

ORDINANCE NO. 183

SS/AJ/JJ/SS

SS/AJ/JJ/SS

Ordinance No. 183

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AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING A PART OF ORDINANCE NO. 146 OF SAID CITY ENTITLED, "AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, IMPOSING LICENSES AND OTHER TAXES ON PRIVILEGES, BUSINESSES, OCCUPATIONS AND PROFESSIONS CARRIED ON AND ENGAGED IN WITHIN SAID CITY, AND PRESCRIBING PENALTIES FOR THE EXERCISING OF SUCH PRIVILEGES OR CARRYING ON SUCH BUSINESSES, OCCUPATIONS OR PROFESSIONS WITHOUT A LICENSE OR OTHER FAILURE TO COMPLY WITH THE PROVISIONS THEREOF.....

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI BEACH, FLORIDA.

Section 1. That that part of Section 5, Subsection P, reading: "Peddlers or dealers in dry goods, notions, jewelry or clothing or other merchandise on foot, selling at retail or by samples \$50.00

Peddlers, same as above from wagons, per wagon \$50.00, of Ordinance No. 146 of said City entitled: "An ordinance of the City of Miami Beach, Florida, imposing licenses and other taxes on privileges, businesses, occupations and professions carried on and engaged in within said City, and prescribing penalties for the exercising of such privileges or carrying on such businesses, occupations or professions without a license or other failure to comply with the provisions thereof", be and the same is hereby amended to read as follows:

"Peddlers or dealers in dry goods, notions, jewelry, clothing, groceries or other merchandise, other than milk in bottles, on foot, selling at retail or by sample.....\$600.00

"Peddlers or dealers in dry goods, notions, jewelry, clothing, groceries or other merchandise, other than milk in bottles, from wagons or motor vehicles, per wagon or motor vehicle, selling at retail or by sample.....\$600.00

Section 2. That this ordinance be effective from and after approval and posting as required by law.

PASSED and ADOPTED this 1st day of November, A. D., 1922.

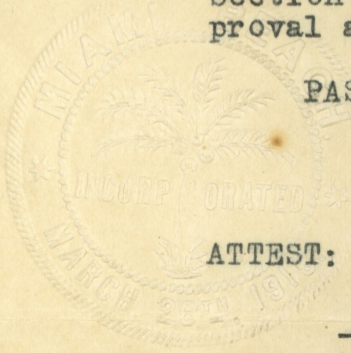
John H. Levi, President City Council

ATTEST:

C. W. Tomlinson City Clerk

APPROVED this 1st day of November, A. D., 1922.

Louis F. Smedley, Mayor



Amending part of Ordinance No. 146 for licenses of businesses.

Passed & Adopted 11/14/22

ORDINANCE NO. 183

Posted 11/14/22

TO COMPLY WITH THE PROVISIONS THEREOF.....
SESSIONS WITHOUT A LICENSE OR OTHER FAILURE
ING ON SUCH BUSINESSSES, OCCUPATIONS OR PRO-
THE EXERCISING OF SUCH PRIVILEGES OR CARRY-
SAID CITY, AND PRESCRIBING PENALTIES FOR
SESSIONS CARRIED ON AND ENGAGED IN WITHIN
LEGES, BUSINESSSES, OCCUPATIONS AND PRO-
POSING LICENSES AND OTHER TAXES ON PRIVI-
OF THE CITY OF MIAMI BEACH, FLORIDA, IM-
146 OF SAID CITY ENTITLED, "AN ORDINANCE
FLORIDA, AMENDING A PART OF ORDINANCE NO.
AN ORDINANCE OF THE CITY OF MIAMI BEACH,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI BEACH,
FLORIDA.

Section 1. That part of Section 5, Subsection P, reading:
"Peddlers or dealers in dry goods, notions, jewelry or clothing
or other merchandise on foot, selling at retail or by samples
\$50.00
Peddlers, same as above from wagons, per wagon \$50.00, of ordi-
nance No. 146 of said City entitled: "An ordinance of the City
of Miami Beach, Florida, imposing licenses and other taxes on
privileges, businesses, occupations and professions carried on
and engaged in within said City, and prescribing penalties for
the exercising of such privileges or carrying on such businesses,
occupations or professions without a license or other failure
to comply with the provisions thereof," be and the same is here-
by amended to read as follows:

"Peddlers or dealers in dry goods, notions, jewelry, cloth-
ing, groceries or other merchandise, other than milk in bottles,
on foot, selling at retail or by samples.....\$500.00
"Peddlers or dealers in dry goods, notions, jewelry, cloth-
ing, groceries or other merchandise, other than milk in bottles,
from wagons or motor vehicles, per wagon or motor vehicle, sell-
ing at retail or by samples.....\$500.00

Section 2. That this ordinance be effective from and after ap-
proval and posting as required by law.

PASSED and ADOPTED this 1st day of November, A. D., 1922.

John A. Lewis
President City Council

ATTEST:

[Signature]
City Clerk

APPROVED this 1st day of November, A. D., 1922.

John F. [Signature]
Mayor

August 15, 1923.

Mr. R. L. Kelly,
Miami Beach, Florida.

Dear Sir:-

You have stated to me that you represent the Real Silk Hosiery Mills of Indianapolis, Indiana; that you use samples and take orders for hosiery; that you remit the proceeds to the house in Indianapolis, and the hosiery is shipped direct to the purchaser; and that you maintain no store or warehouse in the City of Miami Beach, Florida. You have asked my opinion about whether you can be required to pay a license for doing business.

Questions of this nature have been before the Courts a great many times and in all of them it has been held that doing business as outlined above is the conduct of inter state commerce and as such cannot be taxed by any State or municipality. Therefore, neither Dade County, nor any other County in the State of Florida, the City of Miami Beach or any other municipality has a right to require you to pay a license or any tax for the privilege of doing inter state commerce business as outlined above.

Yours very truly,

(Signed) G. E. McCaskill.

GEM/HS

August 16, 1933.

Mr. R. L. Kelly
Miami Beach, Florida.

Dear Sir:-

You have stated to me that you represent the late
Slick Hosiery Mills of Indianapolis, Indiana; that you use
samples and take orders for hosiery; that you remit the
proceeds to the house in Indianapolis, and the hosiery is
shipped direct to the purchaser; and that you maintain no
store or warehouse in the City of Miami Beach, Florida. You
have asked my opinion about whether you can be required to pay
a license for doing business.

Questions of this nature have been before the Courts
a great many times and in all of them it has been held that
doing business as outlined above is the conduct of later state
commerce and as such cannot be taxed by any State or municipality.
Therefore, neither Dade County, nor any other County in the State
of Florida, the City of Miami, and no other municipality has
a right to require you to pay a license or any tax for the privi-
lege of doing later state commerce business as outlined above.

Yours very truly,

G. E. McCallister

GEM/RS

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