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SENATE BILL 307

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Cliff R. Pirtle

AN ACT

RELATING TO PROPERTY; AMENDING A SECTION OF THE RIGHT TO FARM  
ACT TO CLARIFY THAT FARM OPERATIONS ARE NOT NUISANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 47-9-3 NMSA 1978 (being Laws 1981,  
Chapter 287, Section 3, as amended) is amended to read:

"47-9-3. AGRICULTURAL OPERATIONS DEEMED NOT A NUISANCE.--

A. Any agricultural operation or agricultural  
facility is not, nor shall it become, a private or public  
nuisance by any changed condition in or about the locality of  
the agricultural operation or agricultural facility if the  
operation was not a nuisance at the time the operation began  
and has been in existence for more than one year; except that  
the provisions of this section shall not apply whenever an  
agricultural operation or agricultural facility is operated

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1 negligently [~~or illegally such that the operation or facility~~  
2 ~~is a nuisance~~].

3 B. Any ordinance or resolution of any unit of local  
4 government that makes the operation of any agricultural  
5 operation or agricultural facility a nuisance or provides for  
6 abatement of it as a nuisance under the circumstances set forth  
7 in this section shall not apply when an agricultural operation  
8 [~~is located within the corporate limits of any municipality as~~  
9 ~~of April 8, 1981~~] was established prior to the date of adoption  
10 of any such ordinance or resolution.

11 C. The established date of operation is the date on  
12 which an agricultural operation commenced or an agricultural  
13 facility was originally constructed. If an agricultural  
14 operation or agricultural facility is subsequently expanded or  
15 a new technology is adopted, the established date of operation  
16 does not change."