CHAPTER 42-04
AGRICULTURAL OPERATIONS AS NUISANCES

42-04-01. Agricultural operation defined.

As used in this chapter, "agricultural operation" means the science and art of producing plants and animals useful to people, by a corporation or a limited liability company as allowed under chapter 10-06.1, or by a corporation or limited liability company, a partnership, or a proprietorship, and includes the preparation of these products for people's use and the disposal of these products by marketing or other means. The term includes livestock auction markets and horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products, and farm production.

42-04-02. Agricultural operation deemed not nuisance.

An agricultural operation is not, nor shall it become, a private or public nuisance by any changed conditions in or about the locality of such operation after it has been in operation for more than one year, if such operation was not a nuisance at the time the operation began, except that the provisions of this section shall not apply when a nuisance results from the negligent or improper operation of any such agricultural operation.

42-04-03. Recovery for water pollution, condition, or overflow.

The provisions of section 42-04-02 shall not affect or defeat the right of any person to recover damages for any injury or damage sustained by the person on account of any pollution of or change in the condition of the waters of any stream or on account of any overflow of lands of any such person.

42-04-04. Effect on local ordinances.

Any ordinance or resolution of any unit of local government that makes the operation of any agricultural operation a nuisance or provides for the abatement thereof as a nuisance under the circumstances set forth in this chapter is void, except that the provisions of this section shall not apply when a nuisance results from the negligent or improper operation of any such agricultural operation or from an agricultural operation located within the corporate limits of any city as of July 1, 1981.

42-04-05. Effect on contracts.

This chapter shall not be construed to invalidate any contracts made prior to the enactment of this chapter, but, insofar as contracts are concerned, it is only applicable to contracts and agreements to be made on or after July 1, 1981.