

23-28-303 Nuisances.

- (1)
- (a) A county shall exclude the activities described in Subsection (1)(b) from the definition of public nuisance in a county law or ordinance regulating a public nuisance.
 - (b) An activity or occurrence normally associated with a migratory bird production area is not a nuisance, including:
 - (i) hunting;
 - (ii) discharging a firearm;
 - (iii) improving habitat;
 - (iv) trapping;
 - (v) eradicating weeds;
 - (vi) discing;
 - (vii) planting;
 - (viii) impounding water;
 - (ix) raising a bird or other domestic animal;
 - (x) grazing;
 - (xi) an activity conducted in the normal course of an agricultural operation as defined in Section 78B-6-1101; and
 - (xii) an odor.
- (2) In a civil action for nuisance or a criminal action for public nuisance under Section 76-10-803, it is a complete defense if the action is:
- (a) normally associated with a migratory bird production area;
 - (b) conducted within a migratory bird production area; and
 - (c) not in violation of any federal or state law.
- (3) An owner of a new development located in whole or in part within 1,000 feet of a migratory bird production area shall provide the following notice on any plat filed with the county recorder:
- "Migratory Bird Production Area
- This property is located in the vicinity of an established migratory bird production area in which hunting and activities related to the management and operation of land for the benefit of migratory birds have been afforded the highest priority use status. It can be anticipated that these uses and activities may now or in the future be conducted on land within the migratory bird production area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from activities normally associated with a migratory bird production area."

Enacted by Chapter 273, 2009 General Session