



The National Agricultural Law Center

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States' Right-To-Farm Statutes:

Arizona



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Ariz. Rev. Stat. §§3-111 to 3-112

Current through all 2021 legislation, including the 55th Legislature's 1st Regular and Special sessions

§ 3-111. Definitions.

In this chapter, unless the context otherwise requires:

1. “Agricultural operations” means all activities by the owner, lessee, agent, independent contractor and supplier conducted on any facility for the production of crops, livestock, poultry, livestock products or poultry products or for the purposes of agritourism.
2. “Agritourism” means any activity that allows members of the general public, for recreational or educational purposes, to view, enjoy or participate in rural activities, including farming, ranching, historical, cultural, u-pick, harvest-your-own produce or natural activities and attractions occurring on property defined as agricultural real property pursuant to section 42-12151 if the activity is conducted in connection with and directly related to a business whose primary income is derived from producing livestock or agricultural commodities for commercial purposes.
3. “Farmland” means land devoted primarily to the production for commercial purposes of livestock or agricultural commodities.

§ 3-112. Agricultural operations; nuisance liability: damages; state preemption.

A. Agricultural operations conducted on farmland that are consistent with good agricultural practices and established before surrounding nonagricultural uses are presumed to be reasonable and do not constitute a nuisance unless the agricultural operation has a substantial adverse effect on the public health and safety.

B. Agricultural operations undertaken in conformity with federal, state and local laws and regulations are presumed to be good agricultural practices and not adversely affecting the public health and safety.

C. In a nuisance action against an agricultural operation conducted on farmland:



1. The court may award costs and expenses, including reasonable attorney fees, to the prevailing party.

2. If the court determines that a party filed a nuisance action under one of the following circumstances, the court shall award reasonable costs and attorney fees to the other party:

(a) The action was not filed in good faith.

(b) The action was not grounded in fact or based on law.

(c) The action was filed for an improper purpose, such as to harass the other party, to cause an unnecessary delay or to increase the cost of litigation to the other party.

3. The court may not award punitive damages for a nuisance action unless the alleged nuisance emanated from an agricultural operation that has been subject to a criminal conviction or a civil enforcement action taken by a state or federal environmental or health regulatory agency pursuant to a notice of violation for the conduct alleged to be the source of the nuisance.

D. For the purposes of this section, costs and expenses may include attorney fees, deposition costs and other reasonable expenses as the court finds necessary to the full and proper presentation of the action, including any appeal.

E. A city, town, county, special taxing district or other political subdivision of this state may not declare an agricultural operation conducted on farmland to be a nuisance if the agricultural operation's practices are lawful, customary, reasonable, safe and necessary to the agriculture industry as the practices pertain to an agricultural operation's practices as determined by the agricultural best management practices committee established by section 49-457, the Arizona department of agriculture or the department of environmental quality.

