

Chapter 13.18

CROSS CONNECTION CONTROL

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13.18.005 Responsibility.

Pursuant to Chapter 333, Division 061, of the Oregon Administrative Rules, it is the responsibility of the city of Lincoln City to protect the public water system from pollution and contamination by instituting and enforcing a cross connection control program. (Ord. 2017-04 § 1)

13.18.010 Purpose/adoption of rules.

The purpose of this chapter and the city's cross connection control program is to safeguard public health and protect the water supply and distribution system of the city of Lincoln City from contamination or pollution due to any existing or potential cross connections. Oregon Administrative Rules (Chapter 333, Division 061) require water suppliers to "conduct an active program for systematically identifying and controlling cross connections." The city of Lincoln City hereby adopts by this reference and shall administer and enforce OAR 333-061, including OAR [333-061-0070](#), [333-061-0071](#), [333-061-0072](#), [333-061-0073](#) and [333-061-0074](#) as now constituted. (Ord. 2017-04 § 1)

13.18.020 Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this chapter is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the Oregon Administrative Rules, Chapter 333, or the most recent edition of the Manual of Cross-Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California (“USC”).

“Approved air gap” means a physical separation between the free-flowing discharge end of a potable supply pipeline and an open or nonpressurized receiving vessel. This separation must be at least twice the inside diameter of the supply pipe, measured vertically above the overflow rim of the vessel, and in no case less than one inch, and in accord with Oregon Plumbing Specialty Code, as now constituted.

“Approved backflow prevention assembly” or “backflow assembly” or “assembly” means an assembly to counteract backpressure and/or prevent backsiphonage. A reduced pressure principle backflow prevention assembly, reduced pressure principle-detector backflow prevention assembly, double check valve backflow prevention assembly, double check-detector backflow prevention assembly, pressure vacuum breaker backsiphonage prevention assembly, or spill-resistant pressure vacuum breaker backsiphonage prevention assembly, of a make, model, orientation, and size approved by the Oregon Health Authority – Drinking Water Program (OHA). Assemblies listed in the currently approved backflow prevention assemblies list developed by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, or other testing laboratories using equivalent testing methods, are considered approved by OHA.

“Auxiliary supply” means any water source or system other than the city of Lincoln City water system.

“Backflow” means the flow of water or other liquids, mixtures, or substances into the distributing pipes of the Lincoln City water system from any sources other than its intended sources. Backflow is caused by backsiphonage or backpressure.

“Certified backflow assembly tester” shall mean a person who has successfully completed and maintains all requirements as established by the Oregon Health Authority to be a tester in the state of Oregon.

“Certified cross connection control specialist” shall mean a person who has successfully completed and maintains all requirements as established by the Oregon Health Authority to be a specialist in the state of Oregon.

“City” shall mean the city of Lincoln City.

“City water system” shall refer to and mean the city of Lincoln City water system, which shall include wells, treatment mechanisms or processes, pumping stations, reservoirs, supply trunk or feeder lines, service lines, meters and all other appurtenances, device lines and items necessary to the operation of the system and to supply water service to individual property or premises and shall include the city of Lincoln City potable water with which the system is supplied.

“Contamination” means the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water, including but not limited to any physical, chemical, biological, or radiological substance or matter in water that creates a health hazard.

“Cross connection” means any actual or potential unprotected connection or structural arrangement between the public potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substances other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow can occur are considered to be cross connections. Examples include any physical arrangement where a potable water supply is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers or any other device which contains, or may contain, contaminated water, sewage or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow.

“Degree of hazard” means the nonhealth hazard or health hazard classification that shall be assigned to all actual or potential cross connections.

“Director” means the director of the public works department or his/her designee.

“Double check valve backflow prevention assembly” means an assembly of two independently acting approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly is designed to protect against a nonhealth hazard, under both backpressure and backsiphonage conditions. “Double check detector assembly” or “DCDA” means an assembly which consists of two independently operating check valves which are spring-loaded or weighted. The assembly comes complete with a shut-off valve on each side of the checks, as well as test cocks to test the checks for tightness. It shall also be provided with a factory bypass arrangement with a meter and a minimum of an approved double check assembly.

“Health hazard” (contamination) means an impairment of the quality of the water that could create an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, or other substances.

“In-premises protection” means the appropriate backflow prevention within the consumer’s water system at or near the point at which the actual or potential cross connection exists.

“Mobile units” shall mean units that are temporary in nature, connecting to the water system through a legally permitted hydrant, hosebib, or other appurtenance of a permanent nature that is part of the city of Lincoln City water system or a permanent water service to premises. Examples can include but are not limited to the following: water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste hauler’s trucks or units, sewer cleaning equipment, carpet or steam cleaning equipment other than homeowner use, rock quarry or asphalt/concrete batch plants or any other mobile equipment or vessel that poses a threat of backflow in the city of Lincoln City water system.

“Nonhealth hazard” (pollution) means an impairment of the quality of the water to a degree that does not create a hazard to the public health, but does adversely affect the aesthetic qualities of such water for potable use.

“OAR” shall mean Oregon Administrative Rule.

“OHA” shall mean Oregon Health Authority.

“Person(s)” means any individual, corporation, association, firm, partnership, municipal, state or federal agency, or joint stock company, including any receiver, special master, trustee, assignee, or other similar representative thereof.

“Pollutant” means a substance that creates an impairment of the quality of the water to a degree which does not create a hazard to the public health, but which does adversely affect the aesthetic qualities of the water.

“Potable water” or “safe drinking water” means safe drinking water which has sufficiently low concentrations of microbiological, inorganic chemical, organic chemical, radiological or physical substances so that individuals drinking such water at normal levels of consumption will not be exposed to disease organisms or other substances which may produce harmful physiological effects.

“Premises” means any piece of property to which water service is provided, including, but not limited to, all improvements, mobile structures and other structures located upon it.

“Premises isolation” means the practice of protecting the public water supply from contamination or pollution by installing backflow prevention assemblies at, or near, the point of delivery where the water supply enters the premises. Premises isolation does not guarantee protection to persons on the premises.

“Reduced pressure detector assembly” or “RPDA” shall mean a specifically designed assembly composed of a line size approved reduced pressure principle backflow prevention assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for only very low rates of flow up to three gallons per minute and shall show a registration for all rates of flow. This assembly is designed to protect against a nonhealth hazard or a health hazard, under both backpressure and backsiphonage conditions.

“Reduced pressure principle backflow prevention assembly” or “reduced pressure principle assembly” or “RP assembly” shall mean an assembly containing two independently acting approved check valves together with a hydraulically operated, mechanically independent pressure differential relief valve located between the check valves, and, at the same time, below the first check valve. The assembly shall include properly located test cocks and two resilient seated tightly closing shut-off valves. This assembly is designed to protect against a nonhealth hazard or a health hazard, under both backpressure and backsiphonage conditions.

“Resident” means a person or persons living within the area(s) served by the city of Lincoln City water system.

“Retrofitting” means to furnish a service connection with parts or equipment made available after the time of construction or assembly installation.

“Specialist” means an Oregon Health Authority-certified cross connection specialist, either employed with the city of Lincoln City or contracted by the city of Lincoln City.

“Spill resistant pressure vacuum breaker backsiphonage prevention assembly” means an assembly containing an independently operating, internally loaded check valve and independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with a properly located resilient seated test cock, a properly located bleed/vent valve, and

tightly closing resilient seated shutoff valves attached at each end of the assembly. This assembly is designed to protect against a nonhealth hazard or a health hazard under a backsiphonage condition only.

“Submerged heads” means irrigation sprinkling or delivery devices that are located below the surface of the landscaped area in which they are installed.

“Supervisor” shall mean the public works director or designee.

“Thermal expansion” means the pressure increase due to a rise in water temperature that occurs in water piping systems when such systems become “closed” by the installation of a backflow prevention assembly or other means, and will not allow for expansion beyond that point of installation.

“Written program plan” or “WPP” shall mean the city’s current cross connection control written program plan. (Ord. 2017-04 § 1)

13.18.030 Application and responsibilities.

This chapter applies throughout the city of Lincoln City water system and to every premises and property served by the city of Lincoln City water system, including those properties served outside the city limits. It applies to all premises, regardless of date of connection to the city of Lincoln City water system. Every owner, occupant or person in control of any premises served with city water is responsible for compliance with the terms and provisions contained in this chapter. (Ord. 2017-04 § 1)

13.18.040 Cross connections regulated.

A. No cross connections shall be created, installed, used or maintained within the area(s) served by the city of Lincoln City water system, except in accordance with this chapter.

B. The city certified cross connection control specialist shall carry out or cause surveys to be carried out to determine if any actual or potential cross connection exists. If necessary, an assembly commensurate with the degree of hazard will be required at the service connection.

C. The owner, occupant or person in control of any given premises is responsible for all cross connection control within the premises.

D. All premises found in Table 48 referenced in OAR [333-061-0070](#), as now constituted, shall have installed a reduced pressure backflow assembly (RPBA) or an approved air gap at the service connection for premises isolation in accordance with OAR [333-061-0070](#) and this chapter. In lieu of premises isolation, the RPBA or air gap may be installed as point of use isolation, as approved by the city cross connection control specialist.

E. It is the responsibility of the property owner/occupant to purchase, install, test, repair and maintain all backflow assemblies.

F. If there is a change in ownership of any and all property within the city’s service area, it shall be the responsibility of the new owner to determine that all assemblies are in compliance with this chapter.

G. The owner, occupant or person in control of any given premises is responsible to notify the city certified cross connection control specialist if any chemical or substance is added to the water at that premises.

H. The use of any type of chemical spray attachment connected to the premises' plumbing, including garden hose fertilizers and pesticide applicators, is not allowed within the city of Lincoln City water system without proper protection from the potential of backflow occurring.

I. The use of any type of radiator flush kits attached to the premises' plumbing is not allowed within the city of Lincoln City water system without proper protection from backflow occurring. (Ord. 2017-04 § 1)

13.18.050 Backflow prevention assembly requirements.

A certified cross connection control specialist employed by or under contract with the city of Lincoln City shall determine the type of backflow assemblies to be installed within the city of Lincoln City water system. All assemblies shall be installed at the service connection unless it is determined by the cross connection specialist and approved by the director that in-premises protection would be adequate. An approved assembly shall be required in each of the following circumstances, but the authority of the specialist is in no way limited to the following circumstances:

A. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to permit entry into potable water system, the potable water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention assembly.

B. When the nature and extent of any activity at a premises, or the materials used in connection with any activity at premises, or materials stored at a premises, could contaminate or pollute the potable water supply.

C. When a premises has one or more cross connections, as that term is defined in LCMC [13.18.020](#).

D. When internal cross connections present are not correctable.

E. When intricate plumbing arrangements are present making it impractical to ascertain whether cross connections exist.

F. When the premises has a repeated history of cross connections being established or reestablished.

G. When entry to the premises is restricted so that surveys for cross connections cannot be made with sufficient frequency to assure cross connections do not exist.

H. When materials are being used such that, if backflow should occur, a health hazard could result.

I. When an appropriate cross connection survey report form has not been filed with the Lincoln City cross connection specialist.

J. If an in-premises assembly has not been tested or repaired as required by this chapter, the installation of a reduced pressure principle assembly will be required at the service connection.

K. There is piping or equipment for conveying liquids other than potable city of Lincoln City water and that piping or other equipment is under pressure and installed and operated in a manner that could cause a cross connection.

L. Wherever there are any water return systems used on the premises, including but not limited to reclaimed water, harvested rain water, storm water recovery systems, ground water recovery systems, treated wastewater re-use systems, used water return systems, or ditch water, or irrigation water.

M. Where there is a fire protection service or irrigation service on the premises.

N. When there is a premises with an auxiliary water supply which is interconnected to the city of Lincoln City water service or supply system.

O. When installation of an approved backflow prevention assembly is deemed by a specialist to be necessary to accomplish the purpose of this chapter. (Ord. 2017-04 § 1)

13.18.060 New construction.

A. On all new nonresidential construction, an approved backflow assembly shall be installed at the service connection. The type of the assembly will be commensurate with the degree of hazard as determined by a specialist.

B. When a building is constructed on commercial premises, and the end use of the building is not determined or could change, a reduced pressure principle backflow prevention assembly shall be installed at the service connection to provide protection of the public water supply in the event of the most hazardous use of the building.

C. A minimum of a double check valve assembly is required to be installed at the service connection if:

1. The water meter is two-inch or larger;
2. The city specialist determines that the backflow potential warrants installation of such a device. (Ord. 2017-04 § 1)

13.18.070 Retrofitting.

Retrofitting shall be required at all service connections where an actual or potential cross connection exists, and wherever else the director or city cross connection specialist deems retrofitting necessary to comply with OAR Chapter [333](#), Division [061](#), as now constituted, and this chapter. (Ord. 2017-04 § 1)

13.18.080 Irrigation systems.

All irrigation systems shall be protected with a double check backflow assembly. In the event any system is equipped with an injector system, a reduced pressure principle assembly will be required at the service connection. (Ord. 2017-04 § 1)

13.18.090 Thermal expansion.

If a closed system has been created by the installation of a backflow prevention assembly, or other appurtenances, it is the responsibility of the property owner, the occupant, or person in control of the property to eliminate the possibility of damage from thermal expansion in accordance with the Oregon Plumbing Specialty Code as adopted by LCMC Title [15](#). (Ord. 2017-04 § 1)

13.18.100 Mobile units.

Any mobile unit or apparatus, as defined in LCMC [13.18.020](#), which uses the water from any premises within the city of Lincoln City water system, shall first obtain a permit from the city of Lincoln City and be inspected to assure that approved backflow protection (e.g., an approved air gap or reduced pressure principle assembly) is installed on the unit. (Ord. 2017-04 § 1)

13.18.110 Installation requirements.

A. All backflow prevention assembly installations shall follow the requirements as stipulated by the city in this chapter and OAR Chapter [333](#), Division [061](#), as now constituted, and the Oregon Plumbing Specialty Code, as now constituted.

B. If the premises isolation assembly is allowed to be installed at an alternate location, per OAR [333-061-0070](#)(8), as now constituted, the city must have access to the assembly. No connections can be made between the meter and the backflow assembly.

C. If a premises listed on Table 48 (OAR [333-061-0070](#)), as now constituted, is allowed by the city to have the required RPBA or approved air gap installed at an alternate location, the city may require a DCVA to be installed at the service connection.

D. The type of backflow prevention assembly required shall be commensurate with the degree of hazard that exists and must, at all times, meet the standards of the Oregon Health Authority. All backflow prevention assemblies required under this section shall be of a type and model approved by the OHA.

E. Backflow assembly installations must be performed by a state of Oregon licensed plumber, a state of Oregon licensed landscape contractor with a "limited backflow device installation" endorsement, or private property owners performing work on their own property.

F. All backflow assembly installers must obtain a state of Oregon Building Code plumbing permit and a city "permit for backflow assembly installation" prior to performing an installation. Failure of an installer to obtain a city permit prior to installation shall be considered a violation of this chapter and may result in penalties up to and including termination of water service. (Ord. 2017-04 § 1)

13.18.120 Pressure loss.

Any decrease in water pressure caused by the installation of a backflow assembly shall not be the responsibility of the city of Lincoln City, its officers or employees. (Ord. 2017-04 § 1)

13.18.130 Fire suppression systems.

A. Stand-alone fire suppression systems shall be protected commensurate with the degree of hazard as determined by the specialist.

B. An approved double check detector assembly shall be the minimum protection on all new fire sprinkler systems using piping material that is not approved for potable water use, and/or that does not provide for periodic flow-through.

C. A reduced pressure principle detector assembly must be installed, if any solution other than potable water can be introduced into the sprinkler system.

D. Retrofitting on fire sprinkler systems will be required in each of the following circumstances:

1. Where improper maintenance has occurred;
2. On all high hazard or health hazard systems;
3. Wherever a specialist deems necessary;
4. Wherever required by the OAR 333, Division 061, as now constituted.

In the event an assembly is installed on a designated lateral, a detector assembly commensurate with the degree of hazard will be required. (Ord. 2017-04 § 1)

13.18.140 Temporary meters and hydrant valves.

Backflow protection will be required on all temporary meters and hydrant valves before any use. The type of assembly will be commensurate with the degree of hazard and will be determined on a case-by-case basis by the director and city cross connection specialist. (Ord. 2017-04 § 1)

13.18.150 Plumbing code.

As a condition of water service, customers shall install, maintain, and operate their piping and plumbing systems in accordance with the current Oregon Plumbing Specialty Code. If there is a conflict between this chapter and the Oregon Plumbing Specialty Code, the more stringent requirements shall apply. (Ord. 2017-04 § 1)

13.18.160 Right-of-way encroachment.

Nothing in this chapter authorizes encroachment into city right-of-way without an appropriate permit from the city public works department, including payment of appropriate fees and charges. (Ord. 2017-04 § 1)

13.18.170 Access to premises.

Authorized personnel of the city of Lincoln City, with proper identification and sufficient notice, shall have access during reasonable hours to all parts of a premises and within the structure to which water is supplied. However, if any owner, occupant or person in control refuses authorized personnel access to a premises, or to the interior of a structure, during these hours for inspection, a reduced pressure principle assembly must be installed at the service connection to that premises. City

personnel and contractors are expressly authorized to pursue issuance of an administrative inspection warrant in the event consent to enter the premises or structures to inspect is refused. (Ord. 2017-04 § 1)

13.18.180 Annual testing and repairs.

All backflow prevention assemblies installed within the area(s) served by the city of Lincoln City shall be tested immediately upon installation, and at least annually thereafter by an Oregon Health Authority certified backflow assembly tester or the city's specialist. All such assemblies found not functioning properly shall be promptly repaired or replaced at the expense of the owner, occupant or person in control of the premises. In the event an assembly is moved, repaired or replaced it must be retested immediately. All repairs on backflow assemblies within the city of Lincoln City service area must be performed according to all state and county regulations. (Ord. 2017-04 § 1)

13.18.190 Maintenance of assemblies.

Backflow prevention assemblies shall be maintained, tested and repaired in accordance with the requirements set out in this chapter, OAR 333, Division 061, as now constituted, and any and all other applicable state agencies' regulations. The assembly owner is responsible for protecting their assembly from freezing and vandalism or other damage.

In the event an assembly is not properly tested and repaired, the city of Lincoln City will have the assembly tested and repaired and apply all costs associated with the testing and repair to the assembly owner's water bill or the water service will be terminated as permitted by OAR 333, Division 061, as now constituted. (Ord. 2017-04 § 1)

13.18.200 Responsibilities of backflow prevention assembly testers.

A. All backflow assembly testers operating within the city of Lincoln City water system service area shall be certified in accordance with all applicable current regulations of the Oregon Health Authority and/or Oregon Plumbing Specialty Code and must abide by the requirements of this chapter.

B. Persons certified as backflow assembly testers shall agree to abide by all requirements of the United States Occupational Safety and Health Administration ("OSHA") and Oregon Occupational Safety and Health Administration ("OR-OSHA").

C. It is the responsibility of backflow assembly testers to submit records of all backflow assembly test reports to the city of Lincoln City within 10 days of completing the test. Test report forms shall be complete, legible, and in a form and manner acceptable to the cross connection specialist and the director. (Ord. 2017-04 § 1)

13.18.210 Costs of compliance.

A. All costs associated with purchase, installation, surveys, testing, replacement, maintenance, parts and repairs of the backflow prevention assembly, and all costs associated with enforcement of this chapter, are the financial responsibility of the property owner, occupant, or other person in control of the premises.

B. The fees for the inspection and test will be set by resolution of the city council. (Ord. 2017-04 § 1)

13.18.220 Recovery of costs.

Any water customer violating any of the provisions of this chapter and who causes damage to or impairs the city of Lincoln City water system, including but not limited to allowing contamination, pollution, any other solution or used water to enter the city of Lincoln City water system, shall be liable to the city of Lincoln City for any expense, loss or damage caused by such violation. The city of Lincoln City shall collect from the violator the cost incurred by the city of Lincoln City for any cleaning, purifying, repair or replacement work or any other expenses caused by the violation. Refusal to pay the assessed costs shall constitute a violation of this chapter and shall result in the termination of service.

All costs associated with any disconnect or reconnect fees resulting from the enforcement of this chapter are the sole responsibility of the property owner. (Ord. 2017-04 § 1)

13.18.230 Termination of service.

A. The city shall have the authority to discontinue water service to a premises for any violation of OAR 333, Division 061, including but not limited to the following reasons, as specifically authorized by OAR 333, Division 061, as now constituted:

1. Failure to remove or eliminate an existing unprotected or potential cross connection;
2. Failure to install an approved backflow prevention assembly as required;
3. Failure to maintain an approved backflow prevention assembly;
4. Failure to conduct the required testing of an approved backflow prevention assembly; or
5. Failure to submit a city “permit for backflow assembly installation” prior to installing a backflow prevention assembly.

B. In the case of an extreme emergency or where an immediate threat to life or public health is found to exist, termination of water service to the premises shall be immediate.

C. The city may, at the property owner’s expense, in lieu of termination of service, provide for the installation of a reduced pressure assembly or other approved backflow device in the discretion of the cross connection specialist at the meter. All future testing, freeze protection, maintenance and repair of the assembly will be the responsibility of the property owner. (Ord. 2017-04 § 1)

13.18.240 Falsifying information.

Any person who knowingly makes any false statement, representation, record, report or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any backflow assembly, device or method required under this chapter shall be subject to civil and/or criminal penalties provided by state law. (Ord. 2017-04 § 1)

13.18.250 Violation citation/alternative remedies.

A. Any person violating any provisions of this chapter shall be sanctioned under the provisions of Chapter [1.16](#) LCMC. Any violation shall be classified as a Class B violation. Notwithstanding any other provision of this code, a conviction shall bear a minimum fine of \$500.00. Each day that any person violates any provisions of this chapter shall be deemed a separate offense.

B. The city may, as an alternative to other remedies that are legally available, institute an injunctive, abatement or other appropriate proceeding to enjoin temporarily or permanently, prevent, abate or remove any violation. (Ord. 2017-04 § 1)