



Michigan State University Extension
Land Use Series

Who is protected from nuisance suits under the Right to Farm Act (RTFA)

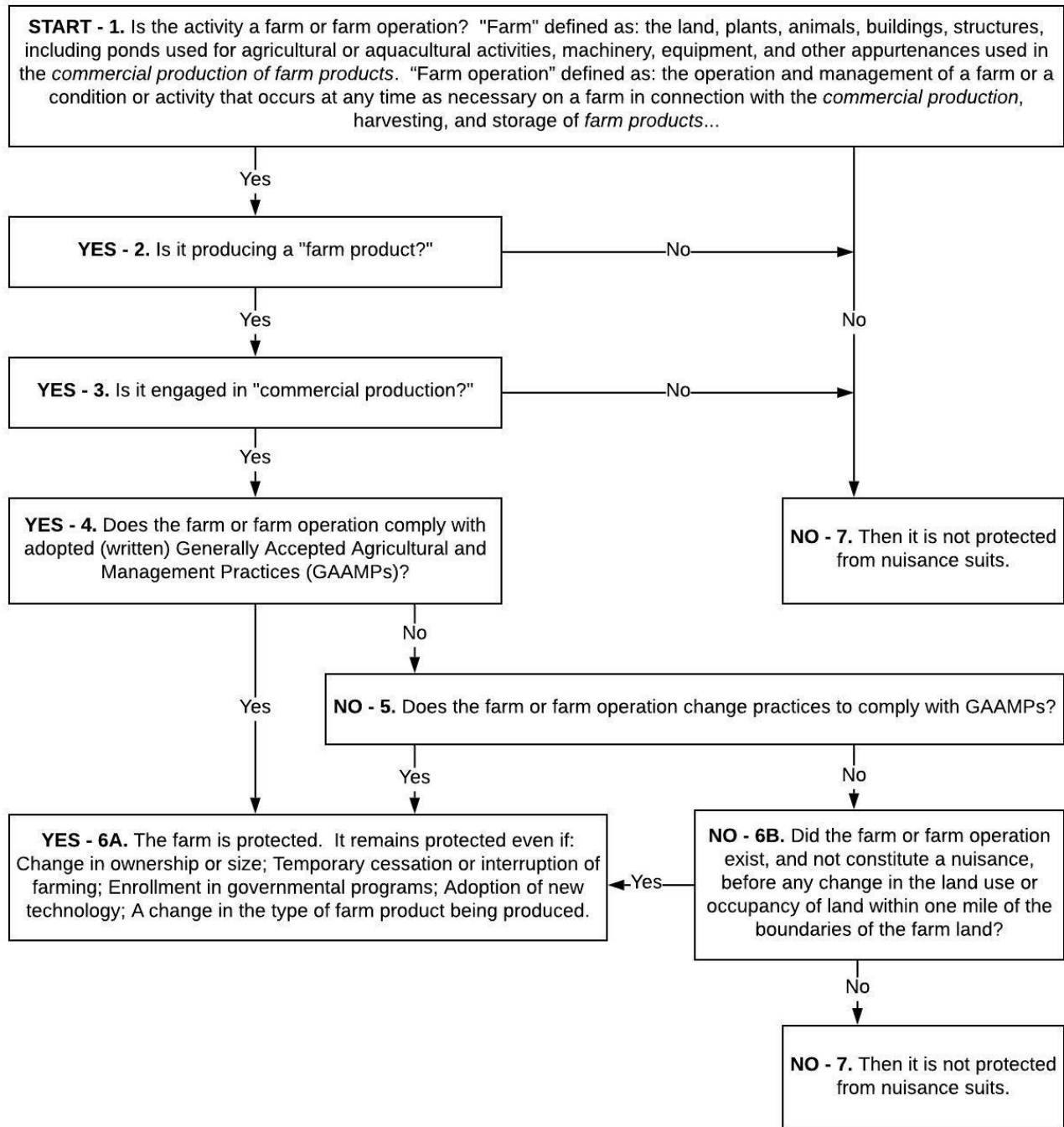
Original version: May 5, 2009

Last revised: May 5, 2009

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*“Thirty seven million acres is
all the Michigan we will ever have”*
William G. Milliken

Nuisance Suit Protection Table



The RTFA, its interpretation, and application regularly changes. This decision-tree is up to date to the date of this publication. Please regularly check for updates at <https://www.canr.msu.edu/planning>.

Nuisance Suit Protection Questions

START

1. Is the activity a farm or farm operation?

“Farm” defined as: the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

“Farm operation” defined as: the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products....

Yes, go to 2.

No, go to 7.

2. Is it producing a “farm product”?

Yes, go to 3.

No, go to 7.

3. Is it engaged in “commercial production”?

Yes, go to 4.

No, go to 7.

4. Does the farm or farm operation comply with adopted (written) Generally Accepted Agricultural and Management Practices (GAAMPs)?

Yes, go to 6A

No, go to 5.

5. Does the farm or farm operation change practices to comply with GAAMPs?

Yes, go to 6A.

No, go to 6B.

6A. The farm is protected. It remains protected even if:

- Change in ownership or size;
- Temporary cessation or interruption of farming;
- Enrollment in governmental programs;
- Adoption of new technology;
- A change in the type of farm product being produced.

End of questions.

6B. Did the farm or farm operation exist, and not constitute a nuisance, before any change in the land use or occupancy of land within one mile of the boundaries of the farm land?

Yes, go to 6A.

No, go to 7.

7. Then it is not protected from nuisance suits.

End of questions.

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This table also appeared in *Planning and Zoning News*, March 2007 (p.6).

To find contact information for authors or other MSU Extension experts use this web page: <https://www.canr.msu.edu/outreach/experts>.

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