

# Santa Clara County Open Space Authority

## Access and Use Regulations

### 1.01.01 Scope and Purpose

These regulations shall be known as "Santa Clara County Open Space Authority Access and Use Regulations". These regulations are adopted to assure appropriate control, operation, use, protection and management of Santa Clara County Open Space Authority Land.

### 1.01.02 Authority

Regulations enacted are authorized by Section 35156 of the Public Resources Code of the State of California.

### 1.01.03 Definitions

- (A) "Authority" means the Santa Clara County Open Space Authority.
- (B) "Authority Land" means all lands, waters and other Facilities owned, maintained or otherwise managed by the Authority.
- (C) "Board" means the Board of Directors of the Authority.
- (D) "General Manager" means the General Manager of the Authority.
- (E) "Permit" means permission, granted in writing, by the General Manager or an authorized representative of the Authority.
- (F) "Person" means any individual, firm, corporation, club, municipality, district, or public agency, and all associations or combinations of persons whenever acting for themselves

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### 2.01.01 Entering Authority Land

Any person entering upon Authority Land shall abide by any regulations adopted by the Authority, the laws of the State of California, the Santa Clara County Code, any applicable municipal codes, the regulations, prohibitions, directions or provisions of any sign or posted notice, the conditions of any permit, and the lawful order or other instruction of any Authority staff, contract police officer or peace officer.

### 2.01.02 Employee And Officials of the Authority

The provisions of these Regulations shall not apply to employees and officials of the Authority acting within the scope of their authorized duties. However, Authority employees and officials shall abide by the laws of the State of California, the Santa Clara Code and any applicable municipal codes.

### 2.01.03 Lessees, Contractors, and Consultants

All Authority lessees, independent contractors, and consultants shall abide by all provisions of these regulations unless authorized or necessary to fulfill a written contract or agreement with the Authority. However, lessees, independent contractors, and consultants shall at all times abide by the laws of the State of California, the Santa Clara Code, any applicable municipal codes, and the lawful order or other instructions of any Authority staff, contract police officer or peace officer.

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### 3.01.01 Violations of Regulations-Infraction

Any violations of these Regulations adopted by the Authority, is an infraction.

### 3.01.02 Severability

If any chapter, section, subsection, paragraph, subparagraph, sentence, or clause of these Regulations is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of these regulations. The Board declares that these Regulations, and each chapter, section, subsection, paragraph, sentence, and clause thereof, would have been adopted regardless of such possible finding of invalidity or unconstitutionality and, to that end the provisions of these Regulations are hereby declared to be severable.

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### **3.01.03 Amendments or Repeal**

When a section or Regulation is amended or repealed, acts and commissions occurring before the amendment or repeal may be prosecuted as though such section, rule, or Regulation had not been amended or repealed.

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### **4.01.01 Closed Areas and Natural Resource Protection Closure**

No person shall enter, use, or occupy Authority Land declared as sensitive areas or habitats or wildlife protection areas or designated as closed, prohibited, or limited by the Board, General Manager or an authorized agent, except when authorized by a permit.

### **4.01.02 Curfew**

No person shall enter, use, occupy or park any vehicle on any Authority Land from sunset to sunrise, except when authorized by a permit

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### **5.01.01 Plants**

No person shall damage, injure, take, place, plant, collect, or remove any plant or portion thereof, whether living or dead, including, but not limited to flowers, mushrooms, shrubs, vines, grass, seeds, and down wood located on Authority Land, except when authorized by a permit.

### **5.01.02 Geological Features**

No person shall damage, take, collect, remove, or attempt to damage, take, collect, or remove earth, rocks, sand, gravel, fossils, minerals, or any item of geologic interest or value located on Authority Land, except when authorized by a person.

### **5.01.03 Archaeological Features**

No person shall damage, take, collect, remove, or attempt to damage, take, collect, or remove earth, rocks, sand, gravel, fossils, minerals, or any item of archaeological interest or value located on Authority Land, except when authorized by a permit.

### **5.01.04 Wildlife**

No person shall harass, chase, harm, capture, kill, maim, or possess any wildlife including animals, birds, reptiles, amphibians, and fish on Authority Land, except when authorized by a permit issued by the Authority.

### **5.01.05 Animal Removal and Releasing**

No person shall remove from or release any wildlife or domesticated animal on Authority Land, except when authorized by a permit issued by the Authority.

### **5.01.06 Destruction of Wildlife Habitat**

No person shall alter, damage, destroy, remove or any way vandalize wildlife habitat features on Authority Land including but not limited to animal dens, burrows, dwellings, or nests.

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### **6.01.01 Fires**

No person shall build, start, light or maintain any fire of any nature on any Authority Land.

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### **7.01.01 Firearms**

No person shall possess, discharge, or use firearms, B-B guns, pellet guns or guns, cross bows, long bows, paintball guns or slingshots while on Authority Land, except when authorized by a permit.

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### **8.01.01 Use of Motorized Vehicles**

No person shall operate any motorized vehicle on any Authority Land except on designated public roadways, except when authorized by a permit.

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### **9.01.01 Trail Use**

All hikers, equestrians, and bicyclists must stay on trails and roadways designated for each uses.

### **9.01.02 Right of Way**

All persons operating vehicles or bicycles on Authority Land shall yield the right-of way to hikers and equestrians. Hikers shall yield the right-of-way to equestrians.

### **9.01.03 Gates**

All persons opening a gate shall securely close the same after passing through said gates.

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### **10.01.01 Dogs and other Animals**

No person shall allow or have a dog or other animal on Authority Land except in those areas designated by the Authority. Guide and service dogs under physical control are exempt.