

# Black Hawk County Water Trails Master Plan



## Private Land

**In June 2013, the Iowa legislature amended section 461C to extend protections granted to landowners who open their property for recreational use. The wording of section 461C has been strengthened to broadly and liberally favor landowners and other land holders.**

Private land holders who permit use of their land for a recreational purpose

- **do not** extend any assurance that the premises are safe for any purpose,
- **do not** confer upon visitors the legal status of an “invitee” or “licensee” to whom the duty of care is owed,
- **do not** assume a duty of care to visitors solely because the holder is guiding, directing, supervising, or participating in any recreational purpose, and
- **do not** assume responsibility for or incur liability for any injury to person or property caused by such persons.

Section 461C does state, however, that liability would lie against the land holder “for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity” or when the land holder charges money for use of their land.

The information presented above is not legal advice or a legal opinion. It is for general informational purposes only. You should seek the advice of legal counsel before acting upon any of the information presented.

## Meandered vs. Non-Meandered Rivers

In general, members of the public are allowed to float on any river in Iowa and engage in activities incident to navigation such as fishing, swimming, and wading. Two considerations that landowners and paddlers should both be aware of are rules for **meandered vs. non-meandered** rivers and rules for **public vs. private** land. The table below describes these rules.

Landowners interested in allowing free public use of their land are encouraged to contact the Black Hawk County Conservation Board at 319-433-7275 or the water trails coordinator at 319-235-0311 ext. 132.

