

ORDINANCE NO.: 2011- 7

AN ORDINANCE AMENDING CHAPTER 8 (BUILDING), ARTICLE II (CONSTRUCTION CODE) OF THE HERNANDO COUNTY CODE OF ORDINANCES BY ADDING DIVISION 5 ENTITLED "SINKHOLE AND GROUND SETTLEMENT CLAIMS, INVESTIGATION AND REMEDIATION PERMITS"; PROVIDING DEFINITIONS; PROVIDING FOR SINKHOLE INVESTIGATION PERMITS; PROVIDING FOR SINKHOLE REMEDIATION PERMITS; PROVIDING FOR INSPECTION OF SINKHOLE REMEDIATION; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES AND REMEDIES; AMENDING CHAPTER 8, ARTICLE II, DIVISION 4 (FLORIDA BUILDING CODE), SEC. 8-98 (ADMINISTRATION), SECTION 101.4.15 (WORDS DEFINED) BY AMENDING THE DEFINITION SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

WHEREAS, the increasing number of sinkhole claims in Hernando County has the potential of increasing insurance costs for persons owning land within Hernando County; and,

WHEREAS, the increasing number of sinkhole claims in Hernando County has the additional potential of reducing assessed values on the real property rolls of the County; and,

WHEREAS, Section 627.7063, Florida Statutes, encourages counties to enact a "sinkhole loss prevention ordinance" that is intended to reduce the number of sinkhole claims and the severity of sinkhole losses within the county; and,

WHEREAS, the Board of County of Commissioners desire to enact provisions relating to sinkholes, sinkhole activities and ground settlement claims, and providing for permitting, inspection, investigation, and reporting requirements and providing for enforcement, penalties and remedies related to the foregoing.

SECTION I. Amending Chapter 8 (Building), Article II (Construction Code), Division 5 (Reserved), Chapter 8, Article II (Construction Code), Division 5 (Reserved) is amended to read as follows, with underlined matter added and struck-through matter deleted:

DIVISION 5. ~~RESERVED~~ SINKHOLE AND GROUND SETTLEMENT CLAIMS, INVESTIGATION AND REMEDIATION PERMITS

Sec. 8-110. Definitions

The following definitions shall apply to this division:

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Sinkhole. Sinkhole shall have the same meaning as set forth in division 4 of this chapter.

Sinkhole activity. Sinkhole activity shall have the same meaning as set forth in division 4 of this chapter.

Sinkhole investigation. Sinkhole investigation means the investigation on or upon any land relative to determining the existence or non-existence of sinkhole activity or ground settlement as performed by a Florida licensed professional engineer or Florida licensed professional geologist.

Sinkhole investigation permit. Sinkhole investigation permit means the permit issued by the county building department as a condition precedent to any sinkhole investigation being undertaken on any land or lands within the unincorporated areas of the county.

Sinkhole remediation permit. Sinkhole remediation permit means the permit issued by the county building department as a condition precedent to any work being performed to remediate any sinkhole or ground settlement claim indicated by a sinkhole investigation.

Sec. 8-111. Sinkhole investigation permits.

The following requirements shall apply to all sinkhole investigation permits:

- (a) Applicability. For all investigations of sinkhole activity or ground settlement that occur after the effective date of this ordinance, a sinkhole investigation permit shall be obtained prior to said investigation being conducted.
- (b) Prior to investigating potential sinkhole activity or ground settlement under or upon which a structure or improvement exists, a sinkhole investigation permit shall be obtained by the property owner or duly authorized representative of the property owner pursuant to a written authorization which shall be included as part of the permit application.
- (c) The sinkhole investigation permit shall be valid for a period of one hundred and eighty (180) days from date of issuance. Extensions of time, in no more than ninety (90) day increments, may be issued by the county building official or his/her designee in his or her discretion based upon just cause. A maximum of two (2) extensions may be approved after which a new application shall be required.
- (d) The sinkhole investigation may only be performed under the direction or supervision of a Florida licensed professional engineer or a Florida licensed professional geologist.
- (e) The sinkhole investigation permit application shall consist of all of the following:

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- 1 (1) Identification of all owner(s) of the land(s) on which the investigation shall
2 be conducted;
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4 (2) Listing of the Hernando County Property Appraiser's Parcel identification
5 number(s) of the land(s) upon which investigation shall be conducted;
6
7 (3) The county registration number of the Florida licensed professional engineer
8 or Florida licensed professional geologist performing the investigation (for
9 persons not currently registered with the county, then this would entail
10 registration with the county building department and payment of the county's
11 registration fee); and,
12
13 (4) Payment of the sinkhole investigation permit application fee to the county
14 building department. The sinkhole investigation permit application fee and
15 the fee for subsequent inspections shall be established by the county building
16 official.
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18 (e) In order for the sinkhole investigation permit to be considered complete, an original
19 written post-investigation report shall be submitted to the county building department
20 within thirty (30) days of completion of all investigation activity. This post-
21 investigation report is in addition to, and not in lieu of, any report which may be
22 prepared in connection with any insurance claim, or pursuant to chapter 627, Florida
23 Statutes, or required under any other applicable state law. The post-investigation
24 report required by the county shall, at a minimum, include all of the following:
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26 (1) Hernando County Property Appraiser's parcel identification number(s):
27
28 (2) Property address(es);
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30 (3) Listing all owners of the land;
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32 (4) Hernando County Sinkhole Investigation Permit Number;
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34 (5) Listing all date(s) of investigation / testing and listing the entity conducting
35 same;
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37 (6). Listing all investigatory findings;
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39 (7) Listing all physical and structural damage observed (if no damage was
40 observed, then state same);
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42 (8) Listing the type or types of testing conducted to support the investigatory
43 findings and summarizing the results of all such testing;
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- (9) Summary of all conclusions as a result of the sinkhole investigation;
- (10) Recommended remediation, if any, of sinkhole activity or ground settlement for stabilizing the land and building and for making repairs to the foundation, including quantities of materials anticipated to be used, estimated costs, and proposed means and methods to be used;
- (11) Total number of pages of attached to this report; and,
- (12) The post-investigation report shall include a certification of the report signed and sealed by a Florida licensed professional engineer or Florida licensed professional geologist.
- (f) A copy of the above referenced post-investigative report (sized on 8 ½" x 11" paper) shall be recorded in the public records of Hernando County within thirty (30) days of the report's completion. The cost of recording said documents shall be paid by the applicant.

Sec. 8-112. Sinkhole remediation permits.

The following requirements shall apply to all sinkhole remediation permits:

- (a) Applicability. For all sinkhole or ground settlement remediation that occurs after the effective date of this ordinance, a sinkhole remediation permit shall be obtained from the county building department prior to any remediation work being started.
- (b) Any additional building permits that may be required by this chapter or the Florida Building Code in conjunction with the remediation work shall be obtained separate from the sinkhole remediation permit.
- (c) The sinkhole remediation permit shall be valid for a period of one hundred and eighty (180) days from the date of issuance. Extensions of time, in no more than ninety (90) day increments, may be issued by the county building official or his/her designee in his or her discretion based upon just cause.
- (d) Sinkhole remediation may only be conducted under the direction or supervision of a Florida licensed professional engineer.
- (e) The application for a sinkhole remediation permit shall consist of all of the following:
- (1) Listing all owner(s) of the land(s) on which the remediation shall be conducted;

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- 1 (2) Listing of the Hernando County Property Appraiser's Parcel identification
2 number(s) of the land(s) upon which investigation shall be conducted;
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4 (3) The license number of the contractor performing the remediation work;
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6 (4) A written report prepared (signed and sealed) by a Florida licensed
7 professional engineer listing all remediation activities anticipated to be
8 conducted in conjunction with sinkhole activity or ground settlement ,
9 including quantities of materials anticipated to be used, estimated costs, and
10 proposed means and methods to be used;
11
12 (5) The county registration number of the Florida licensed professional engineer
13 directing or supervising the remediation permit (persons not registered with
14 the county at the time of application shall register with the county building
15 department and remit payment of the county's registration fee);
16
17 (6) An original copy of the complete sinkhole post-investigation report permitted
18 and prepared pursuant to the preceding section shall accompany the sinkhole
19 remediation permit application;
20
21 (7) An explanation prepared (signed and sealed) by a Florida licensed
22 professional engineer is required if there are any differences between the
23 remediation activities recommended in the post-investigation report and those
24 proposed to be actually conducted;
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26 (8) If the above described explanation is required, then an affidavit signed by the
27 property owner(s) shall be submitted with the application indicating that the
28 property owner(s) is (are) aware that the actual remediation to be performed
29 is a deviation from the recommended remediation activities contained in the
30 post-investigation report; and,
31
32 (9) Payment of the sinkhole remediation permit application fee to the county
33 building department. The sinkhole remediation permit application fee and
34 fee for subsequent inspections shall be established by the county building
35 official.
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37 (f) In order for the remediation permit to be considered complete, a post-remediation
38 report identifying all remedial actions conducted shall be submitted to the county
39 building department within thirty (30) days of all remediation actions being
40 concluded. This post-remediation report is in addition to, and not in lieu of, any
41 report which may be prepared in connection with any insurance claim, or pursuant
42 to chapter 627, Florida Statutes, or required under any other applicable state law.
43 The post-remediation report required by the county shall, at a minimum, include all
44 of the following:

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- (1) Hernando County Property Appraiser's parcel identification number(s):
 - (2) Property address(es):
 - (3) Listing all owners of the land:
 - (4) Hernando County Sinkhole Investigation Permit Number;
 - (5) Hernando County Sinkhole Remediation Permit Number;
 - (6) Listing all date(s) on which remediation activity was conducted and listing the person(s) and their affiliated firm(s) conducting same;
 - (7) Listing all remediation activities conducted on the property;
 - (8) Listing all materials, including quantities, used and the cost of all such materials and labor;
 - (9) If the remedial activity contained in the post-investigation report (per the preceding code section) and the remediation activities actually permitted differ, a written explanation prepared (signed and sealed) by a Florida licensed professional engineer shall be provided to the county building department which describes the differences between the remedial activity contained in the post-investigation report and the remediation activity that was actually conducted;
 - (10) Total number of pages attached to the post-remediation report; and
 - (11) The post-remediation report shall be signed and sealed by the Florida licensed professional engineer under whose direction or supervision the remediation work was conducted.
- (g) A copy of the above referenced post-remediation report (sized on 8 1/2" x 11" paper) shall be recorded in the public records of Hernando County within thirty (30) days of its completion, together with recording the sinkhole remediation permit. The cost of recording said documents shall be paid by the applicant.

Sec. 8-113. Inspections.

In connection with the issuance of any sinkhole remediation permit by the county building department, the county building official or his/her designee may conduct the following inspections:

- (a) In-progress inspections: If determined necessary by the county building official or

his/her designee, then one or more in-progress inspections may be scheduled during sinkhole remediation activities.

(b) Final inspection: The final inspection shall be conducted by the county building official or his/her designee following receipt by the county building department of the post-remediation report (as described in the preceding code section).

(c) Nothing herein is intended to prevent the County from conducting any additional on-site inspections or enforcing any other applicable provision of county code.

Sec. 8-114. Enforcement.

This division may be enforced by: the county building official or his/her designee; any duly authorized county code enforcement officer; or any sworn law enforcement office authorized to enforce the codes of this county.

Sec. 8-115. Penalties and remedies.

(a) Any person or persons, firm or corporation, or any agent thereof who violates any provision of this division may be prosecuted by the county building official pursuant to this chapter and the Florida Building Code. All remedies set forth in the Florida Building Code shall apply to any violation herein.

(b) Any person or persons, firm or corporation, or any agent thereof who violates any provision of this division may be prosecuted in the manner provided for in Chapter 2, Article III of this code.

(c) Pursuant to section 125.69, Florida Statutes, any person or persons, firm or corporation, or any agent thereof who violates any provision of this section shall be subject to prosecution in the name of the state in the same manner as misdemeanors are prosecuted; and, upon conviction such person shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment.

(d) Each incident or separate occurrence of an act that violates this division shall be deemed a separate offense.

(e) The remedies and penalties herein are not intended to be cumulative, and the county may institute any appropriate action or proceedings to prevent, restrain, correct or abate a violation of this division, as provided by law.

SECTION II. Amending Chapter 8 (Building), Article II (Construction Code), Division 4 (Florida Building Code), Sec. 8-98 (Administration), SECTION 101.4.15 (Words Defined).
Chapter 8, Article II (Construction Code), Division 4 (Florida Building Code), Code Sec. 8-98

(Administration), SECTION 101.4.15 (Words Defined) is amended to read as follows, with underlined matter added and struck-through matter deleted:

101.4.15 Words Defined

Appraised value. For the purpose of this section, appraised value is defined as either (1) one hundred and twenty (120) percent of the assessed value of the structure as indicated by the County Property Appraiser's Office or (2) the value as indicated in a certified appraisal from a Florida certified or licensed appraiser.

Assessed value. The value of real property and improvements thereon as established by the County Property Appraiser pursuant to chapter 192, Florida Statutes. To the extent not preempted by state law, Suspicion of sinkhole activity as defined herein shall not be the basis for a reduction of assessed valuation.

Authorized agent. A person specifically designated as set forth on an approved "Authorized Agent Affidavit" form. Such person will have authority as set forth by the affidavit.

Building system. A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.

Catastrophic ground cover collapse. Catastrophic ground cover collapse means geological activity that results in all the following: (1) the abrupt collapse of the ground cover; (2) a depression in the ground cover clearly visible to the naked eye; (3) structural damage to the building, including the foundation; and (4) the structure being condemned and ordered to be vacated by the building official as authorized by law to issue such an order for that structure.

Certificate of occupancy (C.O.). An official document evidencing that a building satisfies the requirements of the jurisdiction for the occupancy of a building.

Roofing. The installation of roof coverings.

Settlement. Settlement shall include, but not be limited to, any subsidence, settlement, or sinkhole activity that impairs or has the potential to impair any structure, and for which an inspection, investigation and/or remediation is conducted.

Sinkhole. Sinkhole means a landform created by subsidence of soil, sediment, or rock as underlying strata are dissolved by groundwater. A sinkhole may form by collapse into subterranean voids created by dissolution of limestone or dolostone or by subsidence as these strata are dissolved.

Sinkhole activity. Sinkhole activity means settlement or systematic weakening of the earth supporting such property only when such settlement or systematic weakening results from movement or raveling of soils, sediments, or rock materials into subterranean voids created by the effect of water on a limestone or similar rock formation.

Sinkhole loss. Sinkhole loss means structural damage to the building, including the foundation, caused by sinkhole activity and which is verifiable.

Sinkhole report. Sinkhole report means a report prepared by a Florida licensed professional engineer or Florida licensed professional geologist and which offers any determination or opinion regarding the existence or non-existence of sinkhole activity or ground settlement upon or under the land covered by the report. Sinkhole report shall include all reports prepared, or caused to be prepared, pursuant to §§ 627.706 - 627.7074, Florida Statutes.

Suspicion of sinkhole activity. Suspicion of sinkhole activity means any sinkhole report which opines or suggests the possible or potential presence of sinkhole activity or ground settlement under, or which could affect, land but where no sinkhole or ground settlement remediation has yet occurred.

. [remainder of definitions are unchanged]

SECTION III. Severability. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION IV. Repeal of Conflicting Provisions. The provisions of any other Hernando county ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

SECTION V. Inclusion in the Code. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, any section or subsection of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section, "article," or other appropriate designation.

SECTION VI. Effective date. This ordinance shall take effect upon filing with the Florida Department of State.

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO
2 COUNTY in Regular Session this 10 day of May, 2011.

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4 **BOARD OF COUNTY COMMISSIONERS**
5 **HERNANDO COUNTY, FLORIDA**



Karen Nicolai
KAREN NICOLAI
CLERK

By: *James E. Adkins*
JAMES E. ADKINS
CHAIRMAN

