

**ORDINANCE NO. 2024-15**

**AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA AMENDING THE CITY OF MOUNT DORA CODE OF ORDINANCES, CHAPTER 8, ANIMALS, SECTION 8-5; PROVIDING FOR CONCURRENT ENFORCEMENT OF CHAPTER 4, LAKE COUNTY CODE OF ORDINANCES; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Ordinance 2022-16, effective October 1, 2022, approved and adopted Chapter 4 of the Lake County Code of Ordinances by reference, and provided that Lake County is authorized to provide Animal Control Services and enforcement of Chapter 4, Lake County Code of Ordinances, regarding animal control, within the municipal boundaries of the City of Mount Dora; and

**WHEREAS**, Ordinance 2022-16 is codified as Section 8-5 of the City of Mount Dora Code of Ordinances; and

**WHEREAS**, concurrent with its adoption of Chapter 4, Lake County Code of Ordinances, via Ordinance 2022-16, the City of Mount Dora expressly repealed its then-existing animal control enforcement ordinances; and

**WHEREAS**, effective October 1, 2022, the City of Mount Dora, Lake County, and the Lake County Sheriff's Office entered into an Interlocal Agreement for Animal Control Services (the "Interlocal Agreement"), wherein the Sheriff's Office is authorized to conduct animal control investigation and enforcement services within the City of Mount Dora pursuant to Chapter 4, Lake County Code of Ordinances as adopted by the City; and

**WHEREAS**, Section 4-3 of the Lake County Code of Ordinances defines an Animal Control Officer as "any law enforcement officer . . . whose duties, in whole or in part, include aiding in the enforcement of . . . any other law relating to the licensure of animals, control of animals, dangerous dogs and animals, or seizure and impoundment of animals, and who is authorized to investigate, on public or private property, alleged violations of this chapter;" and

**WHEREAS**, under Chapter 8 of the City of Mount Dora Code of Ordinances, and by virtue of its police powers, law enforcement officers of the City of Mount Dora Police Department retain the authority over licensure of animals and are authorized to conduct investigations on public and private property within the municipal boundaries of the City of Mount Dora; and

**WHEREAS**, neither Chapter 4 of the Lake County Code of Ordinances nor the Interlocal Agreement prohibit law enforcement officers of the City of Mount Dora from investigating and assisting the Sheriff in the enforcement of the effective animal control regulations within the City of Mount Dora; and

**WHEREAS**, there is a clear threat to the public health, safety and welfare to the residents and guests of the City of Mount Dora from ‘At Large Animals’ which are not under ‘Proper Restraint,’ as those terms are defined under Section 4-3 of the Lake County Code of Ordinances; and

**WHEREAS**, an animal not under ‘Proper Restraint’ or direct control, custody, charge or possession of the owner of the animal, which constitutes an ‘At Large Animal,’ is prohibited by the Lake County Code of Ordinances and City of Mount Dora’s Code of Ordinances; and

**WHEREAS**, the prohibition on ‘At Large Animals’ is commonly referred to as a leash law or leash regulation, requiring that animals be leashed, i.e. under ‘Proper Restraint,’ when not on or within the owner’s private property, at set forth in Section 4-27 of the Lake County Code of Ordinances; and

**WHEREAS**, public confusion exists within the City of Mount Dora regarding whether the City of Mount Dora has a leash law or leash regulation and whether law enforcement officers of the City of Mount Dora have the authority to enforce or assist the Sheriff in enforcing Chapter 4 of the Lake County Code of Ordinances within the municipal boundaries of the City of Mount Dora; and

**WHEREAS**, the City wishes to clarify that Chapter 4 of the Lake County Code of Ordinances, including its prohibitions on ‘At Large Animals’ and its requirement that animals be under ‘Proper Restraint’ is fully adopted, applicable and enforceable within the City of Mount Dora; and

**WHEREAS**, law enforcement officers of the City of Mount Dora have concurrent authority to investigate, assist the Sheriff in investigating violations, and enforce Chapter 4 of the Lake County Code of Ordinances within the City of Mount Dora in cooperation with the Sheriff; and

**WHEREAS**, Section 8-5 of the City of Mount Dora Code of Ordinances shall be amended to reflect that the City’s law enforcement officers have concurrent authority under Chapter 4 within the municipal boundaries of the City of Mount Dora, and to further reflect that the City of Mount Dora has leash regulations which prohibit ‘At Large Animals’; and

**WHEREAS**, nothing in this ordinance conflicts with Chapter 4, Lake County Code of Ordinances, or the Interlocal Agreement and this amendment shall be interpreted as consistent therewith.

Note: Underlined words of this constitute the new text of the City of Mount Dora Code of Ordinances, asterisks (\*\*\*) indicate an omission from the original text of the Code of Ordinances,

City of Mount Dora, which is intended to remain unchanged, and ~~striketrough~~ constitutes deletions from the original Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT DORA, FLORIDA, AS FOLLOWS:**

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT.** The City of Mount Dora has complied with all requirements and procedures of Florida Law in processing this Ordinance. The above recitals are hereby adopted.

**SECTION 2. AMENDING CITY OF MOUNT DORA CODE OF ORDINANCES, CHAPTER 8, ANIMALS, SECTION 8-5.** Section 8-5, City of Mount Dora Code of Ordinances, is amended as follows:

**Sec. 8-5. County ordinance to apply.**

Chapter 4 of the Lake County Code of Ordinances, as amended from time to time, is approved and adopted by the City of Mount Dora and shall be enforced within the municipal boundaries of the City of Mount Dora. Lake County and the Lake County Sheriff is are authorized to provide animal control services and enforce the animal control provisions of the Lake County Code in the incorporated limits of the City of Mount Dora. Chapter 4 of the Lake County Code of Ordinances and each and every subsequent amendment, addition and revision thereto, is approved and adopted by the City of Mount Dora for Lake County to use and enforce within the incorporated limits of the city. The City of Mount Dora and law enforcement officers of the City of Mount Dora have concurrent power and authority to assist Lake County and the Lake County Sheriff's Office, to investigate, and to enforce Chapter 4 of the Lake County Code of Ordinances, as adopted herein, within the City's municipal boundaries.

Sections 4-3 and 4-27 of the Lake County Code of Ordinances, prohibiting animals from running at large and requiring proper restraint of animals, as those terms are defined therein, are adopted and fully enforceable within the boundaries of the City of Mount Dora. "Proper Restraint" is defined in Section 4-3 of the Lake County Code of Ordinances and generally requires that animals be leashed at all times when not "[s]ecurely and humanely confined within a house, vehicle, building, fence, crate, pen, or other enclosure to prevent escape."

Those sections, as well as all other sections of Chapter 4, Lake County Code of Ordinances, are fully adopted within the City of Mount Dora as referenced herein.

**SECTION 3. IMPLEMENTATION OF ADMINISTRATIVE ACTIONS.** The City Manager is hereby authorized and directed to take such actions as deemed necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed prudent.

**SECTION 4. CODIFICATION AND SCRIVENER'S ERRORS.**

A. The revisions to the City of Mount Dora Code of Ordinances, Chapter 8-5, as set forth above, shall be codified in the City of Mount Dora Code of Ordinances.

B. The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the codifier of the City of Mount Dora Code of Ordinances.

C. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

**SECTION 5. SAVINGS CLAUSE.** All prior actions of the City pertaining to the City of Mount Dora Code of Ordinances, Chapter 8, Animals, as well as any and all other applicable matters set forth herein, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

**SECTION 6. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**SECTION 7. CONFLICTS.** All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

**FIRST READING: June 18, 2024**

**SECOND READING: July 2, 2024**

**PASSED AND ADOPTED this 2<sup>nd</sup> day of July, 2024.**

**[Signatures on Following Page]**

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**Crissy Stile, Mayor**

ATTEST:

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Jeanann Hand, City Clerk  
For the use and reliance of City of Mount Dora only.  
Approved as to form and legality:

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Patrick Brackins, City Attorney  
City of Mount Dora