

Pond Safety and Liability

A fishing pond may also furnish some swimming, boating, hunting, ice skating, wading, and picnicking, although it may be designed to make it best for fish and without ideal features for other uses. It will be a special attraction to children.

Because a pond attracts people, it presents an accident hazard. Drownings are second only to motor-vehicle mishaps as a cause of accidental death among people in the active age groups, particularly children.

Each pond owner has moral and legal obligations to family, friends, neighbors, and even trespassers to make the pond as safe as possible. Providing certain safeguards can prevent an incident from becoming an accident or even a fatality. **Simply posting a pond against trespass doesn't relieve the owner of responsibilities.** Legal liability is often based on whether the owner has taken **all reasonable precautions** against mishaps. **A pond owner should consult his or her attorney and insurance company** about liability for serious accident or death and about legal requirements for safety precautions at the pond.

Find out what both community and state liability laws are for injury or death resulting from use of the pond. Local laws may vary greatly. This is especially important if the owner intends to open the pond to the public and charge a user fee.

Here is a list of fairly economical safety measures:

- Grade the pond bed to eliminate steep slopes or drop-offs.
- Remove stumps, logs, large rocks, and trash that could pose a hazard to waders, swimmers, and boats. Broken glass and other sharp objects are especially to be eliminated.
- Place warning signs near specific danger areas, telling water depth and location of nearest telephone.
- If there is to be swimming, mark a safe special area for it with buoyed lines.
- Install life-saving equipment on the pond bank where it can be easily seen and used.
- Be sure that piers, rafts, and landings are well-constructed and braced.
- Erect adequate fencing and gate with lock to prevent unauthorized entry, especially by children.
- Keep boats used on the pond in good condition. Never overload them. Instruct passengers never to stand up in the boat. Provide one Coast Guard approved life preserver for each person on board. Use common-sense boat safety in all other respects!
- Beware of thin ice! Test ice strength with a spud or auger, and actually measure ice thickness before venturing over deep water. Don't walk or skate on freshly-formed ice that is less than three inches thick. If ice is thawing, it may have to be much thicker than that. Snowmobiles shouldn't be driven onto ice less than five inches thick.
- Keep a wooden ladder at the pond edge in winter. This can be shoved to someone who has fallen through the ice.
- Never let a child play at the pond alone, no matter what the season.

