

1985 BILL 203

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Third Session, 20th Legislature, 34 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 203

FARMING NUISANCE CLAIM PROTECTION ACT

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MRS. CRIPPS

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 203  
Mrs. Cripps

## BILL 203

1985

### FARMING NUISANCE CLAIM PROTECTION ACT

(Assented to , 1985)

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

Definitions

**1** In this Act,

(a) “agricultural land” means land that,

(i) is zoned for agriculture pursuant to the *Planning Act* and is actually being used for agriculture, or

(ii) is assessed for municipal taxation on the basis of being used for agriculture;

(b) “farming operation” means an activity conducted on agricultural land in connection with the commercial production of agricultural produce;

(c) “Minister” means the Minister of Agriculture.

Agricultural  
activities  
deemed not  
nuisance

**2** A farming operation on agricultural land, that

(a) is not negligent;

(b) conforms to generally accepted practice for similar farming operations;

- (c) does not endanger human health or safety; and
- (d) does not contribute to flooding or water pollution;

shall be deemed

(e) not to be a public or private nuisance if it is carried out in accordance with the guidelines issued by the Minister pursuant to section 3;

(f) not to be a private nuisance in respect of a neighbouring parcel of land that has had a change of use or zoning if the same farming operation was conducted prior to the change of use or zoning, in a similar manner and at similar times, and would not then have been a private nuisance with respect to the neighbouring parcel of land.

Guidelines

**3** The Minister may by order establish guidelines for the conduct of farming operations so as to protect the continuance of established farming operations as far as is reasonable and to minimize conflict between farming operations and uses of land other than farming.

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*In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.*