" means the chairperson of the board of land and natural resources of the State of Hawaii or a duly authorized representative or subordinate.

"Department" means the department of land and natural resources of the State of Hawaii.

"Person" means any individual, partnership, firm, society, incorporated association, joint venture, group, hui, joint stock company, corporation, trustee or any other legal entity.

"Rules" means the Rules Governing Hawaii Ocean Waters, Navigable Streams and Beaches of the department of land and natural resources, State of Hawaii.

"State" means the State of Hawaii.

"Waikiki Beach" means any and all lands along the shores of the island of Oahu from the Diamond Head boundary of the Elks Club (Tax Map Key No. 3-1-32-6) to the Diamond Head boundary of Fort DeRussy (Tax Map Key No. 2-6-05), seaward of line "A" as shown on exhibit "A" and described in exhibit "B", dated July 13, 1965, and located at the end of this chapter, over which the State of Hawaii now has or hereafter acquires an easement for the use of the public as a bathing beach and for passing over and along by foot. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-255-6 Waikiki Beach uses and activities; restrictions. (a) Permitted activities. Waikiki Beach is open to public use for sunbathing, foot traffic, swimming, and other activities which, when engaged in, will not unduly disrupt others from enjoying the beach.

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(b) Business operations, soliciting prohibited. No person shall engage in, conduct, transact, or solicit business of any kind on or at Waikiki Beach.

(c) Storage, parking, and display prohibited. No person shall store, park, moor, place, or display any thing or personal property on or at Waikiki Beach for the purpose of engaging in, conducting, transacting, or soliciting business of any kind; provided that an outrigger canoe or sailing catamaran registered by the department pursuant to Hawaii ocean waters and shores rules may be placed, moored, or anchored below the mean high water mark.

(d) Structures and obstructions prohibited. No person shall construct, erect, place, deposit, or set up any building, structure, booth, wall, obstruction, or any improvement of any kind, whether temporary, portable, or permanent in nature, on or at Waikiki Beach, except such as may be approved by the department for sporting events, public safety, or for beach construction, repairs, preservation, or cleaning. In addition to any other available remedies, the department may remove, raze, or demolish the same wherever found at Waikiki Beach.

(e) Ball, etc., playing and kite flying prohibited. No person shall throw, cast, catch, kick, or strike any type of ball, frisbee, or other similar object while on or at Waikiki Beach. No person shall fly a kite of any kind while on or at Waikiki Beach. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4, 200-06)

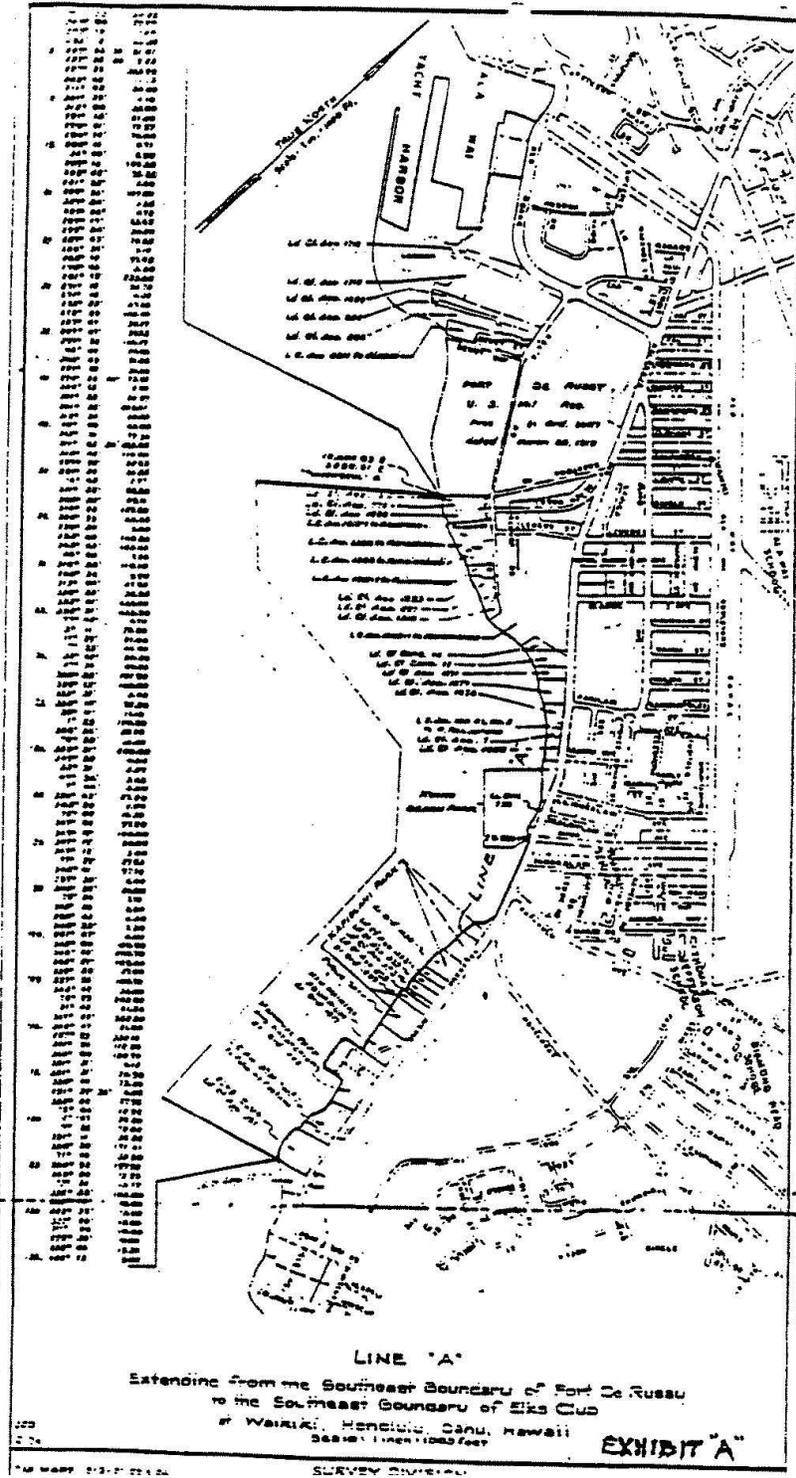
§13-255-7 Penalties. Any person who is guilty of violating these rules shall be fined not more than \$10,000 as provided in section 200-14, Hawaii Revised Statutes. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §200-14)

§13-255-8 Powers of arrest. Any law enforcement officer or any duly authorized employee, agent, or representative of the department who observes any

violation by any person of these rules may forthwith arrest the person without a warrant. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-3, 200-4)

§13-255-9 Taking legal custody of property. As incident to a lawful arrest, the arresting authority may take legal custody of any personal property which is the subject of or related to any violation of these rules. The property may be released only upon approval by the court which has jurisdiction of the case. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-255-10 Attorney general. The attorney general may bring appropriate proceedings to enjoin the continuance of any act or omission in violation of these rules. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)



DEPARTMENT OF TRANSPORTATION

STATE OF HAWAII

C.S.F. NO. 14,677

EXHIBIT B

July 13, 1965

LINE "A"

Extending from the southeast boundary of Fort De Russey
to the southeast boundary of Elks Club

Waikiki, Honolulu, Oahu, Hawaii

Beginning at the northwest end of this line, being also the west corner of Land Court Application 1510 and the south corner of Fort De Russey Military Reservation, Presidential Executive Order 3067, dated March 25, 1919, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCBOWL" being 12,454.63 feet South and 5280.81 feet East, thence running by azimuths measured clockwise from True South:-

1. 303° 00' 50.26 feet along Land Court Application 1510;
2. 303° 00' 99.09 feet along Land Court Application 774, as shown on Map 2;
3. 293° 12' 1.49 feet along Land Court Application 774, as shown on Map 2;
4. 293° 12' 46.36 feet along Land Court Application 1628;
5. 289° 56' 30" 81.61 feet along Land Court Application 1628;
6. 289° 56' 30" 9.25 feet along the southwest end of the Roadway;
7. 287° 29' 383.90 feet along L.C.Aw. 1512 Apana 1 to Nalaweha, L.C.Aw. 1380 to Kahaheo and L.C.Aw. 1388 to Kahaleuliuli;
8. 245° 48' 11.15 feet along L.C.Aw. 1388 to Kahaleuliuli;
9. 211° 06' 34.00 feet along L.C.Aw. 1388 to Kahaleuliuli;

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10. 301° 33' 4.10 feet along L.C.Aw. 1388 to Kahaleuliuli;
11. 315° 00' 32.00 feet along L.C.Aw. 1388 to Kahaleuliuli;
12. 291° 15' 51.80 feet along L.C.Aw. 1380 to Kahaheo;
13. 290° 21' 72.57 feet along L.C.Aw. 1281 Apana 1 to Kuluwailehua;
14. 294° 14' 70.04 feet along L.C.Aw. 1281 Apana 1 to Kuluwailehua;
15. 294° 14' 0.71 feet along Lot 1 as shown on Map 1 of Land Court Application 1693 to a "+" cut in concrete;
16. 34° 40' 8.95 feet along Lot 1 as shown on Map 1 of Land Court Application 1693 to a "+" cut in concrete;
17. 289° 14' 129.55 feet along Lot 1 as shown on Map 1 of Land Court Application 1693;
18. 288° 46' 95.25 feet along Lot 1 as shown on Map 1 of Land Court Application 1693 to a "+" cut in concrete;
19. 261° 55' 3.60 feet along Lot 1 as shown on Map 1 of Land Court Application 1693 to a "+" cut in concrete;
20. 289° 34' 107.80 feet along Lot 1 as shown on Map 1 of Land Court Application 291;
21. 327° 54' 1.35 feet along Lot 1 as shown on Map 1 of Land Court Application 291 to a "+" cut on top of seawall;
22. 327° 54' 0.72 feet along Lot A as shown on Map 2 of Land Court Application 1316 to a "+" cut on top of seawall;
23. 289° 17' 63.05 feet along Lot A as shown on Map 2 of Land Court Application 1316;
24. 295° 54' 30.20 feet along Lot A as shown on Map 2 of Land Court Application 1316;
25. 287° 43' 78.85 feet along Lot A as shown on Map 2 of Land Court Application 1316;
26. 286° 34' 7.16 feet along Lot A as shown on Map 2 of Land Court Application 1316 to a "+" cut on top of seawall;

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27.	268°	12'	97.45 feet	along L.C.Aw. 1445 Apana 1 to Kanemakua;
28.	170°	45'	5.50 feet	along L.C.Aw. 1445 Apana 1 to Kanemakua;
29.	261°	19'	233.06 feet	along L.C.Aw. 1445 Apana 1 to Kanemakua;
30.	271°	16'	94.72 feet	along L.C.Aw. 1445 Apana 1 to Kanemakua;
31.	271°	16'	14.32 feet	along Lot 3 as shown on Map 1 of Land Court Consolidation 14;
32.	275°	25'	47.36 feet	along Lot 3 as shown on Map 1 of Land Court Consolidation 14;
33.	275°	25'	105.14 feet	along Lot 4 as shown on Map 2 of Land Court Consolidation 12;
34.	287°	47'	96.17 feet	along Lot 4 as shown on Map 2 of Land Court Consolidation 12;
35.	287°	47'	35.73 feet	along Lot D as shown on Map 1 of Land Court Application 1071;
36.	297°	32'	114.17 feet	along Lot D as shown on Map 1 of Land Court Application 1071;
37.	43°	49'	14.00 feet	along Lot B as shown on Map 1 of Land Court Application 1677;
38.	302°	43'	91.66 feet	along Lot B as shown on Map 1 of Land Court Application 1677;
39.	291°	29'	90.00 feet	along Lot B as shown on Map 1 of Land Court Application 1677;
40.	294"	28' 40"	73.56 feet	along Lot B as shown on Map 1 of Land Court Application 1677;
41.	224°	15'	8.00 feet	along Lot B as shown on Map 1 of Land Court Application 1677 to a "→" cut on top of seawall;
42.	301°	38'	20.87 feet	along Lot B as shown on Map 3 of Land Court Application 1274 to a "+" cut on top of seawall;

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- 43. 301° 38' 203.41 feet along Lot A-2 as shown on Map 4, Lots A-1-A, A-1-B and A-1-C, as shown on Map 5 of Land Court Application 1274;
- 44. 312° 50' 60.83 feet along L.C.Aw. 104-F.L. Apana 5 to M. Kekuanaoa;
- 45. 48° 00' 43.00 feet along Easement "A" as shown on Map 2 of Land Court Application 7;
- 46. 313° 01' 79.30 feet along Easement "A" as shown on Map 2 of Land Court Application 7;
- 47. 311° 03' 30" 165.06 feet along Easement "B" as shown on Map 1 of Land Court Application 1686;
- 48. 318° 42' 110.00 feet along Easement "B" as shown on Map 1 of Land Court Application 1686;
- 49. 227° 20' 22.53 feet along Easement "B" as shown on Map 1 of Land Court Application 1686;
- 50. 321° 32' 81.55 feet along Kuhio Beach Park;
- 51. 14° 45' 2.97 feet along Kuhio Beach Park;
- 52. 311° 32' 88.20 feet along Kuhio Beach Park;
- 53. 305° 38' 89.11 feet along Kuhio Beach Park;
- 54. 314° 22' 127.60 feet along Kuhio Beach Park;
- 55. 324° 35' 65.05 feet along Kuhio Beach Park;
- 56. 239° 30' 9.00 feet along Kuhio Beach Park;
- 57. 333° 49' 145.80 feet along Kuhio Beach Park, Governor's Executive Order 980;
- 58. 343° 03' 163.40 feet along Kuhio Beach Park, Governor's Executive Order 980;
- 59. 56° 00' 7.20 feet along Kuhio Beach Park;
- 60. 316° 50' 110.10 feet along Kuhio Beach Park;
- 61. 240° 36' 9.90 feet along Kuhio Beach Park;
- 62. 313° 00' 47.05 feet along Kuhio Beach Park, Governor's Executive Order 980;

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63.	330°	33'	36.95 feet along Kuhio Beach Park, Governor's Executive Order 980, to the southwest side of Kalakaua Avenue;
64.	333°	41'	433.40 feet along the southwest side of Kalakaua Avenue;
65.	336°	31'	433.90 feet along the southwest side of Kalakaua Avenue;
66.	77°	42'	8.70 feet along Kapiolani Park;
67.	5°	11'	73.80 feet along Kapiolani Park;
68.	11°	29'	21.00 feet along Kapiolani Park;
69.	17°	25'	44.40 feet along Kapiolani Park;
70.	33°	42'	50.20 feet along Kapiolani Park;
71.	57°	34'	40.20 feet along Kapiolani Park;
72.	358°	55'	161.90 feet along Kapiolani Park;
73.	359°	15'	100.60 feet along Kapiolani Park;
74.	263°	35'	5.40 feet along Kapiolani Park;
75.	358°	14'	98.20 feet along Kapiolani Park;
76.	80°	11'	11.10 feet along Kapiolani Park;
77.	1°	28'	100.80 feet along Kapiolani Park;
78.	356°	34'	52.10 feet along Kapiolani Park, Governor's Executive Order 1438;
79.	70°	59'	10.20 feet along Kapiolani Park, Governor's Executive Order 1438;
80.	352°	51'	200.08 feet along Kapiolani Park, Governor's Executive Order 1438;
81.	349°	59'	4.54 feet along Land Court Application 1085;
82.	56°	31'	5.27 feet along Land Court Application 1085;
83.	47°	34'	3.48 feet along Land Court Application 1085;
84.	9°	00'	5.30 feet along Land Court Application 1085;
85.	350°	43'	87.20 feet along Land Court Application 1085;

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86.	345° 20'	2.60 feet along Land Court Application 339;
87.	76° 00'	10.30 feet along Land Court Application 339;
88.	347° 02'	97.20 feet along Land Court Application 339;
89.	347° 12'	100.00 feet along Land Court Application 296;
90.	347° 12'	50.00 feet along Land Court Application 295;
91.	347° 12'	3.00 feet along Kapiolani Park Governor's Executive Order 1689;
92.	77° 32'	27.60 feet along Kapiolani Park, Governor's Executive Order 1689;
93.	346° 41'	97.10 feet along Kapiolani Park, Governor's Executive Order 1689;
94.	257° 30'	6.00 feet along Kapiolani Park, Governor's Executive Order 1689;
95.	340° 56'	32.80 feet along Kapiolani Park (Public Baths);
96.	78° 34'	7.70 feet along Kapiolani Park (Public Baths);
97.	343° 28'	8.50 feet along Kapiolani Park (Public Baths);
98.	260° 43'	4.60 feet along Kapiolani Park (Public Baths);
99.	346° 33'	7.30 feet along Kapiolani Park (Public Baths);
100.	261° 07'	4.00 feet along Kapiolani Park (Public Baths);
101.	345° 04'	55.90 feet along Kapiolani Park (Public Baths);
102.	345° 25'	246.70 feet along Kapiolani Park (Public Baths);
103.	346° 27'	169.40 feet along the New Waikiki Aquarium Site, Governor's Executive Order 1817;
104.	339° 58'	37.00 feet along the New Waikiki Aquarium Site, Governor's Executive Order 1817;

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105.	337°	35'	105.70 feet	along the New Waikiki Aquarium Site, Governor's Executive Order 1817;
106.	346°	42'	36.00 feet	along the New Waikiki Aquarium Site, Governor's Executive Order 1817;
107.	76°	29'	245.60 feet	along the Memorial Park and Natatorium Site, Governor's Executive Order 1446;
108.	31°	42'	21.60 feet	along the Memorial Park and Natatorium Site, Governor's Executive Order 1446;
109.	347°	02'	352.30 feet	along the Memorial Park and Natatorium Site, Governor's Executive Order 1446;
110.	302°	47'	21.60 feet	along the Memorial Park and Natatorium Site, Governor's Executive Order 1446;
111.	257°	28'	252.10 feet	along the Memorial Park and Natatorium Site, Governor's Executive Order 1446;
112.	341°	30'	112.00 feet	along the Memorial Park and Natatorium Site, Governor's Executive Order 1446;
113.	344°	00'	150.70 feet	along the Memorial Park and Natatorium Site, Governor's Executive Order 1446;
114.	351°	31'	0.12 feet	along the Memorial Park and Natatorium Site, Governor's Executive Order 1446;
115.	351°	31'	20.98 feet	along L.C.Aw. 5931, Part 1 to Pehu no Keekapu;
116.	350°	10'	79.20 feet	along L.C.Aw. 5931, Part 1 to Pehu no Keekapu;
117.	251°	39'	4.86 feet	along L.C.Aw. 5931, Part 1 to Pehu no Keekapu;
118.	352°	02'	27.96 feet	along L.C.Aw. 5931, Part 1 to Pehu no Keekapu;
119.	75°	04'	12.92 feet	along L.C.Aw. 5931, Part 1 to Pehu no Keekapu;
120.	6°	57'	39.80 feet	along L.C.Aw. 5931, Part 1 to Pehu no Keekapu;
121.	17°	26'	78.60 feet	along L.C.Aw. 5931, Part 1 to Pehu no Keekapu;

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122.	351° 14'	36.52 feet	along L.C.Aw. 5931, Part 1 to Pehu no Keekapu;
123.	350° 58'	171.41 feet	along L.C.Aw. 5931, Part 1 to Pehu no Keekapu;
124.	71° 40'	32.50 feet	along Lot 3 as shown on Map 4 of Land Court Application 351;
125.	354° 52'	197.90 feet	along Lots 3 and 4 as shown on Map 4 of Land Court Application 351;
126.	345° 50'	15.90 feet	along Lot 4 as shown on Map 4 of Land Court Application 351;
127.	73° 50'	10.30 feet	along Lot 4 as shown on Map 4 of Land Court Application 351;
128.	336° 58'	103.00 feet	along Lot 4 as shown on Map 4 of Land Court Application 351;
129.	328° 10'	15.00 feet	along Lot 4 as shown on Map 4 of Land Court Application 351;
130.	323° 35'	15.00 feet	along Lot 4 as shown on Map 4 of Land Court Application 351;
131.	320° 20'	15.00 feet	along Lot 4 as shown on Map 4 of Land Court Application 351;
132.	311° 00'	10.00 feet	along Lot 4 as shown on Map 4 of Land Court Application 351;
133.	295° 30'	10.00 feet	along Lot 4 as shown on Map 4 of Land Court Application 351;
134.	288° 05'	19.30 feet	along Lot 4 as shown on Map 4 of Land Court Application 351;
135.	126° 15'	9.40 feet	along Lot 4 as shown on Map 4 of Land Court Application 351, to the end of said line, being the common corner of Lot 1 as shown on Map 3 of Land Court Application 13, Lot 1-B as shown on Map 2 and Lot 4 as shown on Map 4 of Land Court Application 351, the true azimuth and distance from the end of said line to the line of breakers, being 70° 40' 1420.00 feet.