

TITLE 52
NUISANCES

CHAPTER 3
PRIVATE NUISANCES

52-301. REMEDIES FOR PRIVATE NUISANCES. The remedies against a private nuisance are:

1. A civil action; or,
2. Abatement.

[(52-301) R.S., sec. 3640; reen. R.C. & C.L., sec. 3668; C.S., sec. 6436; I.C.A., sec. 51-301.]

52-302. ABATEMENT -- WHEN ALLOWED. A person injured by a private nuisance may abate it by removing, or, if necessary, destroying, the thing which constitutes the nuisance, without committing a breach of the peace, or doing unnecessary injury.

[(52-302) R.S., sec. 3641; reen. R.C. & C.L., sec. 3669; C.S., sec. 6437; I.C.A., sec. 51-302.]

52-303. ABATEMENT -- WHEN NOTICE IS REQUIRED. Where a private nuisance results from a mere omission of the wrongdoer, and cannot be abated without entering upon his land, reasonable notice must be given to him before entering to abate it.

[(52-303) R.S., sec. 3642; reen. R.C. & C.L., sec. 3670; C.S., sec. 6438; I.C.A., sec. 51-303.]