

An Ordinance of the City of Miami Beach, Florida, defining Jitney Busses, providing for the licensing of such Jitney Busses, prescribing regulations as to the issuance of such licenses, providing for the fee for issuances; fixing the license fee, regulating the manner of operation and collection of fares of such Jitney Busses, providing for the giving of a bond by the operator of such jitney busses, fixing the conditions and amount of such bond; providing for the suspension, revocation and termination of such license and providing for a penalty for the violation of this Ordinance.....

BE IT ORDAINED By the City Council of the City of Miami Beach, Florida;

Section 1: For the purposes of this ordinance a jitney bus is defined to be any vehicle other than street railway cars operated along a route or routes upon the streets of the City of Miami Beach for the purpose of receiving, carrying and discharging as passengers, such persons as offer themselves for transportation along such route or routes or between points thereon; or operated in such a manner as to offer a means of transportation similar to that afforded by a street railway.

Section 2: It shall be unlawful for any person to use, operate or run, or cause or permit any of his agents, servants, or employes to use, operate or run a jitney bus in, along, through over or upon any of the streets of the City of Miami Beach, or to carry on a business of transporting passengers for hire in any jitney bus or busses in said City without first having obtained a license so to do as in this Ordinance provided; and no license shall be issued therefor except as provided herein. A separate application shall be made and filed in writing with the City Clerk of the City of Miami Beach for each jitney bus proposed to be operated in the City of Miami Beach, which application shall contain the following statements, to-wit:

Name, age, residence and business address, if the applicant is a natural person; if a corporation, its name, date of incorporation, place of business, and the names and addresses of the officers thereof; if a partnership or a company, the business name of the partnership or company, and the names of the partners or persons comprising the company, with the business address of each partner of the company; the name, type and make of motor car proposed to be used as

such jitney bus; the horse power thereof, the factory number thereof, the state license number thereof, the seating capacity thereof, according to its trade rating, and whether such a jitney bus is to be operated by the applicant or by a chauffeur; the route or termini between which such jitney bus is proposed to be operated and fare to be charged; a schedule showing the time of departure from the termini according to which it is proposed to operate; if the motor vehicles proposed to be used as a jitney bus has been adapted for use as such, either by converting a freight carrying truck into a passenger carrying vehicle, or by reconstructing, modifying or adding to the body or seating capacity thereof, a statement of its carrying capacity, capacity in pounds, or tons, its rated seating capacity as adapted, and the method and materials used in such adaptation.

The City Clerk shall, thereupon promptly refer the application for such license to the City Council and said City Council shall, in regular session or special session duly called for that purpose, consider the application and may, if the said City Council deems it advisable, summon and examine the person who has signed the application, and any other person or persons in regard to the granting of such licenses, and may grant the same as asked, and shall fix in all cases the schedule and fare proposed in such application; or if such application in the good discretion of the City Council, does not conform to the needs of the public, peace and safety of the citizens, may refuse a license to such applicant. If said City Council shall determine to have a license issued to the said applicant for the vehicle mentioned in the application, it shall make its order directing the City Clerk to issue such license, and shall specify in such order the fare, schedule, route and termini of the jitney bus to operate which the license is to issue. Upon the receipt of such order, and upon payment of the herein required license fee, the City Clerk shall issue a certificate of license to the applicant to operate or cause or permit the operation of the jitney bus therein described along the route and between the termini according to the schedule and fare therein.

All such license shall provide that the jitney buss shall be operated over the route named therein, and from such time in the morning to such time at night as may be prescribed by the said City Council.

The schedule, fare, route or termini as fixed by the license issued as aforesaid, may be changed by said City Council upon 10 days notice in writing to the holder of such license permitting him to be heard thereon, or may change the same at the request of the holders of such license, whenever, in its good discretion, the City Council shall deem it necessary for the needs of the public or requirements of health, peace and safety of the citizens.

Section 3: Any person desiring to secure a license as a driver of a jitney bus shall make application in writing to the City Clerk therefor. Such application shall set forth the name of the applicant, his color, age, residence and occupation, and by whom employed during the preceding six months, and shall be endorsed by at least two responsible citizens of the City who shall certify that the applicant is a man of good habits, honest, sober and industrious and a fit person to drive a jitney bus. Said application shall also include a statement showing the length of time the applicant has been an operator of motor vehicles.

The said application shall promptly be referred by the City Clerk to the City Council, and the said City Council at a regular meeting or a special meeting duly called for that purpose may examine into the qualifications and fitness of the applicant. When the said City Council shall be satisfied with the qualifications and fitness of any applicant, it shall cause the application to be endorsed and presented to the City Clerk for the issuance of a license as a jitney bus driver, and the City Clerk thereupon, upon the payment of \$1.00 shall issue a license to such applicant, such license to be renewable annually. If the City Council shall not be satisfied with the qualifications of the applicant, they may refuse to endorse his application.

Section 4: The annual license tax for the operation and running of a jitney bus over the route or routes assigned in the

streets of the City of Miami Beach shall be paid in advance into the City Treasury in the sums according to the schedule following:

- (a) for a jitney bus of not more than 22 h.p. \$2.50
- (b) for a jitney bus of more than 22 h.p. and less than 27 h.p. \$4.00
- (c) for a jitney bus of more than 27 h.p. and less than 35 h.p. \$6.00
- (d) for a jitney bus of more than 35 h.p. \$7.50
- (e) for any type of jitney bus seating 10 passenger or more, \$10.00

Section 5: Every jitney bus shall have printed upon each side thereof in letters at least $1\frac{1}{2}$ inches in height and not less than a half in. in width, so that the same shall be readily legible to the public, the word "BUS" and show the name of the person, firm or corporation owning the same or operating the same, the fare for and the termini of the route over which it runs.

Section 6: No jitney bus shall be operated when it is dusk or dark, unless there shall be sufficient light provided to illuminate the inside, and to be so illuminated on the outside that the termini shall be readily legible to the public; and all provisions for the lighting of motor vehicles required by the State Law or Municipal Ordinance of the City of Miami Beach shall likewise be required to be complied with by all jitney busses.

Section 7: Every person operating any such jitney bus shall abide by each and all of the ordinances, rules and regulations of the City of Miami Beach now in force, or that may hereafter be put in force, calculated to regulate said jitney bus business or pertaining to the traffic rules of said City,

Section 8: (a) It shall be unlawful to run or operate any jitney bus otherwise than provided in the license issued for the operation of such jitney bus.

(b) To solicit passengers or attract attention to a jitney bus, or by calling or by the use of a horn, bell, whistle or other noises.

(c) To run or operate a jitney bus while any person is standing or sitting on the running board, the fender, hood or door, or while any person is riding in a place on the outside thereof.

(d) To drive or operate, or cause to be driven or operated any jitney bus upon any street of the City of Miami Beach, except by the person to whom the license has been issued for such jitney bus, or by a person having a driver's license as herein provided.

(e) To re-construct, alter, modify, add to or otherwise change the body or seating arrangements of any jitney bus, after license has been issued for the same, without applying for and obtaining the consent of the City Council so to do.

(f) To drive or operate a jitney bus unless the same shall be equipped with a suitable horn or similar warning device, with a standard speedometer, and with such other equipment required for automobiles under the laws of the State of Florida; and every such jitney bus shall, when leaving either terminus, be equipped with at least one extra serviceable tire.

(g) To accept more passengers than the rate passenger-seating capacity of the vehicle, so that each passenger shall be provided with one full seat.

(h) To receive or accept passengers or permit them to board such jitney bus or discharge passengers at, on or along any street, or highway except, on the Causeway where an electric street car is operated.

Section 9: It shall be unlawful for any person by himself agent or employe to drive or operate or cause to be driven or operated any jitney bus, if the driver or operator is less than 18 years of age.

Section 10: No person operating any jitney bus shall collect fares, make change or take on or discharge passengers while such vehicle is in motion, and he shall not have a lighted cigarette,

cigar or pipe in his possession or use tobacco in any form while any passenger is being carried therein, nor drink any intoxicating beverages, not use morphine, cocaine, opium, or other harmful drug, or be under the influence thereof while engaged in operating such vehicle.

Section 11: It shall be unlawful for any operator of a jitney bus to refuse to carry, free of charge when there is room in such bus, either a policeman or fireman of the City of Miami Beach, when identified as such.

Section 12: Every operator of a jitney bus shall immediately report fully in writing to the Chief of Police, the time, place and cause of any fatal accident, or any injury to a passenger or other person, and of any accident resulting in damage to property in which he or any motor vehicle or operator under his control is involved.

Section 13: It shall be unlawful for the operator of any jitney bus to fail, neglect or refuse to return every article in such jitney bus left by any passenger thereof to the police station in this City within 24 hours after the finding of such article.

Section 14: It shall be unlawful for the owner, driver or other person in charge or control of the jitney bus to charge or receive any additional amount for the transportation of any hand baggage in charge of a passenger.

Section 15: It shall be unlawful for any person operating a jitney bus to permit or cause the same to cross any railroad track at any intersecting street within the corporate limits of the City of Miami Beach over which trains or locomotives are operated without bringing such jitney bus to a full stop before crossing said railroad track; provided that on all points where traffic officers are stationed the person operating or driving such jitney bus shall comply with the directions of such officers; and provided further that at all track crossings where flagmen are stationed or railway gates are in operation the person driving or operating such jitney

bus shall be governed by the directions of such flagmen or by the open or shut position of the gates.

Section 16: Any person operating any jitney bus hereunder shall regularly operate the same over the route and between the termini and according to the schedule stated in the license issued for the operation of such jitney bus, and should he cease, fail or neglect or refuse so to operate said jitney bus for a period of five days, as herein provided, the City Council may revoke his license refunding him the unearned portion of his license fee; provided that in case it shall be necessary to take said jitney bus off the routes specified in the license for repairs, another jitney bus may be substituted in place thereof for a period of not more than ten days.

Section 17: In order to insure the safety of the public, no license shall be issued or become operative until the licensee shall have filed with the City Clerk a bond approved by the City Council and the City Clerk, conditioned to pay any final judgment against the principal named therein for any injury to person or property, or damage for causing the death of any person by reason of any negligence or unlawful act on the part of the principal named in said bond his or its agents, employes or drivers in the use, operation or construction of any such vehicle.

Said bond shall have assurers, either two or more private individuals who in their own right, in property located in the County of Dade and State of Florida, over and above all exemptions, are each worth the full amount of the bond to be signed by them as sureties, said sureties to furnish a full and complete abstract of title thereto, if required so to do by the City Council or City Clerk, or said surety to be reliable and responsible corporate surety company authorized to do business in the State of Florida.

Or in lieu of such a bond, the said licensee may file as aforesaid, a policy of liability insurance insuring said licensee of said jitney bus against loss by reason or injury or damage that may result

to any person or property from the use, operation or construction of said jitney bus.

Such bond or policy shall insure.

(a) To the benefit of any passenger or passengers in such jitney bus who may receive fatal injuries, and to the widow or husband of such person as the case may be, or in the event of there being no husband or widow of such person, to the heirs of any passenger or passengers who may suffer death by reason of the negligence or misconduct on the part of the driver or owner of such jitney bus; and

(b) To the benefit of any person who may receive bodily injuries on any public highway and within the City of Miami^{Beach} and to the widow or husband of such person or persons and in case there is no widow or husband of any such person or persons, to the heirs of any such person or persons who may suffer bodily injury by reason of the negligence or misconduct on the part of the driver, operator or owner of such jitney bus; and

(c) To the benefit of any person or persons who may sustain damage by reason of any injury to his or their personal property by reason of the negligence or misconduct of the driver or owner of such jitney bus.

Said bond or policy shall contain a provision that there is a continuing liability thereunder of not less than the full amount thereof as herein provided, notwithstanding any recovery thereon; and if at any time in the judgment of the City Council said bond or policy is not sufficient for any cause, the City Council or City Clerk may require the party to whom a license is issued, as herein provided, to replace said bond or policy with another bond or policy satisfactory to the said City Council or City Clerk; and in default thereof said license shall be revoked. Such bond or policy shall provide that suit may be brought thereon in any court of competent jurisdiction by any person or persons, or corporation suffering any loss or damage as herein provided.

The amount of such bond shall be in the sum of \$5,000.00, and a separate and distinct bond in said amount shall be filed to cover each and every vehicle operated by any licensee hereunder.

Section 18: If at any time during the life of any license issued hereunder on the terms of this ordinance the holder thereof allows the bond or policy of insurance mentioned in the preceding section, to lapse or become ineffective, or to terminate in whole or in part, or if any surety thereon becomes unable financially to respond to the obligations thereof, at the same time the license of such holder to operate a jitney bus or bussess shall ipso facto become null and void.

Section 19: The license for running and operating any jitney bus may be suspended or revoked at any time by the City Council if it shall appear that the owner or operator of such jitney bus is or employs a careless or reckless driver or operator, or in case such owner, driver or operator shall violate any of the provisions of this Ordinance, or any rule, regulation or provision now in force, or that may hereafter be put into force, covering the traffic regulations or business of carrying passengers for hire or jitney busses in or upon or through the streets of the City of Miami^{Beach}, or for any other cause deemed by said City Council in the exercise of their reasonable discretion to be sufficient.

Section 20: Any person who shall violate any provision of this Ordinance shall be punished by a fine not exceeding \$200.00, or by imprisonment in the city jail not exceeding 90 days. Should any person be twice convicted, the license of such person shall thereupon be cancelled.

Section 21: All ordinances or parts of ordinances insofar as the same may be in conflict herewith are hereby repealed.

Section 22: All licenses from the City of Miami Beach, now in force, in favor of any person, firm or corporation, for such business as is by this Ordinance regulated, shall cease to be in force from

and after 5 days from the date of the passage and publication of this Ordinance. At such time such license holder may have the unearned part of license fee, of the license now in force, refunded, or he may have the same applied upon the fee of a new license under this Ordinance, provided a new license shall be issued to him hereunder.

PASSED AND ADOPTED this 16 day of Feb. A. D. 1921.

CITY COUNCIL OF CITY OF MIAMI BEACH, FLORIDA.

W E Board
President

ATTEST:

J. W. Tomlinson
City Clerk

APPROVED this 16th day of Feb. A. D. 1921.

J E James
Mayor

Ordinance #154
AN ORDINANCE OF THE CITY OF
MIAMI BEACH FLORIDA IN RE
JITNEY BUSES.

PASSED 2/16/21.

OFFICES OF
MCCASKILL & MCCASKILL
ATTORNEYS AT LAW
MIAMI, FLORIDA

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