

76-10-803 "Public nuisance" defined -- Agricultural operations.

- (1) A public nuisance is a crime against the order and economy of the state and consists in unlawfully doing any act or omitting to perform any duty, which act or omission:
 - (a) annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons;
 - (b) offends public decency;
 - (c) unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway;
 - (d) is a nuisance as defined in Section 78B-6-1107; or
 - (e) in any way renders three or more persons insecure in life or the use of property.
- (2) An act which affects three or more persons in any of the ways specified in this section is still a nuisance regardless of the extent to which the annoyance or damage inflicted on individuals is unequal.
- (3)
 - (a) Activities conducted in the normal and ordinary course of agricultural operations, as defined in Subsection 78B-6-1101(7), and conducted in accordance with sound agricultural practices are presumed to be reasonable and not constitute a public nuisance under Subsection (1).
 - (b) Agricultural operations undertaken in conformity with federal, state, and local laws and regulations, including zoning ordinances, are presumed to be operating within sound agricultural practices.

Amended by Chapter 21, 2009 General Session