



LAWS OF ALASKA

1986

Source

HCS CSSB 409(Jud) am H

Chapter No.

34

AN ACT

Relating to a right to farm.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 8

Approved by the Governor: May 25, 1986
Actual Effective Date: August 23, 1986

AN ACT

Relating to a right to farm.

* Section 1. LEGISLATIVE FINDINGS. The legislature finds that agriculture makes an important contribution to the economy of the state and that the encouragement, development, improvement, and preservation of agriculture will result in a general benefit to the health and welfare of the people of the state. The legislature further finds that conflict between agricultural operations and urban and suburban land uses threatens the permanent loss of agricultural land.

* Sec. 2. AS 09.45 is amended by adding a new section to read:

Sec. 09.45.235. AGRICULTURAL OPERATIONS AS PRIVATE NUISANCES.

(a) An agricultural operation is not and does not become a private nuisance by a changed condition that exists on neighboring land if the agricultural operation has been in operation for more than three years and if the agricultural operation was not a nuisance at the time the agricultural operation began.

(b) The provisions of (a) of this section do not apply to

(1) liability resulting from improper or negligent conduct of agricultural operations; or

(2) flooding caused by the agricultural operation.

(c) The provisions of (a) of this section supersede a municipal ordinance, resolution, or regulation to the contrary.

(d) In this section, "agricultural operation" means

(1) any agricultural and farming activity such as

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1 (A) the cultivation, conserving, and tillage of the
2 soil;

3 (B) dairying;

4 (C) the operation of greenhouses;

5 (D) the production, cultivation growing, and harvest-
6 ing of an agricultural, floricultural, or horticultural com-
7 modity;

8 (E) the raising of livestock, bees, fur-bearing ani-
9 mals, or poultry;

10 (F) forestry or timber harvesting operations;

11 (2) any practice conducted on the agricultural operation as
12 an incident to or in conjunction with activities described in (1) of
13 this subsection.
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