



# Nuisance Law

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# Nuisances

## Public

--immoral activities;  
--large-scale noxious activities

## Private

### Nuisances per se

--bad under all circumstances;  
--forbidden by statute

### Nuisance per accidens

#### Unintentional

--negligent;  
--reckless;  
--ultrahazardous

#### Intentional

“unreasonable under all the circumstances”

#### Factors:

- (1) Nature of D’s activity
- (2) Kind of harm to P
- (3) Degree of harm to P
- (4) Expediency
- (5) Usage
- (6) “Coming to the Nuisance”



Calabresi & Melamed,  
“Property Rules, Liability  
Rules, and Inalienability”  
(1972)

Assignment of  
Initial Entitlement

		Plaintiff	Defendant
Method of Protecting the Entitlement	Property Rule	Option #1 Arkansas	Option #3 Middlesex
	Liability Rule	Option #2 Boomer	Option #4 Spur
	Inalienability Rule	Option #5	Option #6