

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1380

4
5 By: Representatives Brown and Ferrell

For An Act To Be Entitled

9 "AN ACT CONCERNING NUISANCE; AND FOR OTHER PURPOSES."

Subtitle

12 "AN ACT CONCERNING NUISANCE."

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16 SECTION 1. Nuisance defined; action for abatement and damages.

17 (a) Except as otherwise provided in subsection (b), anything which is
18 injurious to health, or indecent and offensive to the senses, or an
19 obstruction to the free use of property, so as to interfere with the
20 comfortable enjoyment of life or property, is a nuisance, and the subject of
21 an action. The action may be brought by any person whose property is
22 injuriously affected, or whose personal enjoyment is lessened by the nuisance,
23 and by the judgment the nuisance may be enjoined or abated, as well as damages
24 recovered.

25 (b)(1) It is presumed:

26 (A) That an agricultural activity conducted on farmland,
27 consistent with good agricultural practice and established before surrounding
28 nonagricultural activities is reasonable. Such activity does not constitute a
29 nuisance unless the activity has a substantial adverse effect on the public
30 health or safety.

31 (B) That an agricultural activity which does not violate a
32 federal, state or local law, ordinance or regulation constitutes good
33 agricultural practice.

34 (2) Nothing in this section shall be deemed to repeal Arkansas Code 2-
35 4-101 et seq. which protects certain agricultural operations from being
36 declared a nuisance.

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SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.