

**AN ORDINANCE ENACTING SECTION 92.03(I)(1) AND (2)**

**AN ORDINANCE PROVIDING FOR THE REGULATION OF TREES  
IN THE CITY OF BROWNS VALLEY**

Findings.

1. The Browns Valley City Council has a provision defining certain diseased trees as public nuisances.
2. It has come to the attention of the Browns Valley City Council that there is an additional issue with trees overhanging onto city streets and city rights-of-way.
3. The Browns Valley City Council believes it is in the best interests of the residents of the City of Browns Valley to amend its Ordinance declaring certain trees a public nuisance to include those trees that are overhanging onto city streets and city rights-of-way.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BROWNS VALLEY  
ORDAINS AS FOLLOWS:**

1. That Browns Valley City Ordinance Section 92.03(I)(1) and (2) is hereby amended to read as follows:

*“(I) Nuisance*

*(1) Defined.*

- (a) Any living or standing tree or part thereof infected to any degree with an infectious disease or which harbors any insect, fungi, or virus known to contribute to the spread of such disease is hereby declared to be a public nuisance.
- (b) Any dead tree or part thereof known to contribute to the spread of infectious diseases, including logs, branches, stumps, or firewood, is hereby declared to be a public nuisance.
- (c) Any tree - living or standing or dead - which overhangs into the streets nearer than eight feet above the ground or fourteen feet above the improved street or alley.
- (d) This provision shall not apply to those diseases already covered under Section 92.02

*(2) Nuisance Prohibited. I*

- (a) It shall be unlawful for the owner of any parcel of land in the City to permit or maintain on any such parcel of land or upon abutting street right of way any tree or dead wood which is a public

nuisance as defined in Section 92.15. It shall be the duty of any such owner to promptly abate the nuisance by removing and destroying such tree or dead wood in a manner authorized by the city manager or his duly authorized representative.

- (b) Upon any complaint being made to the Public Works Director, any violation of section 1(c) above, of this ordinance, the Director shall visit the premises on which it is claimed such trees are untrimmed. If said complaint is well founded the trees, the Director shall cause a written notice to be issued to the property owner, giving the property owner fourteen (14) days to correct the nuisance. If after fourteen (14) days the nuisance has not been abated, the trees shall be trimmed in accordance with said Section 1(c) and report the cost of the labor performed in connection therewith to the City Council. The City Council shall cause the same to be included in the taxes against the lot or lots on which said trees are standing or if standing in the street, shall cause the same to be included in the taxes against the lot fronting on the side of the street where said trees stand.

PASSED AND ADOPTED this 12th day of May, 2025.

BROWNS VALLEY CITY COUNCIL

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Michael Heck, Mayor

ATTEST:

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Jodi Hook-Hansen, City Administrator