

TITLE 52
NUISANCES

CHAPTER 2
PUBLIC NUISANCES

52-201. NOT LEGALIZED BY PRESCRIPTION. No lapse of time can legalize a public nuisance, amounting to an actual obstruction of public right.

[(52-201) R.S., sec. 3630; reen. R.C. & C.L., sec. 3662; C.S., sec. 6430; I.C.A., sec. 51-201.]

52-202. REMEDIES. The remedies against a public nuisance are:

1. Indictment or information;
2. A civil action; or,
3. Abatement.

[(52-202) R.S., sec. 3631; compiled R.C. & C.L., sec. 3663; C.S., sec. 6431; I.C.A., sec. 51-202.]

52-203. INDICTMENT OR INFORMATION. The remedy by indictment or information is regulated by the Penal Code.

[(52-203) R.S., sec. 3632; reen. R.C. & C.L., sec. 3664; C.S., sec. 6432; I.C.A., sec. 51-203.]

52-204. ACTION BY PRIVATE PERSON. A private person may maintain an action:

1. For a moral nuisance, if he be a resident citizen of the county, whether the nuisance complained of is specially injurious to him or not.
2. For any other public nuisance, if it is specially injurious to himself.

[(52-204) R.S., sec. 3633; reen. R.C., sec. 3665; am. 1915, ch. 43, sec. 4, p. 125; reen. C.L., sec. 3665; C.S., sec. 6433; I.C.A., sec. 51-204.]

52-205. ABATEMENT BY PUBLIC BODY OR OFFICER. A public nuisance may be abated by any public body or officer authorized thereto by law.

[(52-205) R.S., sec. 3634; reen. R.C. & C.L., sec. 3666; C.S., sec. 6434; I.C.A., sec. 51-205.]

52-206. ABATEMENT BY PRIVATE PERSON. Any person may abate a public nuisance which is specially injurious to him, by removing, or if necessary, destroying, the thing which constitutes the same, without committing a breach of the peace, or doing unnecessary injury.

[(52-206) R.S., sec. 3635; reen. R.C. & C.L., sec. 3667; C.S., sec. 6435; I.C.A., sec. 51-206.]