

# Minimizing Trespass on Your Farm

*By Bob King, Director*

*Agriculture and Life Sciences Institute–Monroe Community College*

Many farmers and landowners complain of trespass on their farmland by ATVs, snowmobiles, mountain bikers, hikers, and other unwanted visitors that can result in vandalism, theft, and crop damage. A person violates the law against trespassing by knowingly going onto someone else's land without consent.

"Knowledge" may be inferred when the owner or the owner's representative tells the trespasser not to go on the land or when the land is fenced in a manner that suggests that intruders should stay out or there is a "No trespassing," sign in an obvious place.

You can resort to the law to prevent trespassing especially when someone makes a habit of trespassing on your property. You can do this by getting a court to order a trespasser to get off the property and to stay off. If a trespasser causes damage to your property, you may also be able to sue for damages. Trespassing can certainly be a frustrating problem; however, there are some things that you can do to help minimize trespass.

**Post it!** The posting of a no trespass sign is an absolute must in order to inform any unwanted visitor to get off and stay off your property. Most local law enforcement agencies require the posting of a no trespass sign before any enforcement action will occur. In many cases, potential trespassers may be unaware that they were going on to someone else's land without consent.

**Secure it!** Prevent unauthorized entry or access to your property by fencing, gates, and other physical barriers such as stakes, landscaping and landscape berms. These barriers can help deter trespassing when strategically placed in high traffic areas of unwanted access. Ideally, all fencing, stakes and other physical barriers should have no trespassing signs attached in a conspicuous location along with reflectors and other warning devices.

**Keep an eye on it!** Monitor your facilities for signs of trespass and unauthorized access. Use outside lighting around equipment, buildings and other facilities. Consider using alarms, motion detection lights, cameras or other appropriate security equipment in key areas.

**Report it!** When you observe trespass on your property, report it immediately to local law enforcement. Call 911 or your local law enforcement phone number.

Make sure to alert all employees, family, and neighbors to watch and report trespass, unauthorized access and any other suspicious activity on or around your farm. Also, make sure your employees, family and neighbors know how and where to report these concerns and encourage them to do it.

When reporting trespass, collect as much information about the trespasser as possible, including:

- Time and date
- Identifying features of suspect or vehicle
- Location of trespass
- Description of trespass
- Number of suspects
- Any weapons and nature of activity

Any law enforcement agency in New York makes arrests for trespass.

*Sources: Offices of the Sheriff – Monroe, Livingston and Wyoming Counties; New York State Police – Troop E*

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