Ordinance amending WCC Title 24, Health Code, to create WCC 24.13, Decontamination of Illegal Drug Manufacturing and Storage Sites, and to amend WCC 24.07, Administrative Notice Proceedings, Civil Penalties and Abatement

Amending WCC Title 24, Health Code, to create WCC 24.13, Decontamination of Illegal Drug Manufacturing or Storage Sites, and amending WCC 24.07, Administrative Notice Proceedings, Civil Penalties and Abatement. In accordance with RCW 64.44 and WAC 246-205, the proposed ordinance provides for the protection of human health and the environment from risks associated with sites used as clandestine drug labs.

6/21/2005: Council Introduced
7/12/2005: Amended and adopted 7-0
Ord. #2005-055

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:

Ord. #2005-055

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
SPONSORED BY: ____________
PROPOSED BY: Brenner__________
INTRODUCTION DATE: June 21, 2005

ORDINANCE NO. 2005-055

AMENDING WCC TITLE 24, HEALTH CODE, TO CREATE
WCC 24.13, DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING
OR STORAGE SITES AND TO AMEND
WCC 24.07, ADMINISTRATIVE NOTICE PROCEEDINGS, CIVIL PENALTIES
AND ABATEMENT

WHEREAS, the operation of illegal drug manufacturing or storage sites in Whatcom
County presents a significant and imminent risk to public health and the environment; and

WHEREAS, the decontamination of properties used as illegal drug manufacturing or
storage sites is necessary to protect public health and the environment; and

WHEREAS, properties used as illegal drug manufacturing or storage sites that are
not decontaminated not only present a continued risk to public health and the environment,
but also create urban blight, and harm the well-being of the community; and

WHEREAS, Chapter 64.44 RCW, Contaminated Properties provides the local health
officer with statutory authority to protect public health and the environment from the risks
associated with properties contaminated by use as illegal drug manufacturing or storage
sites; and

WHEREAS, Chapter 246-205 WAC, Decontamination of Illegal Drug Manufacturing
or Storage Sites provides the local health officer with regulatory authority to protect public
health and the environment from the risks associated with properties contaminated by use
as illegal drug manufacturing or storage sites.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Health Board that
the proposed WCC 24.13, Decontamination of Illegal Drug Manufacturing or Storage Sites,
as outlined in Exhibit A to this ordinance, be adopted and that WCC 24.07, Administrative
Notice Proceedings, Civil Penalties and Abatement, be amended as outlined in Exhibit B to
this ordinance.

BE IT FURTHER ORDAINED that if any section, subsection, sentence, clause or
phrase of this ordinance is for any reason held to be invalid or unconstitutional, such
decision shall not affect the validity of the remaining portions of this ordinance.
BE IT FINALLY ORDAINED that the Health Board hereby declares that it would have adopted this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

ADOPTED this 12th day of July, 2005.

WHATCOM COUNTY HEALTH BOARD
WHATCOM COUNTY, WASHINGTON

L. Caskey-Schreiber, Health Board Chair

Approved

Pete Kremen, County Executive

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24.13.010 Authority.
The statutory authority for the adoption of this chapter is provided in RCW 64.44, Contaminated Properties and RCW 70.05, Local Health Departments, Boards, Officers- Regulations. Any subsequent amendment to these chapters shall be incorporated into this chapter without the need for further amendment.

24.13.020 Purpose.
This chapter provides for the protection of the health, safety, and welfare of the public by reducing the potential for exposure to hazardous chemicals associated with illegal drug manufacturing or storage sites.

24.13.030 Adoption by Reference.
Chapter 246-205 WAC, Decontamination of Illegal Drug Manufacturing or Storage Sites, is hereby adopted by reference. If a conflict arises between WAC 246-205 and this chapter, the more restrictive regulation shall apply. Any subsequent amendment to WAC 246-205 shall be incorporated into this chapter without the need for further amendment.

24.13.040 Applicability.
This chapter shall apply to any new or existing site defined as an illegal drug manufacturing or storage site as per WCC 24.13.050, as of the effective date of this chapter.

24.13.050 Definitions.
The following definitions apply to this chapter:
(1) "Abatement” means any actions taken or ordered by the director to remove or reduce unsanitary, unsafe or nuisance conditions regarding property associated with illegal drug manufacturing or storage.
(2) “Approved or Approval” means agreed to in writing by the director.

(3) “Certified contractor” means a person who has been issued written approval by the Washington State Department of Health to decontaminate, demolish, or dispose of contaminated property as required by this chapter.

(4) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards, or exceeds the decontamination standards listed in WCC 24.13.070. Property that at one time was contaminated, but has subsequently been satisfactorily decontaminated according to procedures established by this chapter is not contaminated.

(5) "Decontamination" means the process of reducing levels of known contaminants to the lowest practical level using currently available methods and processes.

(6) “Director” means the administrative director of the Whatcom County Health Department or the director’s authorized representative.

(7) "Disposal of contaminated property" means the disposition of contaminated property under the provisions of RCW 70.105.

(8) "Hazardous chemicals" means the following substances used in the manufacture of illegal drugs:
   a) Hazardous substances as defined in RCW 70.105D.020; and
   b) Precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans.

(9) "Illegal drug manufacturing or storage site" means any property where a person illegally manufactures or illegally stores a controlled substance, or a law enforcement agency or the property owner believes a person illegally manufactured or stored a controlled substance. This chapter shall also apply to any property that exceeds the decontamination standards listed in WCC 24.13.070.

(10) “Initial site assessment” means the first evaluation of a property to determine the nature and extent of observable damage and contamination.

(11) "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or other entity.

(12) "Posting" means attaching a written or printed announcement conspicuously on property, which may be, or is determined to be, contaminated by illegal drug manufacturing or the storage of a hazardous chemical.

(13) "Property" means any site, lot, parcel of land, structure, or part of a structure involved in the illegal manufacture of a drug or storage of a hazardous chemical including, but not limited to: single-family residences, units or multiplexes, condominiums, apartment buildings, motels and hotels, boats, motor vehicles, trailers, manufactured housing, any ship, booth, or garden; or any site, lot, parcel of land, structure, or part of a structure that may be contaminated by previous use.
"Property owner" means a person with a lawful right of possession of the property by reason of obtaining it by purchase, exchange, gift, lease, inheritance, or legal action.

"Violation" means an act or omission contrary to a health regulation or permit including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission.

24.13.060 Determination of Contamination.

1) Within one (1) working day of notification from a law enforcement agency of potential contamination, the director shall post a written warning on the property informing potential occupants that entry is unsafe, in accordance with WAC 246-205-520, Posting property.

2) Within fourteen (14) days of notification, the director shall inspect the property in accordance with WAC 246-205-530, Inspecting property.

3) The director shall make a determination of contamination when the inspection reveals the property is contaminated. The property will be considered contaminated if 1) law enforcement has declared the property an illegal drug manufacturing or storage site, 2) the inspection reveals evidence of illegal drug manufacturing, or 3) the property exceeds decontamination standards listed in WCC 24.13.070.

4) Any property determined to be contaminated as defined in this chapter is considered a health violation and is subject to orders and notices issued in accordance with WCC 24.07, Administrative Notice Proceedings, Civil Penalties, and Abatement.

5) Within ten (10) days after the director determines that a property is contaminated, the director shall issue a notice of contamination in accordance with WCC 24.07.070 (A).
   a) When a notice of contamination is issued, the director shall:
      i) File a copy of the notice prohibiting use of the property with the county auditor;
      ii) Provide a copy of the notice to the local building or code enforcement department; and
      iii) Post the notice in a conspicuous place on the property within one working day of issuance of the notice.

24.13.070 Decontamination.

1) As per WAC 246-205, the decontamination standards are as follows:
   a) Methamphetamine of less than or equal to 0.1 micrograms per 100 square centimeters;
   b) Total lead of less than or equal to 20 micrograms per square foot;
   c) Mercury of less than or equal to 50 nanograms per cubic meter in air; or
   d) Volatile organic compounds (VOC) of 1 part per million total hydrocarbons and VOCs in air.

2) All sampling performed for an initial site assessment or following decontamination procedures shall be conducted by a certified contractor or the director using standardized sampling protocols and methodology.
EXHIBIT A

3) The owner shall decontaminate the property in accordance with this chapter, or dispose of the property in accordance with state and local laws. The owner of the contaminated property shall submit a decontamination plan within forty-five (45) days and decontaminate or dispose of the property within ninety (90) days of notification of contamination by the director, unless otherwise approved by the director.
   a) Any decontamination or disposal activities shall be performed through the services of a certified contractor unless otherwise authorized by the director.
   b) Prior to commencing any decontamination or disposal activities, a decontamination work plan must be approved by the director, unless otherwise authorized by the director. Any deviations from the work plan must be approved in advance by the director.

4) Any person submitting a work plan for approval by the director shall use the Washington State Department of Health Work Plan Template, as amended.
   a) Upon review and approval of a decontamination work plan, the director shall provide written approval of the work plan to the owner.
   b) After decontamination activities are completed, a final decontamination report shall be submitted for review by the director, which includes disposal receipts and post sampling results.

24.13.080 Violations
Violations of this chapter are subject to WCC 24.07, Administrative Notice Proceedings, Civil Penalties, and Abatement. As per WCC 24.07.140, contaminated properties used as illegal drug manufacturing facilities or storage sites that are abated by the County shall be foreclosed.

24.13.090 Appeals.
Any aggrieved party may appeal any notice of violation in accordance with WCC 24.07.090, Hearing and appeals.

24.13.100 Fees.
A fee for review of decontamination work plans may be established in the unified fee schedule, and shall be payable at the time of plan submittal.

24.13.110 Severability.
Should any section, subsection, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this regulation.
Chapter 24.07
ADMINISTRATIVE NOTICE PROCEEDINGS, CIVIL PENALTIES AND ABATEMENT

Sections:
24.07.010 Purpose.
24.07.020 Definitions.
24.07.030 Administration – Civil penalties.
24.07.040 Violations as nuisances.
24.07.050 Civil penalty.
24.07.060 Abatement.
24.07.070 Notices of the director.
24.07.080 Method of serving director's notice or order.
24.07.090 Hearing and appeals.
24.07.100 Final determination.
24.07.110 Supplemental notice.
24.07.120 Notice enforcement.
24.07.130 Suspension and revocation of permits.
24.07.140 Civil suit for collection of penalties and costs of abatement and enforcement of lien.
24.07.150 Severability.

24.07.010 Purpose.
The purpose of this chapter is to establish a uniform system for administrative notices, civil penalties, abatement, hearings, appeals and enforcement for violations of the Whatcom County health code. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part)).

24.07.020 Definitions.
As used in this chapter:
"Administrative costs" means the cost of time reasonably spent by WCHD administrative and enforcement personnel and costs incurred for legal representation, with regard to the specific violation for which such costs are assessed.
"Civil infraction" means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs is a separate violation.
"Director" means the administrative director of Whatcom County health department (WCHD) or a representative authorized by the administrative director.
"Health regulations" as used in this chapter shall include any existing or future provision contained in the Whatcom County health code (Ordinance 89-24, as amended and codified in this title and referred to herein as "WCHC") and shall also include any condition of a permit issued pursuant to WCHC, and shall include any rules of the State Board of Health and any state or federal regulations adopted by reference by the board.
“Nuisance” means doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, health or safety of others, offends decency, or unlawfully interferes with, obstructs, or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

“Permit” means a written document issued pursuant to this title by the director authorizing a person to perform activities at a specific location and which may include specified conditions for operation.

“Person” as used in this chapter shall include any natural person, organization, corporation or partnership and their agents or assigns.

“Public nuisance” as used in this chapter is defined as a nuisance which affects the rights of community or neighborhood, although the extent of the nuisance may be unequal.

“Violation” means an act or omission contrary to a health regulation or permit including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part)).

24.07.030 Administration – Civil penalties.
The director is hereby authorized to utilize the procedures of this chapter in order to enforce any health regulation or permit condition. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part)).

24.07.040 Violations as nuisances.
All violations of health regulations are determined to be detrimental to the public health, safety, and welfare and are hereby declared to be public nuisances. All conditions that are determined by the director to be in violation of any health regulations shall be subject to the provisions of this chapter and may be corrected by any reasonable and lawful means as provided herein. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part)).

24.07.050 Civil penalty.
In order to encourage compliance with the health regulations and with the conditions of permits issued under these health regulations, a system for imposing civil penalties is hereby adopted. In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law, any person who violates a health regulation shall be subject to a civil penalty. The director may assess separate civil penalties for separate violations of any health regulation. Penalties shall be directly assessed by WCHD until such violation is corrected.
EXHIBIT B

The initial violation of a health regulation shall be considered a Class 2 civil infraction with a maximum penalty of $125.00 per day.

Once a violation of a health regulation has been established, a second violation of the same regulation shall be considered a Class 1 civil infraction with a maximum penalty of $250.00 per day.

Once a second violation has been established, the third violation of the same health regulation by the same person shall be considered to be a misdemeanor and is a criminal offense with a maximum penalty of $1,000 per day and/or 90 days in jail. All civil penalties collected pursuant to this regulation shall be deposited in the county current expense fund. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part)).

24.07.060 Abatement.

In addition to any other remedy provided herein or by law, the director may require any violation of a health regulation to be abated. The director may require any person, who creates or maintains a public nuisance caused by violation of any health regulation, to commence corrective work and to complete the work within such time as the director determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the director may proceed to abate the public nuisance and cause the work to be done. The director will charge the costs thereof as a joint and several personal obligation of each person who is in violation. The costs of abatement may include administrative costs. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part). Formerly 24.07.070).

24.07.070 Notices of the director.

A. Commencement of Proceedings. Whenever the director has reason to believe that a violation of a health regulation exists, the director shall provide for an administrative predeprivation hearing within seven calendar days. At the predeprivation hearing the owner or operator of the source of the violation, the person in possession of the property where the violation originates, the person otherwise causing or responsible for the violation and/or their authorized representative may show cause as to why a violation of the health regulation does not exist.

Following the administrative predeprivation hearing, if the director believes that the violation does exist, the director shall issue a notice to the owner or operator of the source of the violation, the person in possession of the property where the violation originates, and/or the person otherwise causing or responsible for the violation. The notice may be posted on the property, in a conspicuous location, in addition to service of notice as provided in WCC 24.070.080 and shall contain:
EXHIBIT B

1. The street address when available and a legal description of real property and/or description of personal property sufficient for identification of the location of the violation;

2. A statement that the director has found the person to be in violation of a health regulation, with a brief and concise description of the conditions found to be in violation;

3. A statement of the corrective action required to be taken. If the director has determined that corrective work is required, the notice shall require that all permits be obtained and the work be commenced and completed within such time as the director shall determine is reasonable under the circumstances;

4. A statement specifying the amount of any civil penalty assessed on account of the violation, if such civil penalty is assessed in connection with said notice, and, if applicable, the conditions on which the assessment of such civil penalty is contingent;

5. Statements advising that:
   a. If any required work is not commenced or completed within the time specified, the director may proceed to abate the violation and cause the work to be done and charge the costs thereof, including administrative costs, as a joint and several personal obligation of any person in violation;
   b. If a civil penalty is not assessed, it may be assessed, or if any assessed civil penalty is not paid, the director will charge the amount of the penalty as a joint and several personal obligation of any person in violation; along with administrative costs;

6. A statement advising that the notice shall become final unless, not later than 10 working days after the notice is served, any aggrieved person submits in writing a notice of appeal to the director.

B. Cease and Desist Order. In an emergency situation where there is a threat to the public health or environment with the potential for irreparable damage or imminent harm, the director may issue a cease and desist order that shall take effect immediately.

The director may issue a cease and desist order for failure to obtain a permit issued pursuant to any health regulation.

The cease and desist order shall provide for an administrative postdeprivation hearing scheduled within three working days following receipt of the cease and desist order. Failure to comply with a cease and desist order shall be a misdemeanor punishable upon a conviction by a minimum fine of $500.00 up to a maximum of $1,000 or 90 days in jail, or both. Under no circumstances may the court defer or suspend any portion of the minimum $500.00 for any conviction under this section. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part). Formerly 24.07.080).
EXHIBIT B

24.07.080 Method of serving director’s notice or order.

Service of the notice or order shall be made upon all persons identified in the notice or order either personally, conspicuously posted on the property, or by mailing a copy of such notice or order by certified mail, postage prepaid, return receipt requested to such persons at their last known address. If the address of any such person cannot reasonably be ascertained, then a copy of the notice or order shall be mailed to such person at the address of the location of the violation. The failure of any such person to receive such notice or order shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner herein provided shall be effective on the date of mailing. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part). Formerly 24.07.100).

24.07.090 Hearing and appeals.

A. Notice of Appeal. Any aggrieved person may appeal any administrative notice, any assessment of civil penalty, director’s decision or order by submitting to the director a written request for a hearing within 10 working days of the service of the notice, order or decision. The notice of appeal shall cite the notice, order or decision appealed from and contain a brief statement of the reasons for seeking an appeal hearing.

B. Notice and Timing of Appeal Hearing. After receipt of a notice of appeal, the director shall transmit the notice of appeal, and the notice or decision appealed from, to the hearing examiner. An appeal hearing shall be conducted on the record. Written notice of the time and place of the hearing shall be given at least 10 working days prior to the date of the hearing to each appealing party, to the director whose notice, order or decision is being appealed, and to all other interested persons who have requested in writing that they be so notified.

1. In the case of an appeal from a notice of contamination issued under Chapter 24.13 WCC, the hearing shall be held not less than 20 days and not more than 30 days after serving of the notice as required by RCW 64.44.030.

C. Conduct of Appeals. All appeals shall be conducted in accordance with Chapter 20.92 WCC.

D. Combination of Appeal. Whenever possible, the appeal from the director’s administrative notice, order or decision shall be combined with any other appeal from enforcement actions relating to the same subject matter and falling within the jurisdiction of the hearing examiner. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part). Formerly 24.07.110).

24.07.100 Final determination.

A. Finalization of Administrative Notice. Any administrative notice or order duly issued by the director pursuant to the procedures
EXHIBIT B

contained in this title shall become final 10 working days after its issuance, unless a written notice of appeal is received. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part). Formerly 24.07.120).

24.07.110 Supplemental notice.
The director may at any time add to, rescind in part, or otherwise modify a notice or order by issuing a supplemental notice or order. The supplemental notice shall be governed by the same procedures applicable to all notices as contained in this regulation. The authority granted to the director by this section includes without limitation the discretion to reduce or waive any civil penalty imposed under the authority of this chapter, and may be exercised at any time, whether or not appeal to the hearing examiner or superior court has been taken. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part). Formerly 24.07.130).

24.07.120 Notice enforcement.
A. Enforcement of Final Notice. If, after any notice or order has become final, the person to whom such order is directed fails, neglects, or refuses to comply with such notice or order, including refusal to pay a civil penalty assessed thereunder, the director may enforce the rules and regulations cited in the notice or order by any means authorized herein or as otherwise authorized by law.

B. Enforcement Stayed Pending Appeal. Enforcement of any notice and order of the director issued pursuant to this chapter shall be stayed during the pendency of any appeal under this regulation, except where the director determines that the violation will cause immediate and irreparable harm and so states in the notice, or where a cease and desist order has been duly issued. Civil penalties assessed for a continuing violation shall accumulate during the pendency of an appeal concerning that violation, but shall not become due and payable until the notice appealed from has become final. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part). Formerly 24.07.140).

24.07.130 Suspension and revocation of permits.
A. Suspension and Revocation Authorized. The director may suspend or revoke any permit issued under the health regulation on:

1. Failure of the holder to comply with the requirements of any health regulation; or
2. Failure to comply with permit conditions; or
3. Failure of the holder to comply with any notice issued pursuant to the health regulations; or
4. Wrongful interference with the director in the performance of his duties; or
5. Discovery of the director that a permit was issued in error or on the basis of incorrect information supplied to WCHD.
B. Notice of Revocation/Suspension – Appeal. Such permit, suspension or revocation shall be carried out through the notice provisions of this chapter, and the suspension or revocation shall be effective upon service of the notice upon the holder or operator. The holder or operator may appeal such a suspension or revocation as provided by this chapter. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part). Formerly 24.07.150).

24.07.140 Civil suit for collection of penalties and costs of abatement and enforcement of lien.

A. Civil Suit Authorized. WCHD may institute a civil suit in any court of appropriate jurisdiction for the collection of any civil penalty imposed, for the cost of any work of abatement, and/or for its administrative costs pursuant to this chapter, against any person whose violation or violations of a health regulation resulted in the penalty, the abatement, or the costs. The civil penalty, the cost of abatement, and the administrative costs are also joint and several personal obligations of any person in violation.

B. Lien Authorized. WCHD shall have a lien for any civil penalty imposed, the cost of any work of abatement, and/or its administrative costs which may be foreclosed and enforced in the civil suit authorized by this chapter against the real property on which the civil penalty was imposed, the administrative cost incurred, or any of the work of abatement was performed.

C. Notice of Lien. The notice of the director pursuant to this chapter shall also give notice to the owner that a lien for the civil penalty, cost of abatement and/or administrative costs may be claimed by WCHD.

D. Priority of Lien. The lien claimed shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state and county taxes with which it shall be on a parity.

E. Claim of Lien.

1. General. The director shall cause a claim of lien to be filed for record in the recording department of the Whatcom County auditor within 90 calendar days from the date of completion of the work or abatement performed pursuant to this regulation, or 90 calendar days from the date the notice of the director becomes final.

2. Contents. The claim of lien shall contain the following:
   a. The authority for imposing a civil penalty or proceeding to abate the violation, or both;
   b. A brief description of the civil penalty imposed or the abatement work done, or both, including the violations charged in the duration thereof, including the time the work is commenced and completed and the name of the persons or organizations performing the work;
c. A description of the property to be charged with the lien;
d. The name of the known owner or reputed owner, and if
   not known, that fact shall be alleged; and
   e. The amount, including lawful and reasonable costs, for
      which the lien is claimed.
3. Verification. The director or his authorized representative
   shall sign and verify the claim by oath to the effect that the affiant
   believes the claim is just.
4. Amendment. The claim of lien may be amended in case of
   action brought to foreclose same, by order of the court, insofar as
   the interests of third parties shall not be detrimentally affected by
   amendment.
F. Recording. The director shall record and index the claims and
   notices described in this chapter.
G. Duration of Lien – Limitations of Action. No lien created by this
   chapter binds the property subject to the lien for a period longer
   than one year after the claim of lien has been filed, or if no lien
   claim is filed, then one year after the final order against any person,
   unless an action is commenced in the proper court within that time
   to enforce the lien or collect the civil penalties, administrative costs
   and costs of abatement.
H. Foreclosure.
   1. Parties. All persons who have legally filed claims of liens
      against the same property prior to commencement of the action
      shall be joined as parties, either plaintiff or defendant.
   2. Actions Saved. Dismissal of an action to foreclose a lien at
      the instance of a plaintiff shall not prejudice another party to the suit
      who claims a lien. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh.
24.07.150 Severability.
   Should any section, subsection, paragraph, sentence, clause or
   phrase of this chapter be declared unconstitutional or invalid for any
   reason, such decision shall not affect the validity of the remaining
   portions of this chapter. (Ord. 2002-070; Ord. 2002-006; Ord. 90-10