



# The National Agricultural Law Center

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States' Right-To-Farm Statutes:

*Nebraska*



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# A National Agricultural Law Center Research Publication

## States' Right-To-Farm Statutes: Nebraska

[Neb. Rev. Stat. §§ 2-4401 to 2-4404](#)

Current through the end of the 1st Regular Session and the end of the 1st Special Session of the 107th Legislature (2021).

### **2-4401. Act, how cited**

Sections 2-4401 to 2-4404 shall be known and may be cited as the Nebraska Right to Farm Act.

### **2-4402. Terms, defined**

As used in the Nebraska Right to Farm Act, unless the context otherwise requires:

- (1) Farm or farm operation means any tract of land over ten acres in area used for or devoted to the commercial production of farm products;
- (2) Farm product means those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur; and
- (3) Public grain warehouse or public grain warehouse operation means any grain elevator building or receptacle in which grain is held for longer than ten days and includes, but is not limited to, all buildings, elevators, and warehouses consisting of one or more warehouse sections within the confines of a city, township, county, or state that are considered a single delivery point with the capability to receive, load out, weigh, and store grain.

### **2-4403. Farm; farm operation; public grain warehouse operation; not a nuisance; when; suit; limitation**

- (1) A farm or farm operation or a public grain warehouse or public grain warehouse operation shall not be found to be a public or private nuisance if the farm or farm operation or public grain warehouse or public grain warehouse operation existed before a change in the land use or occupancy of land in and about the locality of such farm or farm operation or public



grain warehouse or public grain warehouse operation and before such change in land use or occupancy of land the farm or farm operation or public grain warehouse or public grain warehouse operation would not have been a nuisance.

(2) No suit shall be maintained against a farm or farm operation or public grain warehouse or public grain warehouse operation for public or private nuisance more than two years after the condition which is the subject matter of the suit reaches a level of offense sufficient to sustain a claim of nuisance.

(3) The limitation provided for in this section shall not apply to any action brought to determine compliance with or to enforce a previous order of a court related to the same claim of nuisance or to any claims for additional damages or equitable relief available when a farm or farm operation or public grain warehouse or public grain warehouse operation fails to remediate a nuisance pursuant to such court order.

#### **2-4404. Applicability of other statutes**

The Nebraska Right to Farm Act shall not affect the application of state and federal statutes.

