

# LAKE COUNTY CODIFICATION

## Chapter 1

### GENERAL PROVISIONS

#### **Sec. 1-1. How Code designated and cited.**

The ordinances embraced in the following chapters and sections shall constitute and be designated as the "Lake County, Florida Codification," and may be so cited.

**State Law References:** Requirement that county codify and publish its ordinances, F.S. § 125.68.

#### **Sec. 1-2. Rules of construction and definitions.**

In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the board of county commissioners. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provisions excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

*Generally.* All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the board of county commissioners may be fully carried out. Terms used in this Code, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the state for the same terms.

**State Law References:** Construction of statutes, F.S. Ch. 1.

In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

*Board of county commissioners.* The term "board of county commissioners" shall mean the Board of County Commissioners of Lake County, Florida.

*Building official.* The term "building official" shall mean the county officer or employee charged with administration and enforcement of the county's building and construction code. The term includes authorized agents and representatives of such officer or employee.

*Clerk of the circuit court or county clerk.* The term "clerk of the circuit court" or "county clerk" shall mean the clerk of the Circuit Court of the Fifth Judicial Circuit in and for Lake County.

*Code.* The term "Code" or "this Code" shall mean the Lake County, Florida Codification as designated in section 1-1.

*Computation of time.* In computing any period of time prescribed or allowed by ordinance the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

*County.* The term "county," "the county," or "this county" shall mean Lake County, Florida.

*County engineering.* The term "county engineering" shall mean the county's department of public works or such other department as performs public works or engineering functions for the county. The term includes employees and authorized representatives and agents of such department.

*County limits.* The term "county limits" shall mean the legal boundaries of Lake County, Florida.

**State Law References:** Boundaries of Lake County, F.S. § 7.35.

*Delegation of authority.* Whenever a provision appears requiring the head of a department or some other county officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

*Gender.* Words importing the masculine gender shall include the feminine and neuter.

*Health department.* The term "health department" or "county health department" shall mean the county public health unit organized pursuant to F.S. § 154.001 et seq.

*Joint authority.* All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

*Keeper and proprietor.* The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or through a servant, agent or employee.

*May.* The word "may" is to be construed as being permissive.

*Month.* The word "month" shall mean a calendar month.

*Must.* The word "must" is to be construed as being mandatory.

*Nontechnical and technical words.* Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

*Number.* A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing. The use of the plural number shall be deemed to include any single person or thing.

*Oath.* The word "oath" shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

*Officer, official.* Whenever reference is made to any officer or official, the reference will be taken to be to such officer or official of Lake County, Florida.

*Owner.* The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

*Person.* The word "person" shall extend and be applied to individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups and legal entities or combinations thereof.

**State Law References:** Similar provisions, F.S. § 1.01(3).

*Property.* The word "property" shall include real and personal property.

*Shall.* The word "shall" is to be construed as being mandatory.

*Sidewalk.* The word "sidewalk" shall mean any portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.

*State.* The term "state," "the state" or "this state" shall mean the State of Florida.

*Street or road.* The word "street," or the word "road," shall be construed to embrace streets, avenues, boulevards, roads, alleys, viaducts and all other public highways in the county.

*Tenant or occupant.* The term "tenant" or "occupant" applied to a building or land shall include any person holding a written or oral lease of or who occupies the whole or part of such building or land, either alone or with others.

*Week.* The word "week" shall be construed to mean seven (7) days.

*Written or in writing.* The term "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or otherwise.

*Year.* The word "year" shall mean a calendar year, unless a fiscal year is indicated.

*Zoning officer.* The term "zoning officer" shall mean the county officer or employee charged with

administration and enforcement of the county's planning, subdivision control and zoning ordinances. The term includes authorized agents and representatives of such officer or employee.

**Sec. 1-3. Catchlines of sections; history notes, etc.; references to Code.**

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catch words to indicate the contents of the section and shall not be deemed or taken to be titles of such section, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any such section, including the catchlines is amended or reenacted.

(b) The history or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section. Cross references and state law references which appear after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.

(c) All references to chapters, articles or sections are to chapters, articles and sections of this Code unless otherwise specified.

**Sec. 1-4. Effect of repeal of ordinances.**

(a) The repeal or amendment of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed or amended took effect.

(b) The repeal or amendment of any ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the ordinance repealed or amended.

**Sec. 1-5. Jurisdiction.**

The provisions of this Code shall only apply in the unincorporated areas of the county, unless a particular provision of this Code expressly states that it is applicable to both incorporated and unincorporated Lake County. If a provision of this Code expressly states that it is applicable in the incorporated areas of the county and that provision is in conflict with a municipal ordinance, such provision shall not be effective within the municipality to the extent of such conflict.

When a provision of the Code is only applicable to the unincorporated areas of the county, a municipality may pass a resolution by majority vote of its governing body requesting that the board of county commissioners enforce such provision with the municipality. Such resolution shall also repeal any municipal ordinances that conflict with the provision of the Code the municipality seeks to have enforced within its boundaries. The board of county commissioners may accept or reject such request by the municipality. either the municipality by its governing body or the board of county commissioners may withdraw said municipality from such enforcement by the same voting procedure.

(Ord. No. 1999-118, § 2, 12-14-99)

**State Law References:** Conflicts between county and municipal ordinances, Fla. Const. art. VIII, § 1(e).

## **Sec. 1-6. General penalty.**

Whenever in this Code any act is prohibited, or is made or declared to be unlawful, or an offense; or whenever in such Code the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any such provisions of this Code 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 or as provided in F.S. § 125.69. Each act of violation and each day any violation shall occur shall constitute a separate offense, unless otherwise provided. Nothing contained in this section shall prohibit the County from enforcing this Code by any other means. (Ord. No. 2007-40, § 2, 8-21-07)

**Cross References:** Gain time allowances for county prisoners, § 9-3.

**State Law References:** Penalty for ordinance violations, F.S. § 125.69.

## **Sec. 1-7. Officers, employees not liable for failure to perform duties.**

No provision of this Code designating the duties of any county officer or employee shall be so construed as to make such officer or employee liable for any penalty provided in this Code for a failure to perform such duty, unless the intention of the board of county commissioners to impose such a penalty is specifically and clearly expressed in the section creating the duty.

## **Sec. 1-8. Injunctive relief.**

In addition to any penalty provided by law for the violation of any of the provisions of this Code, the board of county commissioners may bring suit in the appropriate circuit court to enjoin, restrain or otherwise prevent the violation of any of the provisions of this Code.

## **Sec. 1-9. Severability of parts of Code.**

It is declared to be the intent of the board of county commissioners that if any section, subsection, sentence, clause, phrase or portion of this Code or any ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Code or any ordinance, and it shall be construed to have been the legislative intent to pass this Code or such ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Code or said ordinance after the exclusion of such part or parts shall be deemed and held to be valid as if such part or parts had not been included herein. If this Code or any ordinance or any provision thereof shall be held inapplicable to any person, group of persons, property or kind of property, or circumstances or set of circumstances, such holding shall not affect the applicability hereof to any other person, property or circumstance.

## **Sec. 1-10. Provisions as continuation of existing ordinances.**

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the county relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

## **Sec. 1-11. Code does not affect prior offenses, rights, etc.**

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing any use or the continuance of any use of a structure or premises in violation of any ordinance of the county in effect on the date of adoption of this Code.

**Sec. 1-12. Certain ordinances not affected by Code.**

(a) Nothing in this Code or the ordinance adopting this Code shall affect any ordinance:

- (1) Promising or guaranteeing the payment of money for the county, or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness, or any contract or obligations assumed by the county.
- (2) Granting any right or franchise.
- (3) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way.
- (4) Making any appropriation.
- (5) Levying or imposing taxes, not codified in this Code.
- (6) Amending any local law (i.e., special act).
- (7) Providing for local improvements and assessing taxes therefor.
- (8) Regulating subdivisions or dedicating or accepting any plat or subdivision.
- (9) Relating to zoning.
- (10) Which is temporary, although general in effect.
- (11) Which is special, although permanent in effect.
- (12) The purpose of which has been accomplished.

(b) The ordinances designated in subsection (a) are recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

**Cross References:** Special district or ordinances adopted by reference, § 20-1.