

ORDINANCE NO. 00082

BE IT ORDAINED Section 1 King County Code 8.04.060
Duty to destroy caterpillars. It shall be the duty of every person owning any premises in any unincorporated area of King County on which there shall be growing any fruit, shade or forest trees, or shrubbery of any kind, to keep the same free from caterpillars, and in the event it is found that any fruit, shade or forest trees or shrubbery have become infected with caterpillars it shall be unlawful for the owner of any such premises on which there shall be growing any such trees or shrubbery to fail or neglect to promptly take and use such methods as may be necessary to effectually destroy such caterpillars, or to in lieu thereof destroy such trees or shrubbery.

Section 2 King County Code 8.04.070 Penalty for violations. Any person found guilty of a violation of the provisions of Section 1 King County Code 8.04.060 hereof shall be guilty of a misdemeanor.

Section 3 King County Code 8.04.080 Abatement procedure and enforcement. Upon conviction of the owner of the crime here and before set forth, the County Executive may

(I) order the occupants and/or owners to remove or abate such caterpillar infestation.

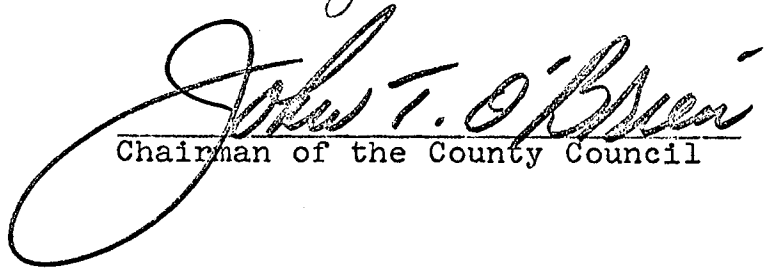
(II) Direct the county engineer or sheriff to abate or remove such caterpillar infestation and specify that the cost incurred in such abatement or removal shall be and constitute a lien on such land on the recording of a lien notice including the cost bill in the records of liens and mortgages in the office of records and accounts.

(III) Direct the county health officer to remove or abate such caterpillar infestation at the expense of the owners of the property on which the caterpillar infestation is maintained.

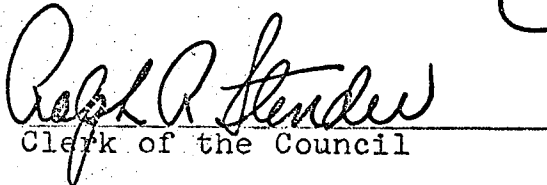
01082

INTRODUCED and read for the first time this
14th day of July, 1969.

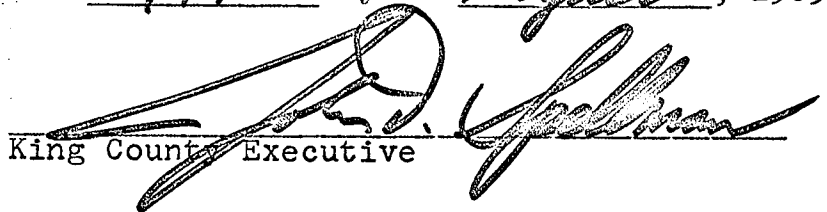
PASSED by the Council at a regular meeting
thereof on the 14th day of August, 1969.


Chairman of the County Council

ATTEST:


Clerk of the Council

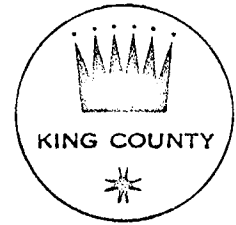
~~VETOED~~ this 14th day of August, 1969.


King County Executive

ORDINANCE READINGS

1st July 14, 1969
2nd 7-14-69
3rd 7-14-69
Effective Date.....

JOHN D. SPELLMAN
COUNTY EXECUTIVE



KING COUNTY COURT HOUSE

SEATTLE, WASHINGTON 98104

(206) 344.4040

August 14, 1969

The King County Council
King County Courthouse
Seattle, Washington

Honorable Members:

Attached is your ordinance No. 00082, dealing with caterpillars, which I have vetoed.

I take this action reluctantly, since I acknowledge the need for caterpillar control in King County and, if time permitted, I would hope to discuss with you my reservations concerning this particular ordinance in the hope that you could reconsider the ordinance on your own motion, without the necessity of a veto. Hopefully, you will accept this veto message in that light - - as an opportunity to review the ordinance while there is still ample time to act before next spring's caterpillar season.

Attached is a copy of a letter from the Acting Director of the Department of Public Works setting forth the cost to the County of implementing the ordinance on county road right-of-ways. You will note that this estimate of \$250,000 to \$300,000 per year does not include damage claims against the county, or the cost of caterpillar control on the extensive undeveloped park lands owned by the county. Certainly, we should consider whether in view of our present financial situation the county can spend this amount of money on this project. A review of priorities is in order to determine whether this program should take precedent over road repair and construction; or park development and operation.

PAUL J. STELLER
CLERK KING COUNTY COUNCIL

REC'D AM 11 11 69

RECEIVED

The King County Council
August 14, 1969

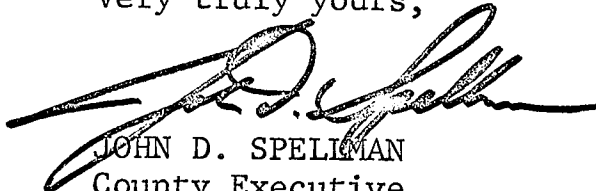
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If we do not intend to expend the necessary funds, it would be inappropriate to pass an ordinance, of which the County would be a major violator.

I note that the ordinance is essentially the same as the one existent in the City of Seattle for a number of years and which has been in the main unenforced and unenforceable. Perhaps this is because it requires a criminal conviction of the person having caterpillars on his or her land, before that person, the Department of Public Works, or the Department of Health can abate the infestation. It is possible that both law enforcement and judicial officials feel a conviction and a possible 90 days in jail is too severe in this case, and have therefore been hesitant to act.

The County has many important matters it is involved in, in implementing the Charter and improving its services, because of this I hesitate to request that you devote any additional substantial time to caterpillars, nevertheless I am returning the ordinance in the hope that by reconsidering the matter a better and more just solution can be found.

Very truly yours,



JOHN D. SPELLMAN
County Executive

JDS/yh