

### CHAPTER 461C

#### PUBLIC USE OF PRIVATE LANDS AND WATERS

Referred to in §456A.24, 481A.1

This chapter not enacted as a part of this title;  
transferred from chapter 111C in Code 1993

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#### 461C.1 Purpose.

The purpose of [this chapter](#) is to encourage private holders of land to make land and water areas available to the public for a recreational purpose and for urban deer control by limiting a holder’s liability toward persons entering onto the holder’s property for such purposes. The provisions of [this chapter](#) shall be construed liberally and broadly in favor of private holders of land to accomplish the purposes of [this chapter](#).

[C71, 73, 75, 77, 79, 81, §111C.1]

C93, §461C.1

[2006 Acts, ch 1121, §1](#); [2007 Acts, ch 22, §84](#); [2013 Acts, ch 128, §1](#); [2013 Acts, ch 140, §29, 39](#)

#### 461C.2 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Charge*” means any consideration, the admission price or fee asked in return for invitation or permission to enter or go upon the land.

2. “*Holder*” means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises; provided, however, holder shall not mean the state of Iowa, its political subdivisions, or any public body or any agencies, departments, boards, or commissions thereof.

3. “*Land*” means private land that is one or any combination of the following: abandoned or inactive surface mines; caves; land used for agricultural purposes; marshlands; timber; grasslands; or the privately owned roads, paths, trails, waters, water courses, exteriors and interiors of buildings, structures, machinery, or equipment appurtenant thereto. “*Land*” includes land that is not open to the general public. “*Land*” also includes private land located in a municipality in connection with and while being used for urban deer control.

4. “*Municipality*” means any city or county in the state.

5. “*Recreational purpose*” means the following or any combination thereof: hunting, trapping, horseback riding, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, motorcycling, all-terrain vehicle riding, nature study, water skiing, snowmobiling, other summer and winter sports, educational activities, and viewing or enjoying historical, archaeological, scenic, or scientific sites while going to and from or actually engaged therein. “*Recreational purpose*” includes the activity of accompanying another person who is engaging in such activities. “*Recreational purpose*” is not limited to active engagement in such activities, but includes entry onto, use of, passage over, and presence on any part of the land in connection with or during the course of such activities.

6. “*Urban deer control*” means deer hunting with a bow and arrow on private land in a municipality, without charge, as authorized by a municipal ordinance, for the purpose of reducing or stabilizing an urban deer population in the municipality. “*Urban deer control*” is not limited to active engagement in the activity of urban deer control but includes entry onto, use of, passage over, and presence on any part of the land in connection with or during the course of such activity.

[C71, 73, 75, 77, 79, 81, §111C.2]

[88 Acts, ch 1216, §46](#)

C93, §461C.2

2006 Acts, ch 1121, §2, 3; 2012 Acts, ch 1100, §58; 2013 Acts, ch 128, §2; 2013 Acts, ch 140, §29, 39

#### **461C.3 Liability of holder limited.**

1. Except as specifically recognized by or provided in [section 461C.6](#), a holder of land does not owe a duty of care to keep the premises safe for entry or use by others for a recreational purpose or urban deer control, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

2. Except as specifically recognized by or provided in [section 461C.6](#), a holder of land does not owe a duty of care to others solely because the holder is guiding, directing, supervising, or participating in any recreational purpose or urban deer control undertaken by others on the holder's land.

[C71, 73, 75, 77, 79, 81, §111C.3]

C93, §461C.3

2006 Acts, ch 1121, §4; 2013 Acts, ch 128, §3; 2013 Acts, ch 140, §29, 39

Referred to in [§461C.5](#)

#### **461C.4 Users not invitees or licensees.**

Except as specifically recognized by or provided in [section 461C.6](#), a holder of land who either directly or indirectly invites or permits without charge any person to use such property for a recreational purpose or urban deer control does not thereby:

1. Extend any assurance that the premises are safe for any purpose.

2. Confer upon such person the legal status of an invitee or licensee to whom the duty of care is owed.

3. Assume a duty of care to such person solely because the holder is guiding, directing, supervising, or participating in any recreational purpose or urban deer control undertaken by the person on the holder's land.

4. Assume responsibility for or incur liability for any injury to person or property caused by an act or omission of such persons.

[C71, 73, 75, 77, 79, 81, §111C.4]

C93, §461C.4

2006 Acts, ch 1121, §5; 2013 Acts, ch 128, §4, 5; 2013 Acts, ch 140, §29, 39

Referred to in [§461C.5](#)

#### **461C.5 Duties and liabilities of holder of leased land.**

Unless otherwise agreed in writing, the provisions of [sections 461C.3](#) and [461C.4](#) shall be deemed applicable to the duties and liability of a holder of land leased, or any interest or right therein transferred to, or the subject of any agreement with, the United States or any agency thereof, or the state or any agency or subdivision thereof, for a recreational purpose or urban deer control.

[C71, 73, 75, 77, 79, 81, §111C.5]

C93, §461C.5

2006 Acts, ch 1121, §6; 2013 Acts, ch 128, §6; 2013 Acts, ch 140, §29, 39

#### **461C.6 When liability lies against holder.**

Nothing in [this chapter](#) limits in any way any liability which otherwise exists:

1. For willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

2. For injury suffered in any case where the holder of land charges the person or persons who enter or go on the land for the recreational use thereof or for deer hunting, except that in the case of land or any interest or right therein, leased or transferred to, or the subject of any agreement with, the United States or any agency thereof or the state or any agency thereof or subdivision thereof, any consideration received by the holder for such lease, interest, right, or agreement shall not be deemed a charge within the meaning of [this section](#).

[C71, 73, 75, 77, 79, 81, §111C.6]

C93, §461C.6

2006 Acts, ch 1121, §7; 2013 Acts, ch 128, §7; 2013 Acts, ch 140, §29, 39

Referred to in §461C.3, 461C.4

#### **461C.7 Construction of law.**

Nothing in [this chapter](#) shall be construed to:

1. Create a duty of care or ground of liability for injury to persons or property.
2. Relieve any person using the land of another for a recreational purpose or urban deer control from any obligation which the person may have in the absence of [this chapter](#) to exercise care in the use of such land and in the person's activities thereon, or from the legal consequences of failure to employ such care.

3. Amend, repeal or modify the common law doctrine of attractive nuisance.

[C71, 73, 75, 77, 79, 81, §111C.7]

C93, §461C.7

2006 Acts, ch 1121, §8; 2013 Acts, ch 128, §8; 2013 Acts, ch 140, §29, 39

#### **461C.8 Urban deer control — municipal ordinance.**

1. A municipality may adopt an ordinance authorizing trained, volunteer hunters to hunt deer with a bow and arrow on private land within the municipality, without charge, for the purpose of urban deer control.

2. The ordinance shall specify all of the following:

- a. How a person qualifies to participate in urban deer control.

- b. Where urban deer control can occur.

- c. Conditions under which urban deer control can be conducted, which are intended to minimize the risk of injury to persons and property.

3. A hunter who participates in urban deer control pursuant to [this section](#) shall be otherwise qualified to hunt deer in this state, purchase a hunting license that includes the wildlife habitat fee, and obtain a special deer hunting license valid only for the dates, locations, and type of deer specified on the license. Special deer hunting licenses issued pursuant to [this section](#) shall be available only to residents and shall cost the same as deer hunting licenses issued during general deer seasons. The commission may establish procedures for issuing more than one license per person as necessary to achieve the purposes of urban deer control, and the cost of each additional license shall be ten dollars.

4. An urban deer control ordinance is not effective until it has been approved by the department of natural resources.

5. The department of natural resources shall adopt rules in accordance with [chapter 17A](#) necessary for the administration of [this section](#).

2006 Acts, ch 1121, §9; 2012 Acts, ch 1096, §1, 23