

**ORDINANCE NO. 2018-20**

**AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA AMENDING THE CITY OF MOUNT DORA CODE OF ORDINANCES; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE IMPLEMENTATION OF ADMISTRATIVE ACTIONS; PROVIDING FOR AMENDMENTS TO CHAPTER 18 – ANIMALS; PROVIDING FOR CODIFICATION AND SCRIVENER’S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Mount Dora is a pet friendly community; and

**WHEREAS**, the City of Mount Dora believes in the humane care and custody of pets and animals; and

**WHEREAS**, the City of Mount Dora is a municipal corporation within Lake County, Florida, which, to the furthest extent possible, attempts to operate consistently with the general welfare ordinances adopted by Lake County; and

**WHEREAS**, the City of Mount Dora has determined that this ordinance advances a legitimate public purpose and is designed to promote general welfare.

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

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

**SECTION 2. AMENDING THE CITY OF MOUNT DORA CODE OF ORDINANCES.** City of Mount Dora Code of Ordinances, Chapter 18 – Animals, is hereby revised and amended as follows:

**Note:** Underlined words constitute additions while ~~strikethrough~~ constitutes deletions, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged.

## CHAPTER 18 ANIMALS

### A. **Sec. 18.000. Definitions.**

Animal Rescue Organization means operated by a governmental entity or a duly incorporated nonprofit organization that has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code who is devoted to the welfare, protection, rescue, care, humane treatment, and adoption of stray, abandoned, or surrendered animals, and which does not breed animals nor obtains animals from a breeder or broker for payment or compensation. The term adoption does not include the sale of an animal for profit.

Animal Shelter means ~~the county animal shelter~~ a state, county, municipal, or related public shelter or duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals and which does not breed animals. The term adoption does not include the sale of an animal for profit.

### B. **Sec. 18.180. Retail Sale of Dogs and Cats.**

(a) No pet store or pet supply store shall display, sell, trade, deliver, barter, lease, rent auction, give away, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats within the city limits of the City of Mount Dora.

(b) This section does not apply to an Animal Shelter, an Animal Rescue Organization, or an Animal Shelter or Animal Rescue Organization that operates out of or in connection with a pet store or pet supply store.

(c) Nothing in this section shall prevent a pet store or pet supply store, its owner, operator or employees from providing space and appropriate care for dogs and cats at the store if such animals are owned by an animal shelter or animal rescue organization and are maintained at the store for the sole purpose of adopting those animals to the public.

(d) This section shall not affect a consumer's ability to obtain a dog or cat of his or her choice from a breeder where the consumer can

directly see the conditions in which the dogs or cats are bred or can confer directly with the breeder concerning said conditions.

(e) There shall be no retail sale of dogs or cats on any public thoroughfare, public common areas, or other places of public accommodation, festivals, yard sales, parks, medians, recreation areas, outdoor marks, parking lots or other similar locations regardless of whether such access is permitted by the owner of the property from which the sales are occurring.

(f) A violation of this section shall be a class II violation for the first offense and a class III violation for any repeat offense within five years of a previous offense.

**SECTION 3. IMPLEMENTING 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 language of Sections 18.000 and 18.180 as set forth in this Ordinance 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. 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 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. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon enactment by the City Council and recordation in the Public Records of Lake County, Florida.

**FIRST READING:**

**SECOND READING:**

**PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.**

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**Florida**

\_\_\_\_\_  
**NICK GIRONE**  
**MAYOR of the City of Mount Dora,**

**ATTEST:**

\_\_\_\_\_  
**GWEN KEOUGH-JOHNS, MMC**  
**CITY CLERK**

For the use and reliance of the city of Mount Dora only.  
Approved as to form and legality.

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Sherry G. Sutphen  
Interim City Attorney