

Property Management Risk Insights

Brought to you by: COUNTRY Financial

Attractive Nuisance Dangers on Your Property

It may surprise you that you are responsible for preventing injuries to children sustained while they were trespassing on your property that were caused by man-made conditions called “attractive nuisances.” These might include features of buildings, walls or even man-made ditches. Property managers and owners have the power to prevent entrance onto their property and discourage young trespassers from getting hurt using fencing, illustrated signs or other means.

If you have any reason to believe children might trespass onto your property, treat the problem with the highest gravity. The real estate and property management industries are especially at risk for attractive nuisance hazard exposures because of the presence of vacant property, which is much more difficult to monitor and protect. However, doing nothing to prevent the entry or injury of trespassers creates a serious financial risk for your company.

Owner Liability

As the owner of the property, you are responsible for taking steps to assure that anyone who enters, whether welcome or unwelcome, stays safe. While warning signs are an excellent start, many children may not be able to read them, so it is important to find additional ways of protecting your property. Ensure that gates are secured and fences are not easily climbed. Adequately cover or protect any conditions, including pools, ditches, walls or other man-made physical features that might present a hazard. This includes covering pools to avoid accidental drowning, placing sturdy fencing around hazardous areas and placing warning or “No Trespassing” signs. In addition, all safety equipment should be stored and locked at the end of each shift to avoid trespasser tampering.

Premise Liability

Property owners are also liable for maintenance and security, making sure that the property remains safe for all visitors. This includes the following:

- Fixing cracks or gaps in walkways to avoid slip and fall dangers
- Locking all hazardous tools, equipment and chemicals away from the public.
- Hanging flood lights in areas with low visibility.
- Hiring security guards for added protection.
- Installing rescue equipment such as ropes and poles.
- Installing alert devices, such as flashing lights, sirens, alarms and telephones to alert security that someone has trespassed onto the premises.

In attractive nuisance cases, negligence means that the property owner was aware that someone could get hurt on the property and did nothing to prevent it. If you take all necessary precautions to protect individuals that are on your property, you are less likely to be found negligent in a premise liability suit. For more assistance in protecting your property, contact 0 today.

This Risk Insights is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel or an insurance professional for appropriate advice. © 2010 Zywave, Inc. All rights reserved.