

The National Agricultural  
Law Center



An Agricultural Law Research Project

## **States' Right-To-Farm Statutes**

**State of Alaska**

[www.NationalAgLawCenter.org](http://www.NationalAgLawCenter.org)



## States' Right-to-Farm Statutes

### STATE OF ALASKA

#### Alaska Stat. § 09.45.235

*The Statutes are current through legislation effective May 17, 2010 passed during the 2010 Second Regular Session of the 26th Legislature.*

#### **§ 09.45.235. Agricultural operations as private nuisances**

(a) An agricultural facility or an agricultural operation at an agricultural facility is not and does not become a private nuisance as a result of a changed condition that exists in the area of the agricultural facility if the agricultural facility was not a nuisance at the time the agricultural facility began agricultural operations. For purposes of this subsection, the time an agricultural facility began agricultural operations refers to the date on which any type of agricultural operation began on that site regardless of any subsequent expansion of the agricultural facility or adoption of new technology. An agricultural facility or an agricultural operation at an agricultural facility is not a private nuisance if the governing body of the local soil and water conservation district advises the commissioner in writing that the facility or operation is consistent with a soil conservation plan developed and implemented in cooperation with the district.

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

- (1) liability resulting from improper, illegal, 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,

(1) "agricultural facility" means any land, building, structure, pond, impoundment, appurtenance, machinery, or equipment that is used or is intended for use in the commercial production or processing of crops, livestock, or livestock products, or that is used in aquatic farming;

(2) "agricultural operation" means

(A) any agricultural and farming activity such as

- (i) the preparation, plowing, cultivation, conserving, and tillage of the soil;
- (ii) dairying;
- (iii) the operation of greenhouses;

- (iv) the production, cultivation, rotation, fertilization, growing, and harvesting of an agricultural, floricultural, apicultural, or horticultural crop or commodity;
- (v) the breeding, hatching, raising, producing, feeding, keeping, slaughtering, or processing of livestock;
- (vi) forestry or timber harvesting, manufacturing, or processing operations;
- (vii) the application and storage of pesticides, herbicides, animal manure, treated sewage sludge or chemicals, compounds, or substances to crops, or in connection with the production of crops or livestock;
- (viii) the manufacturing of feed for poultry or livestock;
- (ix) aquatic farming;
- (x) the operation of roadside markets; and

(B) any practice conducted on the agricultural facility as an incident to or in conjunction with activities described in (A) of this paragraph, including the application of existing, changed, or new technology, practices, processes, or procedures;

(3) "livestock" means horses, cattle, sheep, bees, goats, swine, poultry, reindeer, elk, bison, musk oxen, and other animals kept for use or profit