

PROTECTING PRIVATE PROPERTY WITH NO TRESPASSING NOTICES

Issues for Property Owners to Consider

Property owners can take action to protect their property from trespassing by providing notice that entry to the property is not allowed. Property owners seeking to protect their private property from trespassing should be aware of and consider the following:

- A property owner must place a written notice (i.e. no trespassing sign) prohibiting entry in a conspicuous fashion at the main entrance to the property or the forbidden part of the property. The property owner can also inform someone verbally or in writing that they are prohibited entry as well.
 - No trespassing signs are widely recognizable, but they can easily be removed allowing trespassers to claim ignorance of their location.
- A property owner may also paint purple marks on trees or posts, at least 8 inches in length between 3 and 5 feet off the ground and no more than 100 feet apart, around the property as notification of no trespassing. A fence post can be capped or marked with purple paint on at least the top 2 inches of the fence post between 3 and 5 feet off the ground and no more than 36 feet apart. If fence posts visible from both sides of a fence shared by neighboring landowners are to be marked with purple paint, both landowners must agree. All purple markings must be readily visible to anyone entering the property.
 - The paint is a more permanent solution than no trespassing signs, but there are still many people who are unfamiliar with this law.
- A person also commits trespassing if they present false documents or falsely represent their identity to an owner in order to obtain permission to enter or remain on the land.
- A person who commits criminal trespass may be charged with a Class B misdemeanor. A person who trespasses in a farm field, an enclosed area containing livestock, or a building containing livestock in a motor vehicle after having been notified that entry is prohibited may be charged with a Class A misdemeanor.