

## PRIVATE LAND AND PUBLIC ACCESS

<https://vtfishandwildlife.com/learn-more/landowner-resources/private-land-and-public-access>

Vermont's tradition of open access is as old as statehood, and the values that support this tradition are fundamental to our strong sense of community. However, allowing hunting or any public use on your land is, ultimately, a privilege only you can grant.

Vermont law may make your decision easier. It provides a number of landowner protections that support your control, and it eases most liability concerns. This is good for you, your neighbors and your land too. Few management tools are as cheap and effective as hunting.

### Landowner Rights

Allowing public access doesn't negate your rights. You always have the power to:

- Address any property damage or abuse;
- Dictate what activities are allowed or prohibited;
- Request to see the hunting, fishing and/or trapping license of anyone on your property;
- Request someone leave your property; and
- Contact law enforcement if you suspect illegal activity.

### Open or posted, permission is always required if someone wants to:

- Trap;
- Erect a tree stand or ground blind;
- Park, drive or camp on your land; or
- Guide hunters or anglers on your property.

In addition, written permission is always required to ride a snowmobile, all-terrain vehicle (ATV) or off-road motorcycle.

### Liability Protection

Vermont's landowner liability statutes are designed to encourage public access by protecting you from liability.

Provided that you do not charge a fee, you are generally not liable for any property damage or personal injury to a person who uses your property for recreation.

- Under [12 V.S.A. §5793](#), a landowner is not liable for property damage or personal injury for the recreational use of their property, unless the damage or injury is the result of the intentional, willful, or wanton misconduct or gross negligence on the part of the landowner.
- Landowner liability increases if a fee or some other consideration is required for the use of the property, since a "higher level of care" (responsibility) is owed to recreationists.

### Posting Does Not Affect Liability

The landowner is protected whether or not the land is posted.

#### Easements Do Not Affect Liability

Both the landowner and the party holding the easement are similarly protected, as if there were no easement.

*Please be advised that this reference to the landowner liability statutes is provided for informational purposes only and does not constitute legal advice. Landowners are encouraged to seek their own legal counsel regarding landowner liability.*

### Benefits of Hunting and Trapping

Regulated hunting and trapping is one of the most effective and economical tools available to private landowners.

- Even at moderate populations levels, deer can have a significant impact on native plant species,

particularly wild flowers, rare plants and commercially valuable trees.

- High wildlife populations can increase disease and parasite risks to people, pets and other wildlife. These include rabies, distemper, mange, tularemia, Lyme disease, and raccoon roundworm. *Vermont has one of the highest incidence rates of Lyme disease in the United States.*
- Hunting and trapping can help reduce human wildlife conflicts such as vehicle collisions, agricultural crop loss, ornamental and property damage, predation of pets, and other issues such as fouling of ponds by Canada geese.

### **Hunter Safety**

Hunting in Vermont is one of the safest outdoor activities. Since hunter education became mandatory in 1975, the number of yearly hunting-related shootings has dropped over 80 percent.

- In the past decade, Vermont's 60,000 licensed hunters have averaged just three hunting-related shooting per year.
- Most shootings are self-inflicted or involve other members of the same hunting party.
- Accidents involving non-hunters are extremely rare. Only a handful have occurred in the last 50 years; none in the last decade.

Even if you have no intention of hunting, consider taking a basic firearm hunter education course (aka hunter ed, hunter safety), particularly if you are new to Vermont.

- The courses are free and offered year-round. [For more information visit our Hunter Education page.](#)
- Bowhunter and Trapper Education are also mandatory for first-time license buyers.
- Ethics, including private land stewardship, is stressed.

### **TIPS FOR HUNTERS - BEING A GOOD LAND USER**

Landowners who permit you to hunt on their land are doing you a favor and placing their trust in you. Here are some recommendations to prove their trust was not misplaced, help with your relationship with the landowner, and portray a positive image of hunting.

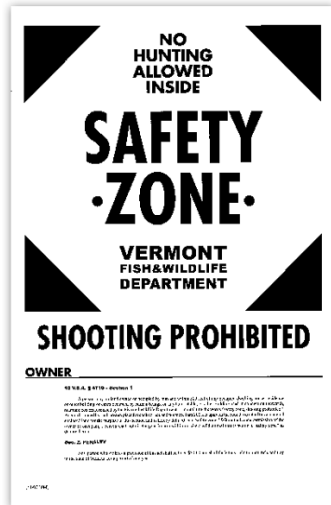
- Respect the landowner's property--hunting, fishing, trapping, or otherwise using it only when and where the landowner approves.
- Understand clearly where you can and cannot drive or park your vehicle and abide by those restrictions.
- Leave your name, address, phone number and also make, model, and license number of your vehicle with the landowner or use the Courtesy Permission Cards.
- If you have permission to return, find out if there are certain times or places that you should avoid. Always attempt to let the landowner know where you will be and when.
- Know the property boundaries and do not trespass on adjacent property.
- Try to keep the size of your hunting party small and always let the landowner know exactly who else will be hunting with you.
- Don't walk through unharvested crops or hunt near livestock or buildings.
- Leave gates as you find them. Cross fences in a manner that will not break or loosen wires or posts.
- Don't litter. Carry away litter left by others.

## WHAT POSTING MEANS

The Vermont constitution has protected the right to hunt, fish and trap on open, private land since its drafting in 1793. Posting laws and regulations honor this commitment while also ensuring landowners have the protections they need to control their property.

### Options for Posting:

#### The Easy Way: Safety Zone



A Safety Zone establishes a 500-foot buffer around the buildings on your property.

- Signs must be 12 inches wide and 18 inches tall and placed at all corners of the buffer and no more than 200 feet apart.
- Hunting and shooting is prohibited within the buffer, unless you have given permission to do so.
- Enforcement of a Safety Zone is backed by statute.
- It's free. No registration requirements. Signs are available at [Fish & Wildlife Offices](#) and from your [local warden](#).
- Safety zones leave the remainder of your property open to public use.
- Eligibility for Landowner Antlerless Muzzleloader permit is maintained.

*Landowners always retain the right to ask anyone on their property to leave. No exceptions.*

### Registering Posted Property



Putting up posted signs conveys a message to ask first or keep out. For extra assurance, you can choose to register your posted land. Often referred to 'legally posted,' it means hunting, fishing and/or trapping is prohibited without written permission.

The landowner may maintain signs that:

- Prohibit hunting, fishing or trapping;
- Prohibit any combination of the three; or
- State all or any combination of the three are allowed by Permission Only.

To meet the full requirements of the law (*10 V.S.A, § 5201 to 5206*), the posting must be recorded annually with the town clerk for a fee of \$5.

Signs must:

- Be placed at all corners of your property (or the portion you wish to post) and spaced 400 feet or less apart along or near boundaries,
- Be at least 8.5 inches wide by 11 inches tall,
- Have lettering and background on contrasting colors,
- Be legible, including any additional information or wording,
- Be maintained and dated each year. Postings are only valid for the calendar year, January 1 through December 31 (*10 V.S.A, § 5201(c)*). This has been the law since 1961. Therefore, if you pay for land posting at any point in a calendar year, the posting is only valid until December 31 of that year. All land posting signs must be dated for the current year, (*10 V.S.A, § 5201(c)*). Please reach out to the Town Clerk with any questions: [townclerk@guilfordvt.gov](mailto:townclerk@guilfordvt.gov) or (802) 254-6857 x107.
- Permission Only signs must include a way to contact the owner.

### **Permission ONLY**

Once registered, Permission Only signs and standard Posted signs are essentially identical in meaning and enforcement. However, if you've decided to post, consider Permission Only signs when:

- Your primary goal is to know who is using your property;
- You welcome hunters, but have had issues with other users;
- You've made the decision to post, but want to show you support hunting and use hunting as a tool on your property; and
- You want to continue to allow other public access without written permission, such as hiking and cross country skiing.

### **Landowner Courtesy Cards**

These cards can be used to grant written permission to hunters who seek it, regardless of whether or not the land is "posted" against hunting. The "landowner copy" creates a record of those hunters for your file. These cards give different options regarding seasons, timing, and/or locations. For example: "Permission granted only on north side of the brook. Keep gate closed at all times."

## The Vermont Statutes Online

The statutes were updated in November, 2018, and contain all actions of the 2018 legislative session.

<https://legislature.vermont.gov/statutes/fullchapter/12/203>

### Title 12: Court Procedure

#### Chapter 203: Limitations On Landowner Liability

§ 5791. PurposeThe purpose of this chapter is to encourage owners to make their land and water available to the public for no consideration for recreational uses by clearly establishing a rule that an owner shall have no greater duty of care to a person who, without consideration, enters or goes upon the owner's land for a recreational use than the owner would have to a trespasser. (Added 1997, No. 110 (Adj. Sess.), § 1.)

§ 5792. DefinitionsAs used in this chapter:(1) "Consideration" means a price, fee, or other charge paid to or received by the owner in return for the permission to enter upon or to travel across the owner's land for recreational use. Consideration shall not include:(A) compensation paid to or a tax benefit received by the owner for granting a permanent recreational use easement;(B) payment or provision for compensation to be paid to the owner for damage caused by recreational use; or(C) contributions in services or other consideration paid to the owner to offset or insure against damages sustained by an owner from the recreational use or to compensate the owner for damages from recreational use.(2)(A) "Land" means:(i) open and undeveloped land, including paths and trails;(ii) water, including springs, streams, rivers, ponds, lakes, and other water courses;(iii) fences; or(iv) structures and fixtures used to enter or go upon land, including bridges and walkways.(B) "Land" does not include:(i) areas developed for commercial recreational uses;(ii) equipment, machinery, or personal property; and(iii) structures and fixtures not described in subdivision (A)(iii) or (iv) of this subdivision (2).(3) "Owner" means a person who owns, leases, licenses, or otherwise controls ownership or use of land, and any employee or agent of that person.(4) "Recreational use" means an activity undertaken for recreational, educational, or conservation purposes, and includes hunting, fishing, trapping, guiding, camping, biking, in-line skating, jogging, skiing, snowboarding, swimming, diving, water sports, rock climbing, hang gliding, caving, boating, hiking, riding an animal or a vehicle, picking wild or cultivated plants, picnicking, gleaning, rock collecting, nature study, outdoor sports, noncommercial aviation, visiting or enjoying archaeological, scenic, natural, or scientific sites, or other similar activities. "Recreational use" also means any noncommercial activity undertaken without consideration to create, protect, preserve, rehabilitate, or maintain the land for recreational uses. (Added 1997, No. 110 (Adj. Sess.), § 1; amended 2011, No. 99 (Adj. Sess.), § 1.)

§ 5793. Liability limited(a) Land. An owner shall not be liable for property damage or personal injury sustained by a person who, without consideration, enters or goes upon the owner's land for a recreational use unless the damage or injury is the result of the willful or wanton misconduct of the owner.(b) Equipment, fixtures, machinery, or personal property.(1) Unless the damage or injury is the result of the willful or wanton misconduct of the owner, an owner shall not be liable

for property damage or personal injury sustained by a person who, without consideration and without actual permission of the owner, enters or goes upon the owner's land for a recreational use and proceeds to enter upon or use:(A) equipment, machinery, or personal property; or(B) structures or fixtures not described in subdivision 5792(2)(A)(iii) or (iv) of this title.(2)

Permission to enter or go upon an owner's land shall not, by itself, include permission to enter or go upon structures or to go upon or use equipment, fixtures, machinery, or personal property.(c)

Posting. An owner may post a sign warning against dangers on the owner's land or water. An owner who posts a sign pursuant to this subsection shall not be liable for any damage or injury allegedly arising out of the posting unless the damage or injury is the result of the willful or wanton misconduct of the owner. (Added 1997, No. 110 (Adj. Sess.), § 1; amended 2017, No. 136 (Adj. Sess.), § 1, eff. May 21, 2018.)

§ 5794. Landowner protection(a) The fact that an owner has made land available without consideration for recreational uses shall not be construed to:(1) limit the property rights of owners;(2) limit the ability of an owner and a recreational user of the land to enter into agreements for the recreational use of the land to vary or supplement the duties and limitations created in this chapter;(3) support or create any claim or right of eminent domain, adverse possession, or other prescriptive right or easement or any other land use restriction;(4) alter, modify, or supersede the rights and responsibilities under 20 V.S.A. chapter 191 (animal control), and 20 V.S.A. chapter 193 (domestic pet or wolf-hybrid control); under 23 V.S.A. chapter 29 (snowmobiles), and 23 V.S.A. chapter 31 (all-terrain vehicles); under 19 V.S.A. chapter 23 (bicycle routes); and under 10 V.S.A. chapter 20 (Vermont trail system);(5) extend any assurance that the land is safe for recreational uses or create any duty on an owner to inspect the land to discover dangerous conditions;(6) relieve a person making recreational use of land from the obligation the person may have in the absence of this chapter to exercise due care for the person's own safety in the recreational use of the land.(b) Nothing in this chapter shall create any presumption or inference of permission or consent to enter upon an owner's land for any purpose.(c) For the purposes of protecting landowners who make land available for recreational use to members of the public for no consideration pursuant to this chapter, the presence of one or more of the following on land does not by itself preclude the land from being "open and undeveloped": posting of the land, fences, or agricultural or forestry-related structures. (Added 1997, No. 110 (Adj. Sess.), § 1; amended 1997 No. 147 (Adj. Sess.), § 190a.)

§ 5795. ExceptionsThis chapter shall not apply to lands owned by a municipality or the State. (Added 1997, No. 110 (Adj. Sess.), § 1.)

# **HUNTING, FISHING OR TRAPPING**

***BY PERMISSION ONLY***

**Name:**\_\_\_\_\_

**Phone/Contact Info:**\_\_\_\_\_

**Date:**\_\_\_\_\_

## Courtesy Permission Card - Land User's Copy

I would like permission to access your land for the purpose of: \_\_\_\_\_  
hunting, fishing, trapping, other

Landowner's Name: \_\_\_\_\_

Landowner's Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Permission given from \_\_\_\_\_ to \_\_\_\_\_  
date date

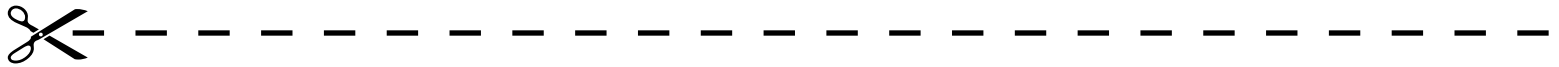
Restrictions: \_\_\_\_\_

\_\_\_\_\_

Landowner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I hereby agree to conduct myself and members of my party as true sportsperson –safe, legal and ethical- and accept the responsibilities that are part of hunting and outdoor recreation. I will follow all laws, safety rules and the sportsman's code. I will immediately report any violations observed. I pledge to respect and follow any additional restrictions as stated by the landowner. I will not hold the landowner responsible for any accidents or injuries while on the landowner's property. I also understand this permission can be revoked at any time for any reason.

REPORT ALL VIOLATIONS. CALL OPERATION GAME THIEF 1-800-75ALERT (1-800-752-5378) OR  
REPORT VIOLATIONS ONLINE: [www.vtfishandwildlife.com/hunt/hunting\\_regulations/operation\\_game\\_thief](http://www.vtfishandwildlife.com/hunt/hunting_regulations/operation_game_thief).



## Courtesy Permission Card - Landowner's Copy

Land User's Name: \_\_\_\_\_

Address: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone number: \_\_\_\_\_

Max number in party: \_\_\_\_\_

Vehicle description - Year: \_\_\_\_\_ Make: \_\_\_\_\_ Color: \_\_\_\_\_

License plate #: \_\_\_\_\_ License #: \_\_\_\_\_

- I hereby agree to conduct myself and members of my party as true sportsperson –safe, legal and ethical- and accept the responsibilities that are part of hunting and outdoor recreation.
- I will follow all laws, safety rules and the sportsman's code.
- I will immediately report any violations observed. Call Operation Game Thief 1-800-75ALERT (1-800-752-5378) or report violations online: [www.vtfishandwildlife.com/hunt/hunting\\_regulations/operation\\_game\\_thief](http://www.vtfishandwildlife.com/hunt/hunting_regulations/operation_game_thief)
- I pledge to respect and follow any additional restrictions as stated by the landowner.
- I will not hold the landowner responsible for any accidents or injuries while on the landowner's property. I also understand this permission can be revoked at any time for any reason.

Thank you for giving me the privilege to hunt, fish, or trap on your land.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(land user)



# **HUNTING, FISHING OR TRAPPING**

***BY PERMISSION ONLY***

**Name:**\_\_\_\_\_

**Phone/Contact Info:**\_\_\_\_\_

**Date:**\_\_\_\_\_