



## **OPEN FARM DAYS**

This is an ideal opportunity to interact with your community and provide educational opportunities. However, as a business owner, you must consider the safety of your guests as well as the potential risk of having somewhat uncontrolled access to your farm. If you are planning to have visitors to your working farm, one of the first things to have in place is:

### **PROPER SIGNAGE**

In 2005, the N.C. General Assembly enacted an agritourism law designed to protect farmers that were inviting the public onto their property (NCGS § 99E-32). If the proper signage is posted, it could serve to possibly limit liability, but is not absolute protection. The law does have specific requirements for the wording, location and even size of the writing required. It requires that “(t)he sign must be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The warning notice must consist of a sign in **black letters**, with each letter to be a minimum of **one inch** in height.” (emphasis added) The signs must contain the following wording verbatim and the statute states that *failure* to follow the requirements for the warning sign will prevent the farmer from utilizing the immunity provided by the Act (§ 99E-32(c)).

### **WARNING**

‘Under North Carolina law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.’

### **OTHER WAYS TO LIMIT LIABILITY**

The N.C. statute for limiting agritourism liability is NOT designed to replace proper insurance coverage, so if you are considering an event, you should still talk with your agent about the best coverage for your individual operation. General farm liability insurance probably does not cover events.

## **OTHER SIGNAGE**

You should also consider blocking areas that are hazardous or posting signs near potential hazards, such as animals, equipment, electrical fences, or ponds (“Keep Out” or “No Swimming”).

## **WAIVERS**

While waivers will not protect you from liability for dangers that are created by the negligence of the landowner, you could also develop a waiver for visitors to sign. Online ticket sales could involve the signing of a waiver that shows acknowledgement of the inherent potential danger of a visit to a working farm.

## **OTHER RESOURCES**

The NC AgroMedicine Institute has many resources online that deal with farm safety, including checklists and walkthroughs, for a variety of situations ranging from fencing, communicating with guests, child abduction procedures, handwashing, and play areas.

<https://safeagritourism.org/>

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### **Disclaimer**

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**About the Land Loss Prevention Project** The Land Loss Prevention Project is a non-profit law firm that offers legal representation of clients, community education, and professional outreach in the effort to promote wealth, land preservation, and rural livelihoods. [www.landloss.org](http://www.landloss.org)

**About the W.K. Kellogg Foundation** The W.K. Kellogg Foundation (WKKF), founded in 1930 as an independent, private foundation by breakfast cereal pioneer, Will Keith Kellogg, is among the largest philanthropic foundations in the United States. Guided by the belief that all children should have an equal opportunity to thrive, WKKF works with communities to create conditions for vulnerable children so they can realize their full potential in school, work, and life.

The Kellogg Foundation is based in Battle Creek, Michigan, and works throughout the United States and internationally, as well as with sovereign tribes. Special emphasis is paid to priority places where there are high concentrations of poverty and where children face significant barriers to success. WKKF priority places in the U.S. are in Michigan, Mississippi, New Mexico and New Orleans; and internationally, are in Mexico and Haiti. For more information, visit [www.wkkf.org](http://www.wkkf.org).