

57-12-3 Definitions.

As used in this chapter:

- (1) "Agency" means:
 - (a) a department, division, agency, commission, board, council, committee, authority, political subdivision, or other instrumentality of the state or of a political subdivision of the state whether one or more; and
 - (b) any other person whose use of the power of eminent domain results in a person becoming a displaced person.
- (2) "Business" means any lawful activity, excepting a farm operation, conducted primarily:
 - (a) for the purchase, sale, lease, or rental of personal or real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;
 - (b) for the sale of services to the public;
 - (c) by a nonprofit organization; or
 - (d) for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.
- (3) "Displaced person" means any person who, after the effective date of this chapter, moves from real property, or who moves the person's personal property from real property, or moves or discontinues the person's business or moves the person's dwelling as a result of the acquisition of the real property, in whole or in part, or as a result of a written order of the acquiring agency to vacate real property for a program of purchase undertaken by an agency or as a direct result of code enforcement activities or a program of rehabilitation of buildings conducted pursuant to a federal or state assisted program.
- (4) "Family farm" means a farm operation which is conducted:
 - (a) on two sections (1280 acres) or less; or
 - (b) as a sole proprietorship or through an entity which is wholly owned by members of the same immediate family.
- (5) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.
- (6) "Nonprofit organization" means all corporations, societies, and associations whose object is not pecuniary profit, but is to promote the general interest and welfare of the members, whether temporal, social, or spiritual.
- (7) "Person" means any individual, partnership, corporation, or association.
- (8) "Small business" means a business which has a gross annual income of less than \$1,500,000.

Amended by Chapter 223, 2004 General Session