



Ohio Revised Code

Section 929.04 Defense to civil action for nuisance.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

(A) As used in this section, "agricultural activities" means common agricultural practices, including all of the following:

- (1) The cultivation of crops or changing crop rotation;
- (2) Raising of livestock or changing the species of livestock raised;
- (3) Entering into and operating under a livestock contract;
- (4) The storage and application of commercial fertilizer;
- (5) The storage and application of manure;
- (6) The storage and application of pesticides and other chemicals commonly used in agriculture;
- (7) A change in corporate structure or ownership;
- (8) An expansion, contraction, or change in operations;
- (9) Any agricultural practice that is acceptable by local custom.

(B) In a civil action for nuisances involving agricultural activities, it is a complete defense if:

- (1) The agricultural activities were conducted within an agricultural district or on land devoted exclusively to agricultural use in accordance with section 5713.30 of the Revised Code, or were conducted by a person pursuant to a lease agreement, written or otherwise;
- (2) The agricultural activities were established prior to the plaintiff's activities or interest on which



the action is based;

(3) The agricultural activities were not in conflict with federal, state, and local laws and rules relating to the alleged nuisance or were conducted in accordance with generally accepted agriculture practices.

The plaintiff may offer proof of a violation independently of proof of a violation or conviction by any public official.
