

28 the boundary of an agriculture protection area, the owner of the development shall provide notice
29 on any plat filed with the county recorder the following notice:

30 "Agriculture Protection Area

31 This property is located in the vicinity of an established agriculture protection area in
32 which normal agricultural uses and activities have been afforded the highest priority use
33 status. It can be anticipated that such agricultural uses and activities may now or in the
34 future be conducted on property included in the agriculture protection area. The use and
35 enjoyment of this property is expressly conditioned on acceptance of any annoyance or
36 inconvenience which may result from such normal agricultural uses and activities."

37 Section 2. Section **76-10-803** is amended to read:

38 **76-10-803. "Public nuisance" defined.**

39 (1) A public nuisance is a crime against the order and economy of the state and consists
40 in unlawfully doing any act or omitting to perform any duty, which act or omission:

41 (a) annoys, injures, or endangers the comfort, repose, health, or safety of three or more
42 persons;

43 (b) offends public decency;

44 (c) unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for
45 passage, any lake, stream, canal, or basin, or any public park, square, street, or highway;

46 (d) is a nuisance as defined in Section 78-38-9; or

47 (e) in any way renders three or more persons insecure in life or the use of property.

48 (2) An act which affects three or more persons in any of the ways specified in this section
49 is still a nuisance regardless of the extent to which the annoyance or damage inflicted on
50 individuals is unequal.

51 (3) (a) Agricultural operations that are consistent with sound agricultural practices are
52 presumed to be reasonable and do not constitute a public nuisance under Subsection (1) unless the
53 agricultural operation has a substantial adverse effect on the public health and safety.

54 (b) Agricultural operations undertaken in conformity with federal, state, and local laws and
55 regulations, including zoning ordinances, are presumed to be operating within sound agricultural
56 practices.

Legislative Review Note
as of 11-14-01 2:07 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel