



Winter weather advisory: Premises liability hazards

In East Tennessee, there are two certainties with winter weather advisories – bread and milk become sparse, and comparisons to the '93 superstorm start. Another certainty for business owners should be protecting business premises from potential slip and fall litigation.

The key case on winter weather is *Bowman v. State*, which explains:

Dangerous conditions caused by the natural accumulation of snow and ice are considered to be among the 'normal hazards of life.'

Property owners cannot be held liable for failing to remove natural accumulations of snow or ice when they had no notice of the condition. Forecasts of snow or ice do not, by themselves, constitute actual or constructive notice of dangerous conditions. Thus, no case has ever imposed a duty on property owners to con-

stantly monitor weather forecasts or to take steps to prevent or stall possible accumulations of snow or ice.

By the same token, property owners are not required to keep their premises free of natural accumulations of snow and ice at all times. Instead, they are expected to take reasonable steps to remove snow and ice within a reasonable time after it has accumulated. When considering whether efforts to remove snow and ice were reasonable, the court should consider, among other things: the length of time the accumulation has been present, the amount of the accumulation, whether the accumulation could be removed, the cost of removal, and the foreseeability of injury.

Most business owners that get sued assert that their actions were reasonable... yet the case continues. "Reasonableness" is often a jury

question which means the case cannot easily be dismissed. Here's what a business owner can do to demonstrate that the business took reasonable steps in a timely manner.

Plan: Have a snow removal plan in place - a paid service, certain personnel with proper equipment capable for salting and shoveling, etc.

Manage: Have an available manager arrive at the premises and inspect entrances and parking areas before employees or customers. If a business is open, be prepared to keep employees and customers safe.

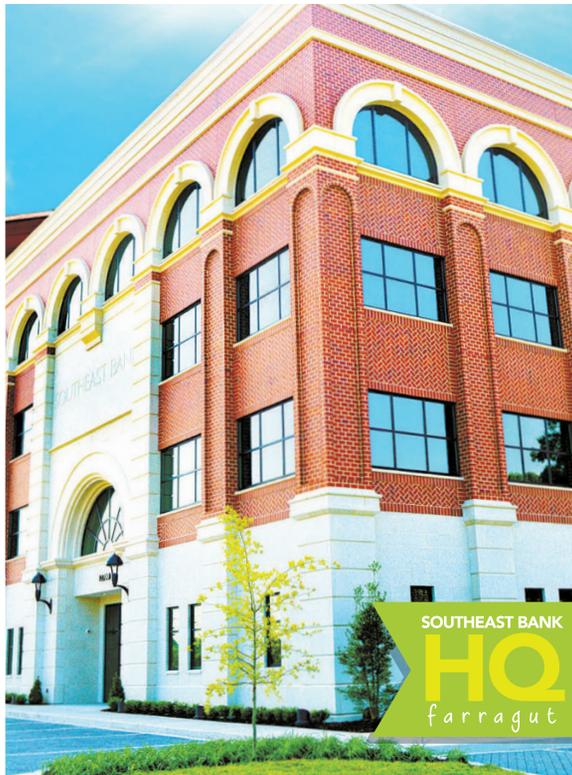
Inform: Have an established plan that lets employees know whether to come to work and where to park.

Display signage: If only certain areas are going to be salted/shoveled/etc. (like the main entrance), have warning signs alerting customers and employees (signs, barriers, etc.).

Prepare: Make sure you have the essentials to fit your business needs: salt, shovels, floor mats for the entrances, proper clothing/gear for employees, warning signs/rope/barriers, and/or floor drying equipment.

Keep it outside: Make sure to address the building's interior. Snow being walked into your premises creates water hazards inside.

Rachel Park Hurt practices insurance defense, medical malpractice/healthcare liability defense and premises liability defense with Arnett, Draper & Hagood, LLP. This column is provided through the Knoxville Bar Association, your trusted source for lawyer referrals. The KBA is a nonprofit corporation that offers community service programs such as the Lawyer Referral & Information Service, speakers' bureau and public education programs.



ONLY BANK WITH
HQ
IN FARRAGUT
TENNESSEE

one of the
**FASTEST
GROWING***
BANKS in the
area

HOMETOWN SERVICE
BALANCED WITH
**MODERN
BANKING
PRODUCTS**

FARRAGUT HQ BUILDING | MODEL OF EFFICIENCY

PAVERS
instead of
ASPHALT
allow for
**ALL NATURAL
WATER RUN-OFF**

20% LESS
power consumption
THAN A SIMILAR
32,000 SQ FT BUILDING

**FIBER
OPTIC**
WITH A
25 YEAR
life span

SouthEast
b a n k

athens | bearden | cleveland | cookeville | dayton | decatur | farragut | hardin valley | lenoir city | ooltewah | spring city | ten mile