



Town of Tiburon
Open Space Rules and Regulations
Effective 10-17-2014

A. Purpose and Authority

This document establishes rules and regulations for the use of open space areas under the jurisdiction of the Town of Tiburon. Said open spaces are depicted on **Figure 1** attached hereto. No person or group of persons shall use any open space area or facility for any purposes inconsistent with these Rules and Regulations, except with prior written permission from the Town Manager. These rules and regulations are adopted and enforced pursuant to Title V, Chapter 18 of the Tiburon Municipal Code.

B. Definition of Open Space

Open space area is defined as any area of land or water owned and/or controlled by the Town of Tiburon for open space purposes that is predominantly unimproved, including but not limited to open slopes, drainageways, watershed and shoreline areas, woodlands, ridges, hilltops, hillsides, gullies, ravines, and any paths, trails, or unpaved roads within such area. Such areas are generally designated as Open Space of the Town's Zoning Map.

C. Use of Open Space in General

Unless otherwise posted, open space lands shall generally be open to the public for their use and enjoyment in accordance with these Rules and Regulations. 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, horseback-riding, bicycle-riding, nature study, scientific study, photography, painting, sketching, picnicking, kite flying and other day use recreational activities compatible with this document.

D. Specific Rules & Regulations

1. **Hours of Use:** No person shall be allowed to enter, loiter or remain in or on any Town open space area at any time one hour after sunset to one hour before sunrise. Authorized personnel and emergency service personnel are exempt.
2. **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, or for other valid cause.

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3. **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 or construction of improvements, restoration, or other valid purposes.
4. **Utilities:**
 - a. Representatives of public utilities and/or public agencies shall give prior notice to the Town Manager before entering an open space area for the purpose of utility maintenance, repairs or installations except in emergency situations.
 - b. 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 in any open space area.
5. **Grazing:** Grazing by domestic animals shall not be permitted in open space areas, except as may be allowed for fire prevention purposes with written Town authorization.
6. **Destruction of Property:** No person shall damage or destroy any property, whether natural or man-made, in any open space area, including trees, plants, rocks, soil, trails, fences, and signs.
7. **Archaeological Features:** No person shall move, remove, damage, or destroy an object of archaeological or historical interest or value in any open space area.
8. **Fires:** No person shall start a fire for any purpose within any open space area unless prior written permission has been obtained from the Town Manager and the Fire Protection District in which the open space is located.
9. **Smoking:** No person shall smoke in open space areas. Smoking in open spaces is also prohibited by Chapter 28 of the Tiburon Municipal Code.
10. **Trash and Litter:** No person shall deposit any trash or litter in any open space area. Waste or trash from incidental day use must be carried out of the open space area or placed in Town-supplied trash receptacles on the open space where available.
11. **Sewage or Waste Water:** No person shall deposit waste water, gray water, sewage or effluent from any source within an open space area.
12. **Swimming or Bathing:** No person shall swim, bathe, or wade in any seep, spring, pond, lake, marsh, or watercourse in an open space area.

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13. **Water Quality:** No person shall introduce to waters in an open space area substances that would alter or degrade the natural water quality.
14. **Wildlife:** No person shall purposely harm or frighten any fauna in any open space area, provided that law enforcement officials or agencies directed by the Town may trap, hunt or kill fauna when deemed necessary.
15. **Hunting and Dangerous Weapons:** Hunting is prohibited in open space areas. 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.
16. **Fishing:** No person shall take fish within any open space area unless posted for fishing purposes. No person shall utilize a spear or arrow while fishing.
17. **Release of Animals:** No person or persons shall release, introduce or abandon any animal of any type into an open space area.
18. **Planting & Plant Removal:** Introduction or establishment of plants or vegetation in open areas by any person is prohibited. Vegetation removal in any open space area is prohibited without prior written permission of the Town Manager or Director of Public Works. Grass mowing for fire prevention purposes is allowed with the securing of a no-fee Encroachment Permit from the Tiburon Public Works Department.
19. **Dogs:** Any dog within an open space area shall at all times be kept under the immediate control and direction of a responsible person. Any dog that is not subject to such control and direction may be seized and impounded. If any dog defecates within an open space, the person or persons accompanying the dog are responsible for the immediate removal and disposal of the feces in a sanitary manner. No more than three (3) dogs at a time may be walked by any individual in any open space area without prior issuance of a Dog-Walking Permit from the Tiburon Public Works Department.
20. **Horses & Hitching:** No person shall ride, lead, or keep a horse on open space property except on such unpaved roads and trails or other areas specifically designated for such use. No horse shall be hitched or tied to any tree, shrub or structure in any manner that might endanger the horse or any person, and no person shall allow a horse to be left unattended or insecurely tied.
21. **Vehicles and Motor-driven Devices:**
 - a. No person shall operate a motor vehicle on, over, or across any open space area. This shall not apply to an emergency vehicle, a maintenance vehicle

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operated by an employee of the Town's Public Works Department, a maintenance vehicle operated by a utility agency with access rights over the open space, or by a vehicle authorized by the Town Manager.

- b. No person shall operate any motorcycle, all-terrain vehicle, or other motor-driven cycle, device, or vehicle in any open space area, except as set forth in subsection (a) above.

22. Bicycle Riding: Bicycle riding is limited to graded fire roads and to established and maintained trails. No cross-country bicycle riding and no bicycle riding on other areas within open space is permitted. The Town may close established trails to bicycle riding at any time in order to prevent erosion.

23. 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.

24. Miscellaneous Dangerous Activities: No person or persons shall engage in any of the following activities on open space lands:

- 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

25. Handbills or Circulars: No person shall distribute or post any handbills or circulars on any open space area, or advertise any program or event not specifically authorized in writing by the Town Manager.

26. Vendors: No vendor shall operate within any open space area.

E. Violations and Enforcement.

Violations of these rules constitutes a violation of Title V, Chapter 18 of the Municipal Code and is subject to all penalties and enforcement mechanisms set forth in the Tiburon Municipal Code or under other applicable law. The Tiburon Police Department shall be primarily responsible for the enforcement of these rules and regulations.



LSA



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MILES

□ PROJECT PARCELS

FIGURE 1

Tiburon Open Space Management Plan

Overview

SOURCE: Aerial Imagery from the County of Marin
I:\TOT0801\GIS\Maps\Vegetation Mapping\Figure1_Overview.mxd (11/23/2009)