

Capital Insurance Agency of Wisconsin

Who Cares About Attractive Nuisances?

What Is An Attractive Nuisance?

This is a term originated by a judge to describe property that attracts youngsters and, because of their dangerous nature, creates a special obligation to property owners. Examples are:

Swimming pools
Trampolines
Empty buildings
Appliances kept outside
Excavation
Construction materials

All of these can lure children onto property and they all have the potential to cause serious injury.

Why Do Attractive Nuisances Create A Special Obligation?

A special obligation exists because of such property's child endangering nature. Children do not have the reasoning ability of adults. When an opportunity to have fun pops up, it's a rare child who thinks about the chance of being injured. A property owner with an attractive nuisance on his property cannot escape liability because of a trespassing child. When an attractive nuisance is involved, adults have to make a special effort to protect children from their blind sense of adventure or face the consequences.

How Do You Handle Attractive Nuisances?

The answer is... do whatever it takes to prevent a child's access to the nuisance. Therefore, in order of their effectiveness:

1. Eliminate the nuisance:

Examples:

- * Have old appliances hauled to a junk yard
- * Tow old, non-running vehicles away
- * Get rid of construction materials immediately after a building project is complete

2. Secure the nuisance

Examples:

- * Take off doors or covers from large appliances awaiting garbage pickup
- * Keep sharp tools, especially power tools and equipment, locked away
- * Store construction materials in a garage or shed

3. Reduce the chance for injury from a nuisance

Examples:

- * Install a pool cover and have a locked fence to prevent access to pool
- * Do not allow younger children to use equipment such as trampolines
- * Make sure there's adult supervision of children using play equipment
- * If you're not certain about whether you have an attractive nuisance situation, discuss the situation with an insurance professional.