

CHAPTER 561

NUISANCE, TRESPASS, WASTE; DAMAGES

561.19 Nuisance liability of agricultural operations.

561.19 NUISANCE LIABILITY OF AGRICULTURAL OPERATIONS.

[For text of subd 1, see M.S.1982]

Subd. 2. **Agricultural operation not a nuisance.** An agricultural operation which is a part of a family farm is not and shall not become a private or public nuisance after six years from its established date of operation if the operation was not a nuisance at its established date of operation. The provisions of this subdivision do not apply: (a) to a condition or injury which results from the negligent or improper operation of an agricultural operation or from operations contrary to commonly accepted agricultural practices or to applicable state or local laws, ordinances, rules, or permits; (b) when an agricultural operation causes injury or direct threat of injury to the health or safety of any person; (c) to the pollution of, or change in the condition of, the waters of the state or the overflow of waters on the lands of any person; (d) to an animal feedlot facility with a swine capacity of 1,000 or more animal units as defined in the rules of the pollution control agency for control of pollution from animal feedlots, or a cattle capacity of 2,500 animals or more; or (e) to any prosecution for the crime of public nuisance as provided in section 609.74 or to an action by a public authority to abate a particular condition which is a public nuisance.

[For text of subds 3 and 4, see M.S.1982]

Subd. 5. [Repealed, 1983 c 182 s 2]

History: 1983 c 182 s 1