

A. Open Space Management Policy

1. Purpose

This document establishes policy and sets forth rules and regulations for the operation, maintenance and management of open space under the jurisdiction of the Town of Tiburon.

2. Definition of Open Space

Any area of land or water which is essentially unimproved natural landscape area, such as rivers, streams, watershed and shoreline lands, forest and agricultural lands, ridges, hilltops, canyons and other scenic areas including trails, roads and lanes within these areas acquired and/or leased by the Town of Tiburon for open space purposes.

3. General Management Policies

The Town Manager or his designated representative is responsible for the administration and management of open space areas and facilities under the jurisdiction of the Town of Tiburon. The Tiburon Parks and Open Space Commission shall serve as an advisory body to the Town Council and staff on all matters concerning the management and use of open space.

Management of open space land and water areas acquired and/or leased by the Town of Tiburon shall be compatible with the goals and objectives of the Open Space Conservation Element of the Tiburon General Plan.

The Town may dispose of lands considered surplus to its Open Space program goals and objectives in accordance with the Town Council policy. Open space lands shall be open to the public for their use and enjoyment in accordance with the policies, rules and regulations established by the Town.

The Town shall encourage and seek agreements with other governmental jurisdictions such as County, State, Federal and other agencies for funding, acquisition, development, maintenance and use of open space areas.

The Town shall encourage and promote cooperation and participation of private groups, organizations, and individuals in the planning, operations and preservation of open space lands as deemed necessary by the Town of Tiburon. The Town shall, whenever possible, coordinate the use of its open space lands with other public and quasi-public lands that are contiguous to or otherwise inter-related. The Town may, wherever possible, consider land capability information regarding slope stability and

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seismic hazard of a site in determining public access and activities within designated open space areas.

The Town shall take reasonable precautions to reduce or eliminate existing and potential hazards or dangerous and defective conditions which may be sources of injury to persons using open space areas.

The Town may engage in landscape restoration and/or enhancement programs where the natural landscape has been altered or degraded. The Town shall install markers, signs or other means of clearly identifying restoration and/or enhancement programs in such a manner as to not detract from the beauty and natural quality of the open space. The Town may, wherever necessary, require access and maintenance of access to open space areas from adjacent lands proposed for development.

4. Use Policies

The Town shall encourage conservation and education uses through individual and group participation. The Town may provide conservation and education facilities, including nature trails, interpretive exhibits, day camps, nature study areas and other related facilities in areas where the effect on the natural environment will be minimal. The Town will permit public or private recreational activities in open space areas so designated for those types of uses. The Town will also permit recreational use such as hiking, riding, nature study, scientific study, photography, painting, sketching, picnicking, kite flying and other day-use recreational activities compatible with this use policy.

5. Maintenance, Operation and Control

The Public Works Department, in cooperation with other Town departments shall administer, maintain and operate open space lands for use and enjoyment by the public.

The Tiburon Police Department shall provide protection and law enforcement of open space areas and facilities.

The Tiburon Fire Protection District, Southern Marin Fire Protection District and County of Marin Fire Department shall provide fire protection and control of open space areas. The Tiburon and Southern Marin Fire Protection Districts will make recommendations to Town departments as to the reduction of fire hazards, fire roads and access, establishment of fire breaks in the open space areas.

B. Open Space Rules and Regulations

- 1. Use of Open Space:** No person or group of persons shall use any open space area or facility for any purposes inconsistent with this policy or any Town Ordinance or regulation except with written permission from the Town Manager.
- 2. Use of Building and Structures:** No person shall use, occupy or otherwise remain in a building, structure or facility parking area beyond normal use hours.
- 3. Hours of Use:** No person shall be allowed to enter, loiter or remain in or on any Town open space at any time one hour after sunset to one hour before sunrise.
- 4. Closing of Areas:** The Town shall reserve the right to close certain open space areas to the public for the purpose of protecting the environmental quality of the area, during periods of extreme fire hazard or other such conditions deemed hazardous or dangerous to persons or property.
- 5. Prohibited areas:** The Public Works Department may from time to time declare and post a prohibited area for such reasons as unsafe or dangerous conditions, maintenance, construction of improvements, restoration, etc.
- 6. Utilities:** No unauthorized person shall enter a fenced utility area or remove, destroy or tamper with any valve switch or control, any telephone, electrical, water or sewer line or system owned or operated by a public utility or public agency. Representatives of public utilities and/or public agencies should give prior notice to the Town Manager before entering open space for the purpose of utility maintenance, repairs or installations except in emergency situations.
- 7. Grazing:** Grazing by domestic animals shall not be permitted on open space lands unless it can be clearly demonstrated that such grazing will be of significant benefit to an open space area and approval is granted by the Town Manager.
- 8. Destruction of Property:** No person shall cut, break, injure, deface or disturb any tree, shrub, plant, rock, monument, fence, bench, table, structure, apparatus, equipment or property, or remove any flora or natural geological or paleontological features, or mark or write upon any building, monument, fence, bench or other structure, or carry any flowers, shrubs or branches into or through any open space area. In addition, no person shall remove, add or introduce any vegetation, wood, soil, rock, sand or gravel from or onto any open space area without written permission from the Town Manager.
- 9. Archaeological Features:** No person shall remove, injure, disfigure, deface or destroy an object of archaeological or historical interest or value.

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- 10. Fires:** No person shall start a fire for any purpose within any open space area unless prior special written permission has been obtained from the Town Manager and the Fire Protection District in which the open space is located.
- 11. Smoking:** No person shall smoke in open space areas.
- 12. Rubbish and Litter:** No person shall dump, deposit or leave any bottles, broken glass, paper, boxes, cans, rubbish, waste or garbage or other trash in any open space area. Waste or trash from incidental day use must be deposited in the receptacles provided on open space lands. If receptacles are not available, persons must, upon departing, carry out all residual items, waste or trash for subsequent disposal in appropriate waste receptacles.
- 13. Sewage or Waste Water:** No person shall deposit waste water, sewage or effluent from sinks, portable toilets, holding tanks or other plumbing fixtures directly upon or into the surface of the ground or water within an open space area.
- 14. Swimming or Bathing:** No person shall swim, bathe, wade, change or alter the water quality of any fountain, pond, lake, river, stream or waterway. No person or persons shall introduce to waters in an open space area substances that would alter the natural water quality.
- 15. Wildlife:** No person shall hunt, molest, harm, frighten, kill, trap, poison, chase, tease, shoot or throw rocks or missiles at any fauna in the Town open space area, however, law enforcement officials or agencies directed by the Town may trap, hunt or kill fauna when deemed necessary.
- 16. Hunting and Dangerous Weapons:** No person except duly qualified and directed law enforcement officials shall take into any open space area any firearm, air gun or gas weapon, sling shot, crossbow, bow and arrows or other articles of like character.
- 17. Fishing:** No person shall take fish within the boundaries of any designated swimming area or other such restricted area as may be designated and posted by the Town. Fishing in other areas shall be in accordance with the rules and regulations established by the Town provided, however, that no person shall utilize a spear or arrow while fishing.
- 18. Release of Animals:** No person or persons shall release, introduce or abandon any animal of any type into an open space area.
- 19. Dogs:** No person shall bring a dog into open space areas unless the dog is on a leash of no more than six feet in length and under the immediate control of the person. If any dog defecates on or near open space, the person or persons

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accompanying the dog are responsible for the immediate removal and appropriate disposal of the feces.

20. Horseback Riding, Hitching: No person shall drive, ride, lead or keep a horse or other animal in or on open space property except on such roads and trails or other areas specifically designated for such use. No horse or other animal shall be hitched, leashed or tied to any tree, shrub or structure in any manner that might endanger life or limb of any person or animal, and no person shall allow his animal to be left unattended or insecurely tied.

21. Vehicles:

- a. No person shall operate a motor vehicle on, over or across a fire trail, hiking trail or open space lands. This shall not apply to an emergency or maintenance vehicle operated by an employee of the Town's Public Works Department or other person authorized by the Town Manager.
- b. No person shall operate any motorcycle or motor-driven cycle in any open space area.

22. Vandalism: The Town will seek full recompense, as well as any applicable civil, administrative and/or criminal penalties, for damage or vandalism to open space areas, structures or equipment. In the event that the damage or vandalism is caused by a minor, the minor's parent or legal guardian having custody or control of the minor will be responsible for all damages and penalties.

23. Miscellaneous Dangerous Activities: No person or persons shall engage in any of the following activities on open space lands except in areas specifically designated and set aside from time to time by the Town for such use:

- a. Use or possess fireworks of any kind
- b. Drive, chip or in any manner play or practice golf or hit golf balls
- c. Operate self-propelled model airplanes, boats, automobiles or other model craft of any kind or description
- d. Throw, release or discharge missiles, rockets or similar projectiles
- e. Hang glide, parasail or parachute
- f. Engage in any activity or operate any device recklessly or negligently so as to endanger the life, limb or property of any person

24. Handbills or Circulars: No person shall distribute any handbills or circulars or post, place or erect on any open space lands any bills or notices advertising any program or even not specifically related to said open space and authorized by the Town of Tiburon.

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- 25. Vendors:** No vendor shall sell, expose for sale or offer to sell on open space lands or along any street or sidewalk adjoining or approaching any open space area within 200 feet of such facility, any goods, wares or merchandise of any kind.
- 26. Violation of the Rules:** Violations of the rules constitutes a violation of Chapter 18 of the Municipal Code and is subject to all penalties and enforcement mechanisms set forth therein.