8/11/28
Final Draft.

ORDINANCE NO. 258

AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MIAMI BEACH, FLORIDA, AND REPEALING ORDINANCES No. 98, 104, 161, 173, 174, 175, 181, 165, 207, 218 AND ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT HEREWITH.

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

ARTICLE I.

DEFINITIONS

SECTION 1. Whenever in this Ordinance the following terms are used, they shall have the meanings respectively ascribed to them in this section.

STREET OR HIGHWAY. Every way set apart for public travel, except foot paths.

PRIVATE ROAD OR DRIVEWAY. Every road or driveway not open to the use of the public for purposes of vehicular travel.

ROADWAY. That portion of a street or highway between the regularly established curb lines or that part devoted to vehicular traffic.

SIDEWALK. That portion of a street between the curb lines and the adjacent property lines.

INTERSECTION. The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more streets or highways which join one another at an angle whether or not such street or highway crosses the other.

CROSSWALK. That portion of a roadway ordinarily included within the prolongation of curb and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is so marked or indicated by proper signs as to be plainly

visible at all times while set apart as a safety zone.

PASSENGER ZONE. The area or space officially set apart within a street for the loading and unloading of passengers from public cars.

LOADING ZONE. The area or space officially set apart within a street or alley for the loading and unloading of materials.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

MOTOR VEHICLE. Every vehicle, as herein defined, which is self propelled.

STREET CAR. Every device traveling exclusively upon rails when upon or crossing a street,

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department, Police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Chief of Police.

PEDESTRIAN. Any person afoot.

OPERATOR. Any person who is in actual physical control of a vehicle.

TRAFFIC. Pedestrians, ridden animals, herded animals, vehicles and street cars either singly or together while using any street for purposes of travel.

RIGHT-OF-WAY. The privilege of the immediate use of the street or highway.

PARKING. The stopping or standing of a vehicle, whether attended or unattended, upon a roadway, otherwise than temporarily for the purpose of and while acutally engaged in loading or unloading, or in obedience to traffic regulations or traffic sign or signals.

OFFICIAL TRAFFIC SIGNS. All signs and markings, other than signals, not inconsistent with this Ordinance, placed or erected by authority of a public body or official having

jurisdiction for the purpose of guiding, directing, warning or regulating traffic.

OFFICIAL TRAFFIC SIGNALS. All signals, not inconsistent with this Ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing, warning or regulating traffic.

TRAFFIC CONTROL SIGNAL. Any device using colored lights, or words, or any combination thereof, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

POLICE OFFICER. Every officer of the Municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

ARTICLE II.

AUTHORITY OF POLICE.

SECTION 2. POLICE TO DIRECT TRAFFIC. It shall be the duty of the Police Department of this city to enforce the provisions of this Ordinance. Officers of the Police Department are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this Ordinance, provided that in the event of a fire or other emergency and to expedite traffic or safeguard pedestrians during such emergency, officers of the Police or Fire Department may direct traffic, as conditions may require, notwithstanding the provisions of this Ordinance.

SECTION 3 CHIEF OF POLICE WITH THE APPROVAL OF CITY MANAGER,-

AUTHORIZED TO ADOPT EMERGENCY REGULATIONS. The Chief of Police with approval of the City Manager is hereby empowered to make and enforce regulations necessary to make effective the provisions of this Ordinance and to make temporary regulations to cover emergencies or special conditions, provided any such regulations are not inconsistent with the provisions of this Ordinance.

SECTION 4. OBEDIENCE TO POLICE. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction, authorized by this ordinance, of a police officer.

SECTION 5. PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS. (a) The provisions of this Ordinance shall apply to the operator of any vehicle owned or used in the service of the U. S. Government, this State, County or City and it shall be unlawful for any said operator to violate any of the provisions of this Ordinance except as otherwise permitted in this Ordinance.

(b) The provisions of this Ordinance regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles as defined in this Ordinance while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

SECTION 6. PERSONS PROPELLING PUSH CARTS OR RIDING BICYCLES OR ANIMALS TO OBEY TRAFFIC REGULATIONS. Every person propelling any push cart or riding a bicycle or an animal upon a roadway, and every person driving any animal, shall be subject to the provisions of this Ordinance applicable to the operator of any vehicle, except those provisions of this Ordinance with reference to the equipment of vehicles and except those provisions which by their very nature can have no application.

ARTICLE III.

TRAFFIC SIGNS AND SIGNALS

SECTION 7. (a) The Chief of Police with the approval of the City Manager is hereby authorized to determine and designate the character, type and location of all official traffic signs and signals, and it shall be his duty to place and maintain, or cause to be placed and maintained all official traffic signs and signals. All signs and signals required hereunder for a particular purpose shall so far as is practicable be uniform throughout the City.

SECTION 8. OBEDIENCE TO TRAFFIC SIGNS AND SIGNALS. It shall be unlawful for any operator or for the motorman of any street car to disobey the instructions of any official traffic sign or signal upon the street placed in accordance with the provisions of this Ordinance, unless otherwise directed by a police officer.

SECTION 9. TRAFFIC CONTROL SIGNAL LEGEND. Whenever traffic at an intersection is alternately directed to stop and to proceed by the use of signals exhibiting the words "Stop," "go" or "Caution" or exhibiting colored lights, said terms and lights shall indicate as follows;

(a) When the word "Stop" or the color red is exhibited after green, no waiting vehicle facing the signal shall proceed until the green or "Go" signal is displayed alone and every moving vehicle facing the signal shall stop on the near side of the crosswalk (or the nearest property line of the cross street), unless at the time the word "Stop" or the color red is first displayed the moving vehicle is less than the normal braking distance from the crosswalk (or nearest property line of cross street), in which event it may proceed. When the word "Stop" or the color red is exhibited after yellow or amber, no vehicle facing the signal shall enter the intersection until the green or "Go" signal is displayed alone.

(b) When the word "Go" or the color green is

exhibited alone, traffic facing the signal may proceed, except that such traffic shall yield the right of way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal was exhibited.

(c) When the word "Caution" or "Wait" or the color is yellow or amber is exhibited following or with green, no waiting vehicle facing the signal shall stop if possible as provided in subsection (a) of this section. When such word or color is exhibited folowing or with red, no vehicle facing the signal shall enter the intersection until the green or "Go" signal is displayed alone.

SECTION 10. DISPLAY OF UNAUTHORIZED SIGNS AND SIGNALS PROHIBITED. It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal or device which purports to be or is in imitation of or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic. Every such prohibited sign, signal or device is hereby declared to be a public nuisance, and the Chief of Police is hereby empowered to remove the same, or cause it to be removed, without notice..

SECTION 11. INTERFERENCE WITH SIGNS AND SIGNALS PROHIBITED. It shall be unlawful for any person to wilfully deface, injure, move, obstruct or interfere with any official traffic sign or signal.

SECTION 12 CHIEF OF POLICE WITH APPROVAL OF CITY MANAGER AUTHORIZED TO DESIGNATE CROSSWALKS. The Chief of Police with the approval of the City Manager is hereby authorized to establish and to designate and shall thereafter maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks approximately equal in width to the adjacent sidewalk at all intersections where in his opinion there is particular danger to pedestrians crossing the roadway.

SECTION 13. CHIEF OF POLICE WITH APPROVAL OF THE CITY MANAGER AUTHORIZED TO DESIGNATE SAFETY ZONES AND LANES FOR TRAFFIC. (a) The Chief of Police with the approval of the City Manager is hereby empowered to establish safety zones of such kind and character and at such places as he may deem for the

necessary for the protection of pedestrians.

(b) The Chief of Police with the approval of the City Manager, is also authorized to mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the provisions of this Ordinance.

(c) (c) The Chief of Police with the approval of the City Manager, is hereby empowered to determine those intersections at which operators of vehicles shall not make a left turn and shall place proper signs at such intersections.

SECTION 14. PEDESTRIANS' RIGHTS AND DUTIES AT CONTROLLED INTERSECTIONS. At intersections where traffic is controlled by traffic signals or by police officers, pedestrians shall yield the right of way to vehicles lawfully proceeding directly ahead on a "Go" signal as authorized in Section 9, and operators of vehicles shall yield the right of way to pedestrians crossing or those who hav started to cross the roadway on a "Go" signal.

SECTION 15. PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

SECTION 16. PEDESTRIANS SOLICITING RIDES. It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the operator of any private vehicle.

ARTICLE V.

SECTION 17. PASSING STREET CARS. (a) The operator of a vehicle shall not overtake and pass upon the left of any street car proceeding in the same direction, whether actually in motion or temporarily at rest, when a traversable portion of the highway exists to the right of such street car, even though such portion of the highway is occupied by traffic. This provision shall not apply to one-way streets.

(b) The operator of a vehicle overtaking any street car stopped or about to stop for the purpose of receiving or discharging any passenger, shall stop such vehicle to the rear

of the nearest running board or door of such street car and keep it stationary until any such passenger has boarded such car or reached a place of safety, except that where a safety zone has been established, a vehicle need not be stopped before passing any such street car, but may proceed past such car at a speed not greater than is reasonable or proper, and with due caution for the safety of pedestrians.

SECTION 18. DRIVING ON STREET CAR TRACKS. (a) It shall be unlawful for the operator of any vehicle proceeding upon any street car tracks in front of a street car upon a public street, to fail to remove such vehicle from the tracks as soon as practicable after signal from the operator of said street car.

(b) When a street car has started to cross an intersection, no operator shall drive upon the car tracks within the intersection in front of the street car.

SECTION 19. DRIVING THROUGH SAFETY ZONE PROHIBITED. It shall be unlawful for the operator of a vehicle at any time to drive the same over or through a safety zone as defined in this ordinance.

SECTION 20. BOARDING OR ALIGHTING FROM STREET CARS OR VEHICLES. It shall be unlawful for any person to board or alight from any street car or vehicle while such street car or vehicle is in motion.

SECTION 21. UNLAWFUL RIDING. It shall be unlawful for any person to ride on any street car or vehicle upon any portion thereof not designed or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or within truck bodies, in space intended for merchandise.

SECTION 22. STREET CARS NOT TO BLOCK STREET. It shall be unlawful for the directing officer or the operator of any street car to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes. It shall be unlawful for any street car to stop within an intersection or on a

crosswalk for the purpose of receiving or discharging passengers.

ARTICLE VI.

STOPPING, STANDING AND PARKING

SECTION 23. STOPPING PROHIBITED IN SPECIFIED PLACES. It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signals.

(1) Within an intersection.

(2) On a crosswalk.

(3) Between a safety zone and the adjacent curb or within twenty feet of a point on the curb immediately opposite the end of a safety zone, unless the Chief of Police shall indicate a different length by signs.

(4) Upon the approach to an intersection, within (15) fifteen feet of the inside boundary line of the sidewalk, or, if no sidewalk is in place, within twenty-five (25) feet of the intersecting roadway, except that this provision shall not apply at alleys.

(5) Within fifteen (15) feet of the driveway entrance to any fire station, or directly across the street from such entrance.

(6) Within fifteen (15) feet of a fire hydrant.

(7) In front of a private driveway

(8) On a sidewalk.

(9) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(10) That it shall be unlawful for any person, firm or corporation to park a vehicle in any alley within the City of Miami Beach, Florida, except in the alley between Ocean Drive and Collins Avenue between First Street and Biscayne Avenue, for a period longer than five (5) minutes or to in anywise obstruct

traffic in said alleys.

SECTION 24. STANDING FOR LOADING OR UNLOADING ONLY IN CERTAIN PLACES. (a) It shall be unlawful for the operator of a vehicle for a period of time longer than is necessary for the actual loading or unloading of passengers in any place marked as a passenger zone.

(b) It shall be unlawful for the operator of a vehicle, to stop, stand, or park said vehicle for a period of time longer than is necessary for the actual loading or unloading of passengers, or for the unloading and delivery or pick up and loading materials, in any place marked as a loading zone.

(c) The Chief of Police with the approval of the City Manager shall have authority to determine the location of passenger zones and loading zones as described herein, and shall erect and maintain appropriate signs indicating the same.

SECTION 25. CHIEF OF POLICE, WITH THE APPROVAL OF THE CITY MANAGER, AUTHORIZED TO DESIGNATE BUS STOPS AND TAXICABS STANDS. The Chief of Police with the approval of the City Manager, is hereby authorized and required to establish bus stops, and taxicab stands on public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and shall appropriately sign every such bus stop and taxicab stand, provided however that no such stand shall be so designated without the consent of the abutting property owner.

SECTION 26 OTHER VEHICLES PROHIBITED FROM PARKING IN BUS STOPS, OR TAXICAB STANDS. It shall be unlawful for the operator of any vehicle other than a bus to stand or park in an officially designated bus stop, or for any vehicle other than a taxicab to stand or park in an officially designated taxicab stand, except that the operator of any passenger vehicle may temporarily stop in any such stop or stand for the purpose of and while actually engaged in the loading or unloading of passengers.

SECTION 27. BUSSES, AND TAXICABS PARKING EXCEPT IN DESIGNATED STANDS. It shall be unlawful for the operator

of any bus, or taxicab to stand or park upon any street in any business district at any place other than at a bus stop, or taxicab stand respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

SECTION 28. PARKING PROHIBITED IN CERTAIN PLACES. It shall be unlawful for any operator to stop, stand or park any vehicle in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, except that this provision shall not apply to the operator of a vehicle stopped momentarily during the actual loading or unloading of passengers if such stopping does not actually impede traffic, nor shall it apply to a necessary stop in obedience to traffic regulations or traffic signs or signals or a police officer.

SECTION 29. STANDING OR PARKING CLOSE TO CURB. (a) Except when necessary in obedience to traffic regulations or traffic signs or signals, the operator of a vehicle shall not stop, stand or park such vehicle in a roadway other than parallel with the edge of the roadway, on the right side of the street, heading the direction of traffic, and with the curb-side wheels of the vehicle within one foot of the edge of the roadway, except as provided in the following three paragraphs:

(1) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs.

(2) In places where, and at hours when stopping for the loading or unloading of merchandise or materials is permitted vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads, when the owner of such vehicle holds a permit granting him such special privilege, and provided further that such permit shall be either in the possession of the operator or on the vehicle at the time such vehicle is backed against the curb to take on or

discharge a load, and it shall be unlawful for any owner or operator to violate any of the special terms or conditions of any such special permit.

(a) The Chief of Police, with the approval of the City Manager, shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed.

(b) The Chief of Police, with the approval of the City Manager, is hereby authorized to issue, to any owner of a vehicle used to transport merchandise or materials, a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the operator of such vehicle the privilege of loading and unloading while the vehicle is backed against the curb, if in the opinion of the Chief of Police such privilege is reasonably necessary in the conduct of the owner's business and will not seriously interfere with traffic.

ARTICLE VIII

OPERATION OF VEHICLES

SECTION 30. DRIVE ON RIGHT SIDE OF STREET. Upon all streets, except upon one-way streets, the operator of a vehicle shall drive the same upon the right half of the street and shall drive a slow moving vehicle as closely as possible to the right-hand edge of curb of the street unless it is impracticable to travel on such side of the street, and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing set forth in this Ordinance.

The foregoing provisions of this section shall not be deemed to prevent the marking of lanes for traffic upon any street and the allocation of designated lanes to traffic moving in any particular direction or a designated speed.

SECTION 31 OVERTAKING A VEHICLE. The Operator of any vehicle overtaking another vehicle proceeding in the same direction may pass to the left or the right thereof under conditions to permit safe passage, The operator of such overtaking vehicle shall pass at a safe distance to the side of such overtaken vehicle and shall not cut in front of the latter until safely clear of the overtaken vehicle.

SECTION 32. LIMITATIONS ON PRIVILEGE OF OVERTAKING AND PASSING. (2) The operator of a vehicle shall not drive to the left side of the center line of the traversable roadway in overtaking and passing another vehicel proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

The foregoing provision of this section shall not apply upon one-way streets or upon streets laned for traffic, in which latter event, vehicles traveling in lanes shall move in the direction permitted in such lanes.

(b) The operator of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any intersection of streets, except that this provision shall not apply at intersections where traffic is controlled by traffic control signals or by police officers.

SECTION 33. OPERATOR TO GIVE WAY TO OVERTAKING VEHICLE. (a) The operator of a vehicle upon a street shall not deviate from his direct line of travel without ascertaining that such movement can be made with safety to other vehicles approaching from the rear and about to overtake and pass such first mentioned vehicle.

(b) The operator of a vehicle upon a street about to be overtaken and passed by another vehicle approaching from the rear shall give way consistent with safety upon suitable and audible signal being given by the operator of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

SECTION 34. TURNING AT INTERSECTIONS. (a) RIGHT TURNS: The operator of a vehicle intending to turn to the right at an intersection or into an alley or driveway shall approach the point of turning in the line of traffic nearest the right hand edge or curb of the street, and in turning, shall keep as closely as practicable to the right hand curb or edge of the street.

(b) TURNING LEFT. The operator of a vehicle intending to turn to the left at an intersection or into a driveway shall approach the point of turning in the lane of traffic to the right of and next to the center of the roadway, and, unless otherwise directed by "turning markers," the operator of a vehicle in turning left at an intersection shall leave to his left a clear space equal to one-half width of the street for the use of vehicles traveling in the opposite direction. Upon streets laned for traffic and upon one-way streets a left turn shall be made from the left lane of traffic.

(c) TURNING MARKERS. The Chief of Police is hereby authorized to place turning markers within or at the entrances to intersections, directing that traffic turning left shall follow a line of travel other than as directed in subdivision (b) of this section. Whenever turning markers have been placed as herein provided, traffic turning left shall follow the line as directed by such markers.

(d) TURNING LEFT ON "GO" SIGNAL. The operator of a vehicle or street car intending to turn to the left at an intersection where traffic is controlled by traffic control signals or by a police officer, shall proceed to make such left turn with proper care to avoid accident and only upon the "Go" signal, unless otherwise directed by a police officer.

SECTION 35. U TURNS. The operator of a vehicle shall not upon any street turn such vehicle so as to proceed in the opposite direction except where conditions at the point of said turn make it impracticable to do otherwise.

SECTION 36. EMERGING FROM ALLEY OR PRIVATE DRIVEWAY. The operator of a vehicle emerging from an alley, driveway or garage shall stop such vehicle immediately prior to driving

onto a sidewalk or onto the sidewalk area extending across any alley-way.

SECTION 37. VEHICLES SHALL NOT BE DRIVEN ON SIDEWALK. The operator of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

SECTION 38. OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLE. (a) Upon the approach of any authorized emergency vehicle or vehicles giving audible signal by bell, siren or exhaust whistle, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right hand edge or curb of the street, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by a police officer; and the operator of every street car shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by a police officer.

SECTION 39 FOLLOWING FIRE APPARATUS PROHIBITED. It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than five hundred feet any fire apparatus traveling in response to a fire alarm, or to drive into or stop any vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

ARTICLE ~~VIII.~~ IX

MISCELLANEOUS PROVISIONS

SECTION 40. MOTOR VEHICLES LEFT UNATTENDED, ~~BRAKES TO BE SET~~ AND ENGINE STOPPED. No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without stopping the motor of said vehicle, and, when standing upon a perceptible grade, without turning the front wheels of such vehicle to the curb or the side of the street or highway.

SECTION 41. USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED. It shall be unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device, to go upon any roadway except while cross-

ing a street on a crosswalk.

SECTION 42. CLINGING TO MOVING VEHICLES. It shall be unlawful for any person traveling upon any bicycle, motor cycle, coaster, roller skates, or any toy vehicle to cling to, or attach himself or his vehicle to any other moving vehicle or street car upon any roadway.

SECTION 43. UNLAWFUL TO DRIVE THROUGH PROCESSIONS, UNLESS DIRECTED BY TRAFFIC CONTROL SIGNALS OR BY A POLICE OFFICER. It shall be unlawful for the operator of any vehicle or street car to drive between the vehicles comprising a funeral or other authorized procession while they are in motion, provided that said vehicles are conspicuously so designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

SECTION 44. BACKING AROUND CORNERS OR INTO INTERSECTIONS PROHIBITED. It shall be unlawful for the operator of any vehicle to back such vehicle around a corner at an intersection or into an intersection of public streets.

SECTION 45. OBSTRUCTION TO OPERATOR'S VIEW OR DRIVING MECHANISM. (a) It shall be unlawful for the operator of any vehicle to drive the same when such vehicle is so loaded, or when there are in the front seat of such vehicle such number of persons, as to obstruct the view of the operator to the front or sides, or to interfere with the operator's control over the driving mechanism of the vehicle.

(b) It shall be unlawful for any passenger in a vehicle or street car to ride in such position as to interfere with the operator's view ahead, or to the sides, or to interfere with the operator's control over the driving mechanism of the vehicle.

SECTION 46. CROSSING FIRE HOSE. No street car or vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or street car track to be used at any fire or alarm of fire, without the consent of the Fire Marshal or Fire Department official in command.

SECTION. 47 RIDING ON HANDLE BARS PROHIBITED. It shall be unlawful for the operator of any bicycle or motor-

cycle, when upon the street, to carry any other person upon the handle bar, frame or tank of any such vehicle, or for any person to so ride upon any such vehicle.

SECTION 48. BRAKES AND LIGHTS. Every motor vehicle operated or driven upon the public highways of this city shall be provided with adequate brakes in good working order and sufficient to control such vehicle at all times when the same is in use. Said motor vehicle shall also during the period from one-half hour after sunset to one-half hour before sunrise display at least two lighted lamps on the front and one on the rear of such vehicle, while in operation. Said lamps on the front of said vehicle shall be provided with dimmers of non-glaring character, which said dimmers shall be used at all times during said period when said vehicle is in operation.

SECTION 49. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS. It shall be unlawful for any person who is an habitual user of narcotic drugs, or any person who is under the influence of intoxicating liquor or narcotic drugs, to drive any vehicle upon any street or other public way.

SECTION 50. RECKLESS DRIVING. Any person who drives any vehicle upon a highway carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection, having due regard to the traffic, surface and width of the highway and of any other conditions then existing, and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving.

SECTION 51. MEETING VEHICLES. Operators of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main traveled portion of roadway as nearly as possible.

SECTION 52. FOLLOWING TOO CLOSELY. (a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to

the speed of such vehicles and the traffic upon and condition of the highway.

SECTION 53. SIGNALS ON STARTING OR TURNING. (a) The operator of any vehicle upon a highway before starting, stopping or turning from a direct line shall first see that such movement can be made in safety, and, if any pedestrian may be affected by such movement, shall give a clearly audible signal by sounding the horn, and, whenever the operation of any other vehicle may be affected by such movement, shall give a signal as required in this section plainly visible to the driver of such other vehicle of the intention to make such movement.

(b) The signal herein required shall be given either by means of the hand and arm in the manner herein specified, or by an approved mechanical or electrical signal device, except that when a vehcile is so constructed or loaded as to prevent the hand and arm signal from being visible both to the front and rear the signal shall be given by a device of a type which has been approved by the State Department of Motor Vehicles.

Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to start, stop, or turn by extending the hand and arm horizontally from and beyond the left side of the vehicle.

SECTION 54. RIGHT OF WAY. Subject to the exceptions stated in the next succeeding section, and except as otherwise designated by traffic signs or signals, the right of way rule as between vehicles at intersections is hereby declared as follows:

(a) The operator of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection.

(b) When two vehicles approach or enter an intersection at the same time, or at approximately the same time, the operator of the vehicle on the left shall yield the right of way to the vehicle on the right.

(c) The operator of any vehicle traveling at an unlawful speed shall forfeit any right of way which he might other-

wise have hereunder.

SECTION 55. EXCEPTIONS TO RIGHT OF WAY RULE. (a) The operator of a vehicle entering a public street from a private road or drive shall yield the right of way to all vehicles approaching on such public highway.

(b) The operator of a vehicle on a street shall yield the right of way to authorized emergency vehicles when the latter are operated upon official business and the operators thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not relieve the operator of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the operator of any such vehicle from the consequence of an arbitrary exercise of such right of way.

SECTION 56. DUTY TO STOP IN EVENT OF ACCIDENT. The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle at the scene of such accident, and shall give his name and address and registration number of his vehicle to the person struck or to the driver or occupants of any vehicle collided with, and shall render to any person injured in such accident, reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment, if it is apparent that such treatment is necessary or is requested by the injured person.

SECTION 57. DUTY TO REPORT ACCIDENT. The operator of any vehicle involved in an accident resulting in injuries or death to any person (or property damage to an apparent extent of ($50.00) Fifty Dollars or more) shall immediately make a report of such accident to the police headquarters in this City.

SECTION 58. GARAGE KEEPER TO REPORT DAMAGED VEHICLES. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in ~~a serious~~ any accident or struck by any bullet

shall immediately report to the Police Headquarters of this City, giving the engine number and the name and address of the owner or operator of such vehicle.

SECTION 59. FLAG OR LIGHT AT END OF LOAD. Whenever the load on any vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such vehicle a red flag not less than twelve inches both in length and width, except that between one-half hour after sunset and one-half hour before sunrise there shall be displayed at the end of such load a red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle.

SECTION 60. HORNS AND WARNING DEVICES. (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order, capable of emitting sound audible under normal conditions from a distance of two-hundred (200) feet or more, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, or any compression or spark plug whistle, or to use any exhaust horn or whistle which does not produce a harmonious sound, or for any person at any time to use a horn otherwise than as a reasonable warning, or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(b) Every authorized emergency vehicle shall be equipped with a bell, siren or exhaust whistle of a type approved by the Chief of Police.

SECTION 61. PREVENTION OF NOISE, SMOKE etc.; MUFFLER CUTOUT REGULATED. (a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(b) It shall be unlawful to use a "muffler cutout" on any motor vehicle on a highway.

(c) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.

SECTION 62. PENALTIES AND PROCEDURE ON ARREST. Any person who shall violate or fail to comply with any of provisions of this ordinance shall be punished by a fine of not less than five ($5.00) Dollars nor more than two hundred ($200.)) Dollars, or be imprisoned for not more than ninety (90) days, or both, in the discretion of the Court.

SECTION 63. EFFECT OF ORDINANCE. If any section or subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 64. REPEAL. Ordinances No. 98, 104, 161, 173, 174, 175, 181, 165, 207 and 218, and all ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

PASSED AND ADOPTED this _____ day of August 1928.

_____
President City Council

ATTEST:

_____
City Clerk

APPROVED this _____ day of August, 1928, by the Mayor of the City of Miami Beach.

_____
Mayor.

First reading _____

Second reading _____

Third reading _____

Posted _____

Attorney's Draft

8-15-28.—

ORDINANCE No. 258

AN ORDINANCE OF THE CITY OF MIAMI BEAch, FLORIDA, REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MIAMI BEACH, FLORIDA, AND REPEALING ORDINANCES NO. 98, 104, 161, 173, 174, 175, 181, 165, 207, 218 AND ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT HEREWITH.

ORDINANCE NO. 258

AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MIAMI BEACH, FLORIDA, AND REPEALING ORDINANCES NOS. 98, 104, 161, 173, 174, 175, 181, 165, 207, 218 AND ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT HEREWITH.

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

ARTICLE I.

DEFINITIONS

SECTION 1. Whenever in this Ordinance the following terms are used, they shall have the meanings respectively ascribed to them in this section.

STREET OR HIGHWAY. Every way set apart for public travel, except foot paths.

PRIVATE ROAD OR DRIVEWAY. Every road or driveway not open to the use of the public for purposes of vehicular travel.

ROADWAY. That portion of a street or highway between the regularly established curb lines or that part devoted to vehicular traffic.

SIDEWALK. That portion of a street between the curb lines and the adjacent property lines.

INTERSECTION. The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more streets or highways which join one another at an angle whether or not such street or highway crosses the other.

CROSSWALK. That portion of a roadway ordinarily included within the prolongation of curb and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is so marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

PASSENGER ZONE. The area or space officially set apart within a street for the loading and unloading of passengers from public cars.

LOADING ZONE. The area or space officially set apart within a street or alley for the loading and unloading of materials.

VEHICLE. Every device in, upon, or by which, any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or exclusively upon rails or tracks.

MOTOR VEHICLE. Every vehicle, as herein defined, which is self propelled.

STREET CAR. Every device travelling exclusively upon rails when upon or crossing a street.

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department, Police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Chief of Police.

PEDESTRIAN. Any person afoot.

OPERATOR. Any person who is in actual physical control of a vehicle.

TRAFFIC. Pedestrians, ridden animals, herded animals, vehicles and street cars either singly or together while using any street for purposes of travel.

RIGHT-OF-WAY. The privilege of the immediate use of the street or highway.

PARKING. The stopping or standing of a vehicle, whether attended or unattended, upon a roadway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic sign or signals.

OFFICIAL TRAFFIC SIGNS. ALL signs and markings, other than signals, not inconsistent with this Ordinance, placed or erected by authority of a public body or official having jurisdiction for the purpose of guiding, directing, warning or regulating traffic.

OFFICIAL TRAFFIC SIGNALS. All signs, not inconsistent with this Ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing, warning or regulating traffic.

TRAFFIC CONTROL SIGNAL. Any device using colored lights, or words, or any combination thereof, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

POLICE OFFICER. Every officer of the Municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

ARTICLE II.

AUTHORITY OF POLICE.

SECTION 2. POLICE TO DIRECT TRAFFIC. It shall be the duty of the Police Department of this city to enforce the provisions of this Ordinance. Officers of the Police Department are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this Ordinance, provided that in the event of a fire or other emergency and to expedite traffic or safeguard pedestrians during such emergency, officers of the Police or Fire Department may direct traffic, as conditions may require, notwithstanding the provisions of this Ordinance.

SECTION 3. CHIEF OF POLICE WITH THE APPROVAL OF CITY MANAGER AUTHORIZED TO ADOPT EMERGENCY REGULATIONS. The Chief of Police with approval of the City Manager is hereby empowered to

make and enforce regulations necessary to make effective the provisions of this Ordinance and to make temporary regulations to cover emergencies or special conditions, provided any such regulations are not inconsistent with the provisions of this Ordinance.

SECTION 4. OBEDIENCE TO POLICE. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer, as authorized by this ordinance.

SECTION 5. PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

(a) The provisions of this Ordinance shall apply to the operator of any vehicle owned or used in the service of the U. S. Government, this State, County or City and it shall be unlawful for any said operator to violate any of the provisions of this Ordinance except as otherwise permitted in this Ordinance.

(b) The provisions of this Ordinance regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles as defined in this Ordinance while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

SECTION 6. PERSONS PROPELLING PUSH CARTS OR RIDING BICYCLES OR ANIMALS TO OBEY TRAFFIC REGULATIONS. Every person propelling any push cart or riding a bicycle or any animal upon a roadway, and every person driving any animal, shall be subject to the provisions of this Ordinance applicable to the operator of any vehicle, except those provisions of this Ordinance with reference to the equipment of vehicles and except those provisions which by their very nature can have no application.

ARTICLE III.

TRAFFIC SIGNS AND SIGNALS.

SECTION 7. (a) The Chief of Police with the approval of the City Manager is hereby authorized to determine and designate the character, type and location of all official traffic signs and signals, and it shall be his duty to place and maintain, or cause to be placed and maintained all official traffic signs and signals. All signs and signals required hereunder for a particular purpose shall so far as is practicable be uniform throughout the City.

SECTION 8. OBEDIENCE TO TRAFFIC SIGNS AND SIGNALS. It shall be unlawful for any operator or for the motorman of any street car to disobey the instructions of any official traffic sign or signal upon the street placed in accordance with the provisions of this Ordinance, unless otherwise directed by a police officer.

SECTION 9. TRAFFIC CONTROL SIGNAL LEGEND. Whenever traffic at an intersection is alternately directed to stop and to proceed by the use of signals exhibiting the words "Stop", "Go" or "Caution" or exhibiting colored lights, said terms and lights shall indicate as follows:

(a) When the word "Stop" or the color red is exhibited after green, no waiting vehicle facing the signal shall proceed until the green or "Go" signal is displayed alone and every moving vehicle facing the signal shall stop on the near side of the crosswalk (or the nearest property line of the cross street), unless at the time the word "Stop" or the color red is first displayed the moving vehicle is less than the normal braking distance from the crosswalk (or the nearest property line of the cross street)

in which event it may proceed. When the word "Stop" or the color red is exhibited after yellow or amber, no vehicle facing the signal shall enter the intersection until the green or "Go" signal is displayed alone.

(b) When the word "Go" or the color green is exhibited alone, traffic facing the signal may proceed, except that such traffic shall yield the right of way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal was exhibited.

(c) When the word "Caution" or "Wait" or the color yellow or amber is exhibited following or with green, all vehicles facing the signal shall stop if possible as provided in subsection (a) of this section. When such word or color is exhibited following or with red, no vehicle facing the signal shall enter the intersection until the green or "Go" signal is displayed alone.

SECTION 10. DISPLAY OF UNAUTHORIZED SIGNS AND SIGNALS PROHIBITED. It shall be unlawful for any person to place or maintain or to display upon or in view of any street, any unofficial sign, signal or device which purports to be or is in imitation of, or resembles, an official traffic sign or signal, or which attempts to direct the movement of traffic. Every such prohibited sign, signal or device is hereby declared to be a public nuisance, and the Chief of Police is hereby empowered to remove the same, or cause it to be removed, without notice.

SECTION 11. INTERFERENCE WITH SIGNS AND SIGNALS PROHIBITED. It shall be unlawful for any person to wilfully deface, injure, move, obstruct or interfere with any official traffic sign or signal.

SECTION 12. CHIEF OF POLICE WITH APPROVAL OF CITY MANAGER AUTHORIZED TO DESIGNATE CROSSWALKS. The Chief of Police with the approval of the City Manager is hereby authorized to establish and to designate and shall thereafter maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks approximately equal in width to the adjacent sidewalk at all intersections where in his opinion there is particular danger to pedestrians crossing the roadway.

SECTION 13. CHIEF OF POLICE WITH APPROVAL OF THE CITY MANAGER AUTHORIZED TO DESIGNATE SAFETY ZONES AND LANES FOR TRAFFIC.

(a) The Chief of Police with the approval of the City Manager is hereby empowered to establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

(b) The Chief of Police with the approval of the City Manager, is also authorized to mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the provisions of this Ordinance.

(c) The Chief of Police with the approval of the City Manager, is hereby empowered to determine those intersections at which operators of vehicles shall not make a left turn and shall place proper signs at such intersections.

Article IV

SECTION 14. PEDESTRIANS' RIGHTS AND DUTIES AT CONTROLLED INTERSECTIONS. At intersections where traffic is controlled by traffic signals or by police officers, pedestrians shall yield the right of way to vehicles lawfully proceeding directly ahead on a "Go" signal as authorized in Section 9, and operators of vehicles shall yield the right of way to pedestrians crossing or those who have started to cross the roadway on a "Go" signal.

SECTION 15. PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

SECTION 16. PEDESTRIANS SOLICITING RIDES. It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the operator of any private vehicle.

ARTICLE V.

SECTION 17. PASSING STREET CARS. (a) The operator of a vehicle shall not overtake and pass upon the left of any street car proceeding in the same direction, whether actually in motion or temporarily at rest, when a traversable portion of the highway exists to the right of such street car, even though such portion of the highway is occupied by traffic. This provision shall not apply to one-way streets.

(b) The operator of a vehicle overtaking any street car stopped or about to stop for the purpose of receiving or discharging any passenger, shall stop such vehicle to the rear of the nearest running board or door of such street car and keep it stationary until any such passenger has boarded such car or reached a place of safety, except that where a safety zone has been established, a vehicle need not be stopped before passing any such street car, but may proceed past such car at a speed not greater than is reasonable or proper, and with due caution for the safety of pedestrians.

SECTION 18. DRIVING ON STREET CAR TRACKS. (a) It shall be unlawful for the operator of any vehicle proceeding upon any street car tracks in front of a street car upon a public street, to fail to remove such vehicle from the tracks as soon as practicable after signal from the operator of said street car.

(b) When a street car has started to cross an intersection, no operator shall drive upon the car tracks within the intersection in front of the street car.

SECTION 19. DRIVING THROUGH SAFETY ZONE PROHIBITED. It shall be unlawful for the operator of a vehicle at any time to drive the same over or through a safety zone as defined in this ordinance.

SECTION 20. BOARDING OR ALIGHTING FROM STREET CARS OR VEHICLES. It shall be unlawful for any person to board or alight from any street car or vehicle while such street car or vehicle is in motion.

SECTION 21. UNLAWFUL RIDING. It shall be unlawful for any person to ride on any street car or vehicle upon any portion thereof not designed or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or within truck bodies, in space intended for merchandise,

SECTION 22. STREET CARS NOT TO BLOCK STREET. It shall be unlawful for the directing officer or the operator of any street car to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes. It shall be unlawful for any street car to stop within an intersection or on a crosswalk for the purpose of receiving or discharging passengers.

ARTICLE VI.

STOPPING, STANDING AND PARKING

SECTION 23. STOPPING PROHIBITED IN SPECIFIED PLACES. It shall be unlawful for the operator of a vehicle to stop,

stand or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signals.

(1) Within an intersection.
(2) On a crosswalk.
(3) Between a safety zone and the adjacent curb or within twenty feet of a point on the curb immediately opposite the end of a safety zone, unless the Chief of Police shall indicate a different length by signs.
(4) Upon the approach to an intersection, within (15) fifteen feet of the inside boundary line of the sidewalk, or, if no sidewalk is in place, within twenty-five (25) feet of the intersecting roadway, except that this provision shall not apply at alleys.
(5) Within fifteen (15) feet of the driveway entrance to any fire station, or directly across the street from such entrance.
(6) Within fifteen (15) feet of a fire hydrant.
(7) In front of a private driveway.
(8) On a sidewalk.
(9) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
(10) That it shall be unlawful for any person, firm or corporation to park a vehicle in any alley within the City of Miami Beach, Florida, except in the alley between Ocean Drive and Collins Avenue between First Street and Biscayne Avenue, for a period longer than five (5) minutes or to in anywise obstruct traffic in said alleys.

SECTION 24. STANDING FOR LOADING OR UNLOADING ONLY IN CERTAIN PLACES. (a) It shall be unlawful for the operator of a vehicle to stop, stand or park said vehicle for a period of time longer than is necessary for the actual loading or unloading of passengers, in any place marked as a passenger zone.

(b) It shall be unlawful for the operator of a vehicle, to stop, stand, or park said vehicle for a period of time longer than is necessary for the actual loading or unloading of passengers, or for the unloading and delivery or pick up and loading of materials, in any place marked as a loading zone.

(c) The Chief of Police with the approval of the City Manager shall have authority to determine the location of passenger zones and loading zones as described herein, and shall erect and maintain appropriate signs indicating the same.

SECTION 25. CHIEF OF POLICE, WITH THE APPROVAL OF THE CITY MANAGER, AUTHORIZED TO DESIGNATE BUS STOPS AND TAXICAB STANDS. The Chief of Police with the approval of the City Manager, is hereby authorized and required to establish bus stops, and taxicab stands on public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and shall appropriately sign every such bus stop and taxicab stand, provided however that no such stand shall be so designated without the consent of the abutting property owner .

SECTION 26. OTHER VEHICLES PROHIBITED FROM PARKING IN BUS STOPS, OR TAXICAB STANDS. It shall be unlawful for the operator of any vehicle other than a bus to stand or park in an officially designated bus stop, or for any vehicle other than a taxicab to stand or park in an officially designated taxicab stand, except that the operator of any passenger vehicle may temporarily stop in any such stop or stand for the purpose of and while actually engaged in the loading or unloading of passengers.

SECTION 27. BUSSES AND TAXICABS PARKING EXCEPT IN DESIGNATED STANDS. It shall be unlawful for the operator of any bus, or taxicab to stand or park upon any street in any business district at any place other than at a bus stop, or taxicab stand, respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

SECTION 28. PARKING PROHIBITED IN CERTAIN PLACES. It shall be unlawful for any operator to stop, stand or park any vehicle in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, except that this provision shall not apply to the operator of a vehicle stopped momentarily during the actual loading or unloading of passengers if such stopping does not actually impede traffic, nor shall it apply to a necessary stop in obedience to traffic regulations or traffic signs or signals or a police officer.

SECTION 29. STANDING OR PARKING CLOSE TO CURB. (a) Except when necessary in obedience to traffic regulations or traffic signs or signals, the operator of a vehicle shall not stop, stand or park such vehicle in a roadway other than parallel with the edge of the roadway, on the right side of the street, heading the direction of traffic, and with the curb-side wheels of the vehicle within one foot of the edge of the roadway, except as provided in the following three paragraphs:

(1) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs.

(2) In places where, and at hours when stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads, when the owner of such vehicle holds a permit granting him such special privilege, and provided further that such permit shall be either in possession of the operator or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or operator to violate any of the special terms or conditions of any such special permit.

(a) The Chief of Police, with the approval of the City Manager, shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed.

(b) The Chief of Police, with the approval of the City Manager, is hereby authorized to issue, to any owner of a vehicle used to transport merchandise or materials, a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the operator of such vehicle the privilege of loading and unloading while the vehicle is backed against the curb, if in the opinion of the Chief of Police such privilege is reasonably necessary in the conduct of the owner's business and will not seriously interfere with traffic.

ARTICLE VIII.

OPERATION OF VEHICLES

SECTION 30. DRIVE ON RIGHT SIDE OF STREET. Upon all streets, except upon one-way streets, the operator of a vehicle shall drive the same upon the right half of the street and

shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb of the street unless it is impracticable to travel on such side of the street, and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing set forth in this Ordinance.

The foregoing provisions of this section shall not be deemed to prevent the marking of lanes for traffic upon any street and the allocation of designated lanes to traffic moving in any particular direction or a designated speed.

SECTION 31. OVERTAKING A VEHICLE. The Operator of any vehicle overtaking another vehicle proceeding in the same direction may pass to the left or the right thereof under conditions to permit safe passage. The operator of such overtaking vehicle shall pass at a safe distance to the side of such overtaken vehicle and shall not cut in front of the latter until safely clear of the overtaken vehicle.

SECTION 32. LIMITATIONS ON PRIVILEGE OF OVERTAKING AND PASSING. (a) The operator of a vehicle shall not drive to the left side of the center line of the traversable roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

The foregoing provision of this section shall not apply upon one-way streets or upon streets laned for traffic, in which latter event, vehicles traveling in lanes shall move in the direction permitted in such lanes.

(b) The operator of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any intersection of streets, except that this provision shall not apply at intersections where traffic is controlled by traffic control signals or by police officers.

SECTION 33. OPERATOR TO GIVE WAY TO OVERTAKING VEHICLE. (a) The operator of a vehicle upon a street shall not deviate from his direct line of travel without ascertaining that such movement can be made with safety to other vehicles approaching from the rear and about to overtake and pass such first mentioned vehicle.

(b) The operator of a vehicle upon a street about to be overtaken and passed by another vehicle approaching from the rear shall give way consistent with safety upon suitable and audible signal being given by the operator of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

SECTION 34. TURNING AT INTERSECTIONS. (a) RIGHT TURNS: The operator of a vehicle intending to turn to the right at an intersection or into an alley or driveway shall approach the point of turning in the line of traffic nearest the right hand edge or curb of the street, and in turning, shall keep as closely as practicable to the right hand curb or edge of the street.

(b) TURNING LEFT. The operator of a vehicle intending to turn to the left at an intersection or into a driveway shall approach the point of turning in the lane of traffic to the right of and next to the center of the roadway, and, unless otherwise directed by "turning markers," the operator of a vehicle in turning left at an intersection shall leave to his left a clear space equal to one-half width of the street for the use of vehicles traveling in the opposite direction. Upon streets laned for traffic and upon one-way streets a left turn shall be made from the left lane of traffic.

(c) TURNING MARKERS. The Chief of Police is hereby authorized to place turning markers within or at the entrance to intersections, directing that traffic turning left shall follow a line of travel other than as directed in subdivision (b) of this section. Whenever turning markers have been placed as herein provided, traffic turning left shall follow the line as directed by such markers.

(d) TURNING LEFT ON "GO" SIGNAL. The operator of a vehicle or street car intending to turn to the left at an intersection where traffic is controlled by traffic control signals or by a police officer, shall proceed to make such left turn with proper care to avoid accident and only upon the "Go" signal, unless otherwise directed by a police officer.

SECTION 35. U TURNS. The operator of a vehicle shall not upon any street turn such vehicle so as to proceed in the opposite direction except where conditions at the point of said turn make it impracticable to do otherwise.

SECTION 36. EMERGING FROM ALLEY OR PRIVATE DRIVEWAY. The operator of a vehicle emerging from an alley, driveway or garage shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway.

SECTION 37. VEHICLES SHALL NOT BE DRIVEN ON SIDEWALK. The operator of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

SECTION 38. OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLE. (A) Upon the approach of any authorized emergency vehicle or vehicles giving audible signal by bell, siren or exhaust whistle, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right hand edge or curb of the street, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by a police officer; and the operator of every street car shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by a police officer.

SECTION 39. FOLLOWING FIRE APPARATUS PROHIBITED. It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than five hundred feet of any fire apparatus traveling in response to a fire alarm, or to drive into or stop any vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

ARTICLE IX.

MISCELLANEOUS PROVISIONS

SECTION 40. MOTOR VEHICLES LEFT UNATTENDED AND ENGINE STOPPED. No person having control of charge of a motor vehicle shall allow such vehicle to stand on any street unattended without stopping the motor of said vehicle, and, when standing upon a perceptible grade, without turning the front wheels of such vehicle to the curb or side of the street or highway.

SECTION 41. USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED. It shall be unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle, or

similar device, to go upon any roadway except while crossing a street on a crosswalk.

SECTION 42. CLINGING TO MOVING VEHICLES. It shall be unlawful for any person traveling upon any bicycle, motor cycle, coaster, roller skates, or any toy vehicle to cling to, or attach himself of his vehicle to any other moving vehicle or street car upon any roadway.

SECTION 43. UNLAWFUL TO DRIVE THROUGH PROCESSIONS, UNLESS DIRECTED BY TRAFFIC CONTROL SIGNALS OR BY A POLICE OFFICER. It shall be unlawful for the operator of any vehicle or street car to drive between the vehicles comprising a funeral or other authorized procession while they are in motion, provided that said vehicles are conspicuously so designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

SECTION 44. BACKING AROUND CORNERS OR INTO INTERSECTIONS PROHIBITED. It shall be unlawful for the operator of any vehicle to back such vehicle around a corner at an intersection or into an intersection of public streets.

SECTION 45. OBSTRUCTION TO OPERATOR'S VIEW OR DRIVING MECHANISM. (a) It shall be unlawful for the operator of any vehicle to drive the same when such vehicle is so loaded, or when there are in the front seat of such vehicle such number of persons, as to obstruct the view of the operator to the front or sides, or to interfere with the operator's control over the driving mechanism of the vehicle.

(b) It shall be unlawful for any passenger in a vehicle or street car to ride in such position as to interfere with the operator's view ahead, or to the sides, or to interfere with the operator's control over the driving mechanism of the vehicle.

SECTION 46. CROSSING FIRE HOSE. No street car or vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or street car track to be used at any fire or alarm of fire, without the consent of the Fire Marshal or Fire Department official in command.

SECTION 47. RIDING ON HANDLE BARS PROHIBITED. It shall be unlawful for the operator of any bicycle or motorcycle, when upon the street, to carry any other person upon the handle bar, frame or tank of any such vehicle, or for any person to so ride upon any such vehicle.

SECTION 48. BRAKES AND LIGHTS. Every motor vehicle operated or driven upon the public highways of this city shall be provided with adequate brakes in good working order and sufficient to control such vehicle at all times when the same is in use. Said motor vehicle shall also during the period from one-half hour after sunset to one-half hour before sunrise display at least two lighted lamps on the front and one on the rear of such vehicle, while in operation. Said lamps on the front of said vehicle shall be provided with dimmers of non-glaring character, which said dimmers shall be used at all times during said period when said vehicle is in operation.

SECTION 49. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS. It shall be unlawful for any person who is an habitual user of narcotic drugs, or any person who is under the influence of intoxicating liquor or narcotic drugs, to drive any vehicle upon any street or other public way.

SECTION 50. RECKLESS DRIVING. Any person who drives any vehicle upon a highway carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection, having due regard to the traffic, surface and width of the highway and of any other conditions then existing, and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving.

SECTION 51. MEETING VEHICLES. Operators of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main traveled portion of roadway as nearly as possible.

SECTION 52. FOLLOWING TOO CLOSELY. (a) The Operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and condition of the highway.

SECTION 53. SIGNALS ON STARTING OR TURNING. (a) The operator of any vehicle upon a highway before starting, stopping or turning from a direct line shall first see that such movement can be made in safety, and, if any pedestrian may be affected by such movement, shall give a clearly audible signal by sounding the horn, and, whenever the operation of any other vehicle may be affected by such movement, shall give a signal as required in this section plainly visible to the driver of such other vehicle of the intention to make such movement.

(b) The signal herein required shall be given either by means of the hand and arm in the manner herein specified, or by an approved mechanical or electrical signal device, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible both to the front and rear the signal shall be given by a device of a type which has been approved by the State Department of Motor Vehicles.

Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to start, stop, or turn by extending the hand and arm horizontally from and beyond the left side of the vehicle.

SECTION 54. RIGHT OF WAY. Subject to the exceptions stated in the next succeeding section, and except as otherwise designated by traffic signs or signals, the right of way rule as between vehicles at intersections is hereby declared as follows:

(a) The operator of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection.

(b) When two vehicles approach or enter an intersection at the same time, or at approximately the same time, the operator of the vehicle on the left shall yield the right of way to the vehicle on the right.

(c) The operator of any vehicle traveling at an unlawful speed shall forfeit any right of way which he might otherwise have hereunder.

SECTION 55. EXCEPTIONS TO RIGHT OF WAY RULE. (a) The operator of a vehicle entering a public street from a private road or drive shall yield the right of way to all vehicles approaching on such public highway.

(b) The operator of a vehicle on a street shall yield the right of way to authorized emergency vehicles when the latter are operated upon official business and the operators thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not relieve the operator of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the operator of any such vehicle from the consequence of an arbitrary exercise of such right of way.

SECTION 56. DUTY TO STOP IN EVENT OF ACCIDENT. The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle at the scene of such accident, and shall give his name and address and registration number of his vehicle to the person struck or to the driver or occupants of any vehicle collided with, and shall render to any person injured in such accident, reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment, if it is apparent that such treatment is necessary or is requested by the injured person.

SECTION 57. DUTY TO REPORT ACCIDENT. The operator of any vehicle involved in an accident resulting in injuries or death to any person (or property damage to an apparent extent of ($50.00) Fifty Dollars or more) shall immediately make a report of such accident to the police headquarters in this City.

SECTION 58. GARAGE KEEPER TO REPORT DAMAGED VEHICLES. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in any accident or struck by any bullet shall immediately report to the Police Headquarters of this City, giving the engine number and the name and address of the owner or operator of such vehicle.

SECTION 59. FLAG OR LIGHT AT END OF LOAD. Whenever the load on any vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such vehicle a red flag not less than twelve inches both in length and width, except that between one-half hour after sunset and one-half hour before sunrise there shall be displayed at the end of such load a red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle.

SECTION 60. HORNS AND WARNING DEVICES. (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order, capable of emitting sound audible under normal conditions from a distance of two-hundred (200) feet or more, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, or any compression or spark plug whistle, or to use any exhaust horn or whistle which does not produce a harmonious sound, or for any person at any time to use a horn otherwise than as a reasonable warning, or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(b) Every authorized emergency vehicle shall be equipped with a bell, siren or exhaust whistle of a type approved by the Chief of Police.

SECTION 61. PREVENTION OF NOISE, SMOKE ETC; MUFFLER CUTOUT REGULATED. (a) No person shall drive a motor vehicle on a highway unless such motor vehicle is quippped with a muffler

in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(b) It shall be unlawful to use a "muffler cutout" on any motor vehicle on a highway.

(c) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.

SECTION 62. PENALTIES AND PROCEDURE ON ARREST. Any person who shall violate or fail to comply with any of the provisions of this ordinance shall be punished by a fine of not less than five ($5.00) Dollars nor more than two hundred ($200.00) Dollars, or be imprisoned for not more than ninety (90) days, or both, in the discretion of the Court.

SECTION 63. EFFECT OF ORDINANCE. If any section or subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 64. REPEAL. Ordinances Nos. 98, 104, 161, 173, 174, 175, 181, 165, 207 and 218, and all other ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

PASSED AND ADOPTED this 15th day of August, A. D., 1928.

Frank H. Hamming
President of City Council
Pro-tem

ATTEST: C. W. TOMLINSON, City Clerk

By D. J. Cleary
Deputy City Clerk

APPROVED BY ME 15th DAY OF August, 1928.

J. P. Timmins
Mayor

First Reading, August 8th, 1928.
Second Reading, August 8th, 1928.
Third Reading, August 15th, 1928.
Posted, August 17th, 1928.

STATE OF FLORIDA)
COUNTY OF DADE)

I, C. W. TOMLINSON, City Clerk in and for the City of Miami Beach, Florida, do hereby certify that Ordinance No. 258, entitled, "AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MIAMI BEACH, FLORIDA, AND REPEALING ORDINANCES NOS. 98, 104, 161, 173, 174, 175, 181, 165, 207, 218 AND ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT HEREWITH," having been duly passed and adopted by the City Council of the City of Miami Beach, Florida, has been posted by me in three conspicuous places in the City of Miami Beach, one of which was at the door of the City Hall in said City on the 17th day of August, A. D., 1928, and that said ordinance remained posted for a period of at least thirty days in accordance with the requirements of the City Charter of the said City of Miami Beach.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Miami Beach on this the 19th day of September, A. D., 1928.

C. W. Tomlinson
City Clerk

MIAMI BEACH
INCORPORATED
MARCH 26TH 1915

(ORIGINAL)

ORDINANCE NO. 258

Regulating Traffic.

Amended through
5/5/48

ORDINANCE NO. 258

AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MIAMI BEACH, FLORIDA, AND REPEALING ORDINANCES NOS. 98, 104, 161, 173, 174, 175, 181, 165, 207, 218 AND ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT HEREWITH.

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

ARTICLE I

(Amendment #849)
SECTION 1: DEFINITIONS: Whenever in this Ordinance the following terms are used, they shall have the meanings respectively ascribed to them in this section.

STREET OR HIGHWAY. Every way set apart for public travel, except foot paths.

PRIVATE ROAD OR DRIVEWAY. Every road or driveway not open to the use of the public for purposes of vehicular travel.

ROADWAY. That portion of a street or highway between the regularly established curb lines or that part devoted to vehicular traffic.

SIDEWALK. That portion of a street between the curb lines and the adjacent property lines.

INTERSECTION. The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more streets or highways which join one another at an angle whether or not such street or highway crosses the other.

CROSSWALK. That portion of a roadway ordinarily included within the prolongation of curb and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is so marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

PASSENGER ZONE. The area or space officially set apart within a street for the loading and unloading of passengers from public cars.

LOADING ZONE. The area or space officially set apart within a street or alley for the loading and unloading of materials.

VEHICLE. Every device in, upon, or by which, any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or exclusively upon rails or tracks.

MOTOR VEHICLE. Every vehicle, as herein defined, which is self propelled.

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department, Police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Chief of Police.

PEDESTRIAN. Any person afoot.

OPERATOR. Any person who is in actual physical control of a vehicle.

TRAFFIC. Pedestrians, ridden animals, herded animals, vehicles and bicycles, either singly or together, while using any street for purposes of travel.

RIGHT-OF-WAY. The privilege of the immediate use of the street or highway.

PARKING. The stopping or standing of a vehicle, whether attended or unattended, upon a roadway, other than for the purpose of, and while actually engaged in, loading or unloading, or other than in obedience to traffic regulations, traffic signs, or traffic signals.

OFFICIAL TRAFFIC SIGNS. All signs and markings, other than signals, not inconsistent with this Ordinance, placed or erected by authority of a public body or official having jurisdiction for the purpose of guiding, directing, warning or regulating traffic.

OFFICIAL TRAFFIC SIGNALS. All signs, not inconsistent with this Ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing, warning or regulating traffic.

TRAFFIC CONTROL SIGNAL. Any device using colored lights, or words, or any combination thereof, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

POLICE OFFICER. Every officer of the Municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

ARTICLE II.

AUTHORITY OF POLICE

SECTION 2: POLICE TO DIRECT TRAFFIC. It shall be the duty of the Police Department of this City to enforce the provisions of this Ordinance. Officers of the Police Department are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this Ordinance, provided that in the event of a fire or other emergency and to expedite traffic or safeguard pedestrians during such emergency, officers of the Police or Fire Department may direct traffic, as conditions may require, notwithstanding the provisions of this Ordinance.

SECTION 3: CHIEF OF POLICE WITH THE APPROVAL OF CITY MANAGER AUTHORIZED TO ADOPT EMERGENCY REGULATIONS. The Chief of Police with the approval of the City Manager is hereby empowered to make and enforce regulations necessary to make effective the provisions of this Ordinance and to make temporary regulations to cover emergencies or special conditions, provided any such regulations are not inconsistent with the provisions of this Ordinance.

SECTION 4: OBEDIENCE TO POLICE. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer, as authorized by this Ordinance.

SECTION 5: PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

(a) The provisions of this Ordinance shall apply to the operator of any vehicle owned or used in the service of the U. S. Government, this State, County or City and it shall be unlawful for any said operator to violate any of the provisions of this Ordinance except as otherwise permitted in this Ordinance.

(b) The provisions of this Ordinance regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles as defined in this Ordinance while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

SECTION 6: PERSONS PROPELLING PUSHCARTS OR RIDING BICYCLES OR ANIMALS TO OBEY TRAFFIC REGULATIONS. Every person propelling any pushcart or riding a bicycle or any animal upon a roadway, and every person driving any animal, shall be subject to the provisions of this Ordinance applicable to the operator of any vehicle, except those provisions of this Ordinance with reference to the equipment of vehicles and except those provisions which by their very nature can have no application.

ARTICLE III

TRAFFIC SIGNS AND SIGNALS

SECTION 7: (a) The Chief of Police with the approval of the City Manager is hereby authorized to determine and designate the character, type and location of all official traffic signs and signals, and it shall be his duty to place and maintain, or cause to be placed and maintained all official traffic signs and signals. All signs and signals required hereunder for a particular purpose shall so far as is practicable be uniform throughout the City.

SECTION 8: (Amendment #849) OBEDIENCE TO TRAFFIC SIGNS AND SIGNALS. It shall be unlawful for any operator to disobey the instructions of any official traffic sign or signal upon the street placed in accordance with the provisions of this Ordinance, unless otherwise directed by a police officer.

SECTION 9: TRAFFIC CONTROL SIGNAL LEGEND. Whenever traffic at an intersection is alternately directed to stop and to proceed by the use of signals exhibiting the words "Stop", "Go" or "Caution" or exhibiting colored lights, said terms and lights shall indicate as follows:

(a) When the word "Stop" or the color red is exhibited after green, no waiting vehicle facing the signal shall proceed until the green or "Go" signal is displayed alone and every moving vehicle facing the signal shall stop on the near side of the crosswalk (or the nearest property line of the cross street), unless at the time the word "Stop" or the color red is first displayed the moving vehicle is less than the normal braking distance from the crosswalk (or the nearest property line of the cross street) in which event it may proceed. When the word "Stop" or the color red is exhibited after yellow or amber, no vehicle facing the signal shall enter the intersection until the green or "Go" signal is displayed alone.

(b) When the word "Go" or the color green is exhibited alone, traffic facing the signal may proceed, except that such traffic shall yield the right of way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal was exhibited.

(c) When the word "Caution" or "Wait" or the color yellow or amber is exhibited following or with green, all vehicles facing the signal shall stop if possible as provided in subsection (a) of this section. When such word or color is exhibited following or with red, no vehicle facing the signal shall enter the intersection until the green or "Go" signal is displayed alone.

SECTION 10: DISPLAY OF UNAUTHORIZED SIGNS AND SIGNALS PROHIBITED. It shall be unlawful for any person to place or maintain or to display upon or in view of any street, any unofficial sign, signal or device which purports to be or is in imitation of, or resembles, an official traffic sign or signal, or which attempts to direct the movement of traffic. Every such prohibited sign, signal or device is hereby declared to be a public nuisance, and the Chief of Police is hereby empowered to remove the same, or cause it to be removed, without notice.

SECTION 11: INTERFERENCE WITH SIGNS AND SIGNALS PROHIBITED. It shall be unlawful for any person to wilfully deface, injure, move, obstruct or interfere with any official traffic sign or signal.

SECTION 12: CHIEF OF POLICE WITH APPROVAL OF CITY MANAGER AUTHORIZED TO DESIGNATE CROSSWALKS. The Chief of Police with the approval of the City Manager is hereby authorized to establish and to designate and shall thereafter maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks approximately equal in width to the adjacent sidewalk at all intersections where in his opinion there is particular danger to pedestrians crossing the roadway.

SECTION 13: CHIEF OF POLICE WITH APPROVAL OF THE CITY MANAGER AUTHORIZED TO DESIGNATE SAFETY ZONES AND LANES FOR TRAFFIC.

(a) The Chief of Police with the approval of the City Manager is hereby empowered to establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

(b) The Chief of Police with the approval of the City Manager, is also authorized to mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the provisions of this Ordinance.

(c) The Chief of Police with the approval of the City Manager, is hereby empowered to determine those intersections at which operators of vehicles shall not make a left turn and shall place proper signs at such intersections.

ARTICLE IV

SECTION 14: PEDESTRIANS' RIGHTS AND DUTIES AT CONTROLLED INTERSECTIONS. At intersections where traffic is controlled by traffic signals or by police officers, pedestrians shall yield the right of way to vehicles lawfully proceeding directly ahead on a "Go" signal as authorized in Section 9, and operators of vehicles shall yield the right of way to pedestrians crossing or those who have started to cross the roadway on a "Go" signal.

SECTION 15: PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

SECTION 16: PEDESTRIANS SOLICITING RIDES. It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the operator of any private vehicle.

ARTICLE V

SECTIONS 17 and 18 -repealed - Amendment #849.

SECTION 19: DRIVING THROUGH SAFETY ZONE PROHIBITED. It shall be unlawful for the operator of a vehicle at any time to drive the same over or through a safety zone as defined in this ordinance.

SECTION 20: (Amendment #849) BOARDING OR ALIGHTING FROM VEHICLES. It shall be unlawful for any person to board or alight from any vehicle while such vehicle is in motion.

SECTION 21: (Amendment No. 849) UNLAWFUL RIDING. It shall be unlawful for any person to ride on any vehicle upon any portion thereof not designed or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or within truck bodies, in space intended for merchandise.

SECTION 22: (Amendment No. 849) DRIVER'S LICENSE.
(1) Every operator of a motor vehicle shall have his State operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle, and shall display same upon demand of any police officer of the City of Miami Beach, provided, however, that no person charged with violating this section shall be convicted if he produces in court an operator's or chauffeur's license theretofore issued to him and valid at the time of his arrest.

ARTICLE VI

STOPPING, STANDING AND PARKING

SECTION 23: STOPPING, PROHIBITED IN SPECIFIED PLACES. It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signals.

(1) Within an intersection.
(2) On a crosswalk.
(3) DELETED *(Amendment #849)
(4) Upon the approach to an intersection, within fifteen (15) feet of the inside boundary line of the sidewalk, or, if no sidewalk is in place, within twenty-five (25) feet of the intersecting roadway, except that this provision shall not apply at alleys.
(5) Within fifteen (15) feet of the driveway entrance to any fire station, or directly across the street from such entrance.
(6) Within fifteen (15) Feet of a fire hydrant.
(7) In front of a private driveway.
(8) On a sidewalk.
(9) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
(10) That it shall be unlawful for any person, firm or corporation to park a vehicle in any alley within the City of Miami Beach, Florida, except in the alley between Ocean Drive and Collins Avenue between First Street and Biscayne Avenue, for a period longer than five (5) minutes or to in anywise obstruct traffic in said alleys.
(11)-Amendment #849-
It shall be unlawful to park, or to cause or permit to be parked, a motor vehicle upon any street or other public way in the City of Miami Beach for a continuous period of time longer than the legal parking time designated by official traffic signs or signals posted upon such street or way.

SECTION 24: STANDING FOR LOADING OR UNLOADING ONLY IN CERTAIN PLACES.
(a) It shall be unlawful for the operator of a vehicle to stop, stand or park said vehicle for a period of time longer than is necessary for the actual loading or unloading of passengers, in any place marked as a passenger zone.

(b) It shall be unlawful for the operator of a vehicle, to stop, stand, or park said vehicle for a period of time longer than is necessary for the actual loading or unloading of passengers, or for the unloading and delivery or pickup and loading of materials, in any place marked as a loading zone.

(c) The Chief of Police with the approval of the City Manager shall have authority to determine the location of passenger zones and loading zones as described herein, and shall erect and maintain appropriate signs indicating the same.

AMENDMENT NO. 570

SECTION 25. CHIEF OF POLICE, WITH THE APPROVAL OF THE CITY MANAGER, AUTHORIZED TO DESIGNATE BUS STOPS AND TAXICAB STANDS. The Chief of Police with the approval of the City Manager, is hereby authorized and required to establish bus stops, and taxi-cab stands on public Streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and shall appropriately designate such bus stop and taxicab stand.

SECTION 26. OTHER VEHICLES PROHIBITED FROM PARKING IN BUS STOPS, OR TAXICAB STANDS. It shall be unlawful for the operator of any vehicle other than a bus to stand or park in an officially designated bus stop, or for any vehicle other than a taxicab to stand or park in an officially designated taxicab stand, except that the operator of any passenger vehicle may temporarily stop in any such stop or stand for the purpose of and while actually engaged in the loading or unloading of passengers.

SECTION 27. BUSSES AND TAXICABS PARKING EXCEPT IN DESIGNATED STANDS. It shall be unlawful for the operator of any bus, or taxicab to stand or park upon any Street in any business district at any place other than at a bus stop, or taxicab stand, respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

SECTION 28. PARKING PROHIBITED IN CERTAIN PLACES. It shall be unlawful for any operator to stop, stand or park any vehicle in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, except that this provision shall not apply to the operator of a vehicle stopped momentarily during the actual loading or unloading of passengers if such stopping does not actually impede traffic, nor shall it apply to a necessary stop in obedience to traffic regulations or traffic signs or signals or a police officer.

SECTION 29. STANDING OR PARKING CLOSE TO CURB. (a) Except when necessary in obedience to traffic regulations or traffic signs or signals, the operator of a vehicle shall not stop, stand or park such vehicle in a roadway other than parallel with the edge of the roadway, on the right side of the street, heading the direction of traffic and with the curb-side wheels of the vehicle within one foot of the edge of the roadway, except as provided in the following three paragraphs:

(1) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs.

(2) In places where, and at hours when stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads, when the owner of such vehicle holds a permit granting him such special privilege, and provided further that such permit shall be either in possession of the operator or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or operator to violate any of the special terms or conditions of any such special permit.

(a) The Chief of Police, with the approval of the City Manager, shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed.

(b) The Chief of Police, with the approval of the City Manager, is hereby authorized to issue, to any owner of a vehicle used to transport merchandise or materials, a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the operator of such vehicle the privilege of loading and unloading while the vehicle is backed against the curb, if in the opinion of the Chief of Police such privilege is reasonably necessary in the conduct of the owner's business and will not seriously interfere with traffic.

ARTICLE VIII

OPERATION OF VEHICLES

SECTION 30: DRIVE ON RIGHT SIDE OF STREET. Upon all streets, except upon one-way streets, the operator of a vehicle shall drive the same upon the right half of the street and shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb of the street unless it is impracticable to travel on such side of the street, and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing set forth in this Ordinance.

The foregoing provisions of this section shall not be deemed to prevent the marking of lanes for traffic upon any street and the allocation of designated lanes to traffic moving in any particular direction or a designated speed.

SECTION 31: OVERTAKING A VEHICLE. The Operator of any vehicle overtaking another vehicle proceeding in the same direction may pass to the left or the right thereof under conditions to permit safe passage. The operator of such overtaking vehicle shall pass at a safe distance to the side of such overtaken vehicle and shall not cut in front of the latter until safely clear of the overtaken vehicle.

SECTION 32: LIMITATIONS ON PRIVILEGE OF OVERTAKING AND PASSING. (a) The operator of a vehicle shall not drive to the left side of the center line of the traversable roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

The foregoing provision of this section shall not apply upon one-way streets or upon streets laned for traffic, in which latter event, vehicles traveling in lanes shall move in the direction permitted in such lanes.

(b) The Operator of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any intersection of streets, except that this provision shall not apply at intersections where traffic is controlled by traffic control signals or by police officers.

SECTION 33. OPERATOR TO GIVE WAY TO OVERTAKING VEHICLE. (a) The operator of a vehicle upon a street shall not deviate from his direct line of travel without ascertaining that such movement can be made with safety to other vehicles approaching from the rear and about to overtake and pass such first mentioned vehicle.

(b) The operator of a vehicle upon a street about to be overtaken and passed by another vehicle approaching from the rear shall give way consistent with safety upon suitable and audible signal being given by the operator of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

SECTION 34. TURNING AT INTERSECTIONS. (a) RIGHT TURNS. The operator of a vehicle intending to turn to the right at an intersection or into an alley or driveway shall approach the point of turning in the line of traffic nearest the right hand edge or curb of the street, and in turning, shall keep as closely as practicable to the right hand curb or edge of the street.

(b) TURNING LEFT. The operator of a vehicle intending to turn to the left at an intersection or into a driveway shall approach the point of turning in the lane of traffic to the right of and next to the center of the roadway, and, unless otherwise directed by "turning markers," the operator of a vehicle in turning left at an intersection shall leave to his left a clear space equal to one-half width of the street for the use of vehicles traveling in the opposite direction. Upon streets laned for traffic and upon one-way streets a left turn shall be made from the left lane of traffic.

(c) TURNING MARKERS. The Chief of Police is hereby authorized to place turning markers within or at the entrance to intersections, directing that traffic turning left shall follow a line of travel other than as directed in subdivision (b) of this section. Whenever turning markers have been placed as herein provided, traffic turning left shall follow the line as directed by such markers.

(d) TURNING LEFT ON "GO" SIGNAL. The operator of a vehicle or street car intending to turn to the left at an intersection where traffic is controlled by traffic control signals or by a police officer, shall proceed to make such left turn with proper care to avoid accident and only upon the "GO" signal, unless otherwise directed by a police officer.

SECTION 35. U TURNS. The operator of a vehicle shall not upon any street turn such vehicle so as to proceed in the opposite direction except where conditions at the point of said turn make it impracticable to do otherwise.

SECTION 36: EMERGING FROM ALLEY OR PRIVATE DRIVEWAY. The operator of a vehicle emerging from an alley, driveway or garage shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway.

SECTION 37: VEHICLES SHALL NOT BE DRIVEN ON SIDEWALK. The operator of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

** SECTION 38: OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLE. (a) Upon the approach of any authorized emergency vehicle or vehicles giving audible signal by bell, siren or exhaust whistle, the operator of every other vehicle shall imediately drive the same to a position as near as possible and parallel to the right hand edge or curb of the street, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by a police officer.
** (Amendment #849)

SECTION 39: FOLLOWING FIRE APPARATUS PROHIBITED. It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than five hundred feet of any fire apparatus traveling in response to a fire alarm, or to drive into or stop any vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

ARTICLE IX

MISCELLANEOUS PROVISIONS

SECTION 40: MOTOR VEHICLES LEFT UNATTENDED AND ENGINE STOPPED. No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without stopping the motor of said vehicle, and, when standing upon a perceptible grade, without turning the front wheels of such vehicle to the curb or side of the street or highway.

SECTION 41: USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED. It shall be unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device, to go upon any roadway except while crossing a street on a crosswalk.

** SECTION 42: CLINGING TO MOVING VEHICLES. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, roller skates, or any toy vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any roadway. (Amendment #849)

SECTION 43: UNLAWFUL TO DRIVE THROUGH PROCESSIONS, UNLESS DIRECTED BY TRAFFIC CONTROL SIGNALS OR BY A POLICE OFFICER. It shall be unlawful for the operator of any vehicle or street car to drive between the vehicles comprising a funeral or other authorized procession while they are in motion, provided that said vehicles are conspicuously so designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

SECTION 44: BACKING AROUND CORNERS OR INTO INTERSECTIONS PROHIBITED. It shall be unlawful for the operator of any vehicle to back such vehicle around a corner at an intersection or into an intersection of public streets.

** SECTION 45: OBSTRUCTION TO OPERATOR'S VIEW OR DRIVING MECHANISM. (a) It shall be unlawful for the operator of any vehicle to drive the same when such vehicle is so loaded, or when there are in the front seat of such vehicle such number of persons, as to obstruct the view of the operator to the front or sides, or to interfere with the operator's control over the driving mechanism of the vehicle.

(Amendment #849)

*(b) It shall be unlawful for any passenger in a vehicle to ride in such position as to interfere with the operator's view ahead, or to the sides, or to interfere with the operator's control over the driving mechanism of the vehicle.

* SECTION 46: CROSSING FIRE HOSE. No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, or private driveway to be used at any fire or alarm of fire, without the consent of the Fire Marshal or Fire Department official in command.

* (Amendment #849)

SECTION 47: RIDING ON HANDLE BARS PROHIBITED. It shall be unlawful for the operator of any bicycle or motorcycle, when upon the street, to carry any other person upon the handle bar, frame or tank of any such vehicle, or for any person to so ride upon any such vehicle.

SECTION 48: (Amendement #849) MECHANICAL CONDITION. Every motor vehicle operated or driven upon the public highways of this City shall be provided with adequate brakes in good working order and sufficient to control such vehicle at all times when the same is in use. Said motor vehicle shall also during the period from one-half hour after sunset to one-half hour before sunrise display at least two lighted lamps on the front and one on the rear of such vehicle, while in operation. Said lamps on the front of said vehicle shall be provided with dimmers of non-glaring character, which said dimmers shall be used at all times during said period when said vehicle is in operation. It shall be unlawful for any person to operate any motor vehicle, or for the owner of any motor vehicle to cause or knowingly permit the operation of such motor vehicle upon any public street in the City of Miami Beach, which vehicle does not comply with and conform to the requirements as to mechanical condition and inspection as provided by the ordinances of the City of Miami Beach.

SECTION 49: PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS. It shall be unlawful for any person who is an habitual user of narcotic drugs, or any person who is under the influence of intoxicating liquor or narcotic drugs, to drive any vehicle upon any street or other public way.

x SECTION 50: (Amendment #849) RECKLESS DRIVING. (a) Any person who drives any vehicle on a highway carelessly and heedlessly in wilful and wanton disregard of the rights and safety of others, or without due caution and circumspection, having due regard for traffic, surface and width of the highway and any other driving conditions then existing, or in a manner so as to endanger or be likely to endanger any person or any property, shall be guilty of reckless driving.

(b) RECKLESS DRIVING BY SPEEDING. Any person who drives any vehicle upon a highway at a speed greater than that designated by official traffic signs posted upon said highway, or under existing conditions of traffic, surface and width of highway, and of actual and potential hazards then existing, at a speed greater than is reasonable and prudent and so as to endanger or be likely to endanger any person or property, shall be guilty of reckess driving by speeding.

SECTION 51: MEETING VEHICLES. Operators of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main traveled portion of roadway as nearly as possible.

SECTION 52. FOLLOWING TOO CLOSELY. (a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and condition of the highway.

SECTION 53. SIGNALS ON STARTING OR TURNING. (a). The operator of any vehicle upon a highway before starting, stopping or turning from a direct line shall first see that such movement can be made in safety, and, if any pedestrian may be affected by such movement, shall give a clearly audible signal by sounding the horn, and, whenever the operation of any other vehicle may be affected by such movement, shall give a signal as required in this section plainly visible to the driver of such other vehicle of the intention to make such movement.

(b) The signal herein required shall be given either by means of the hand and arm in the manner herein specified, or by an approved mechanical or electrical signal device, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible both to the front and rear the signal shall be given by a device of a type which has been approved by the State Department of Motor Vehicles.

Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to start, stop, or turn by extending the hand and arm horizontally from and beyond the left side of the vehicle.

SECTION 54. RIGHT OF WAY. Subject to the exceptions stated in the next succeeding section, and except as otherwise designated by traffic signs or signals, the right of way rule as between vehicles at intersections is hereby declared as follows:

(a) The operator of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection.

(b) When two vehicles approach or enter an intersection at the same time, or at approximately the same time, the operator of the vehicle on the left shall yield the right of way to the vehicle on the right.

(c) The operator of any vehicle traveling at an unlawful speed shall forfeit any right of way which he might otherwise have hereunder.

SECTION 55. EXCEPTIONS TO RIGHT OF WAY RULE. (a) The operator of a vehicle entering a public street from a private road or drive shall yield the right of way to all vehicles approaching on such public highway.

(b) The operator of a vehicle on a street shall yield the right of way to authorized emergency vehicles when the latter are operated upon official business and the operators thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not relieve the operator of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the operator of any such vehicle from the consequence of an arbitrary exercise of such right of way.

SECTION 56. DUTY TO STOP IN EVENT OF ACCIDENT. The driver of any vehicle involved in an accident resulting

in injury or death to any person or damage to property shall immediately stop such vehicle at the scene of such accident, and shall give his name and address and registration number of his vehicle to the person struck or to the driver or occupants of any vehicle collided with, and shall render to any person injured in such accident, reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment, if it is apparent that such treatment is necessary or is requested by the injured person.

AMENDMENT #511

SECTION 57. DUTY TO REPORT ACCIDENT. The operator of any vehicle involved in an accident, resulting in injuries or death to any person, or to any dog or other animal, or property damage to an apparent extent of ($50.00) Didty Dollars or more) shall immediately make a report of such accident to the police headquarters in this City.

SECTION 58. GARAGE KEEPER TO REPORT DAMAGED VEHICLES. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in any accident or struck by any bullet shall immediately report to the Police Headquarters of this City, giving the engine number and the name and address of the owner or operator of such vehicle.

SECTION 59. FLAG OR LIGHT AT END OF LOAD. Whenever the load on any vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such vehicle a red flag not less than twelve inches both in length and width, except that between one-half hour after sunset and one-half hour before sunrise there shall be displayed at the end of such load a red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle.

SECTION 60. HORNS AND WARNING DEVICES. (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order, capable of emitting sound audible under normal conditions from a distance of two-hundred (200) feet or more, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, or any compression or spark plug whistle, or to use any exhaust horn or whistle which does not produce a harmonious sound, or for any person at any time to use a horn otherwise than as a reasonable warning, or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(b) Every authorized emergency vehicle shall be equipped with a bell, siren or exhaust whistle of a type approved by the Chief of Police.

SECTION 61. PREVENTION OF NOISE, SMOKE, ETC; MUFFLER CUTOUT REGULATED. (a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(b) It shall be unlawful to use a "muffler cutout" on any motor vehicle on a highway.

(c) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.

PROHIBITED NOISES

AMEND-MENT #541

SECTION 62. The following noises and other noises of the same characteristics, intensity and/or annoyance shall be prohibited at all times and at all places within the limits of the City of Miami Beach.

1. The sounding of any horn or signal device on automobiles, motorcycles, buses or other vehicles while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal after, or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonable long or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.

2. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noises.

3. The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same are in session, or adjacent to any hospital, which reasonably interferes with the working of such institution, provided conspicuous signs are displayed in such street, indicating that the same is a school, hospital or court street.

TRAFFIC BUREAU

AMEND-MENTS #541 AND #591

SECTION 63. For efficiency of operation and for convenience of offenders, and officers of the City of Miami Beach, there is hereby established under the control and operation of the Police Department of said City, a Traffic Bureau.

Any person who violates any provision of Ordinance No. 258 of the City of Miami Beach, except Section 49 thereof, may be served with a summons to personally appear at the Police Station of said City.

AMEND-MENT #541

SECTION 64. Any person receiving a summons as provided herein is required to appear in person at the Police Station not later than the time specified thereon. Upon appearing at the Police Station, the offender may plead guilty to the charge and pay a fine according to the scale of penalties fixed in Section 69 hereof, upon payment of which the offender shall be issued a receipt duly signed by a Clerk of said Police Department. In the event the offender pleads not guilty to the charge preferred in the summons or wishes a trial, the case shall be referred to the Municipal Court of said City upon the usual bond, for trial and disposition in the usual manner. Acceptance of the fine prescribed herein by the Police Department shall be deemed a complete satisfaction and release for the violation named in said summons. An official City receipt shall be issued for each fine paid.

AMEND-MENT #541

SECTION 65. The form of the summons herein provided for shall contain: the word summons; each summons to be numbered; a notice to appear at the Police Station within a specified time; the name, sex, color, and address, of the person to whom the summons is issued; the date and time on which the offense occurred; the location of the offense; a statement of the act or acts constituting the offense; the signature of the issuing officer; place for signature, waiver and plea of the person to whom the summons is issued, waiving a hearing in Municipal Court; the make and license number of the vehicle used; the driver's license number of the driver if known; the date the summons is issued; and such other information as may be deemed necessary. The summons is to be made in triplicate; one copy to be delivered to the person to whom issued or attached to the motor vehicle involved in said offense, the other two copies for the use of the Police Department. A warrant may be issued for any person who may fail to comply with the requirements of the summons.

SECTION 66: (Amendment #541) When any person who has been served with a summons, fails to appear at the Police Station within the time specified in said summons, which should be not more than forty-eight (48) hours, a warrant for the arrest of such person may be issued and executed, returnable to the Municipal Court of said City to be disposed of in the regular manner.

SECTION 67: (Amendment #541) In any violation of this Ordinance as set forth herein, the City of Miami Beach may refuse to accept the payment of a fine under the terms and provisions of Sections 64 and 65 hereof, and instead, require the offender to appear in Municipal Court for trial.

SECTION 68: (Amendment #541) Any person who has been guilty of three (3) or more violations of the provisions of this Ordinance within the preceding twelve months, shall not be permitted to pay a fine to the Police Department but must appear before the Municipal Court for trial of his offense, in the regular manner at such time as may be specified.

SECTION 69: (Amendment #849) Traffic offenses for which summons may be issued and penalties therefor accepted by the Police Department from the person to whom such summons shall have been issued, and the amounts of such penalties shall be as follows:

1. For any offense as set forth in said Ordinance No. 258, except Sections 49 and 50:
   1st offense $1.00
   2nd offense 3.00

2. Three (3) or more offenses, offenses involving intoxicating liquors or narcotic drugs in connection with driving of a vehicle, and cases of reckless driving as described in Section 50 (a) hereof, shall be referred to the Municipal Court for disposition in the regular manner.

3. For the offense as set forth in Section 50 (b) hereof:
   1st offense $10.00
   2nd and subsequent offenses shall be referred to the Municipal Court for disposition.

SECTION 70: PENALTIES AND PROCEDURE ON ARREST. Any person who shall violate or fail to comply with any of the provisions of this ordinance shall be punished by a fine of not less than five ($5.00) dollars nor more than two hundred ($200.00) Dollars, or be imprisoned for not more than ninety (90) days, or both, in the discretion of the Court.

SECTION 71: EFFECT OF ORDINANCE. If any section or subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 72: REPEAL ORDINANCES NOS. 98, 104, 161, 173, 174, 175, 181, 165, 207 and 218, and all other ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or

committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

PASSED and ADOPTED this 15th day of August A. D. 1928.

(Signed) Frank H. Henning
President of City Council
Pro-tem

ATTEST:
C. W. TOMLINSON, City Clerk

By:(signed) D. J. Cleary
Deputy City Clerk

(SEAL)

APPROVED by me this 15th day of August, 1928.

(Signed) J. N. Lummus, Jr.
Mayor

1st reading - 8/8/28
2nd reading - 8/8/28
3rd reading - 8/15/28
POSTED - 8/17/48

Amended by: Ordinance # 511 - passed and adopted 5/4/38
541 - passed and adopted 2/1/39
570 - passed and adopted 12/20/39
591 - passed and adopted 1/2/41
849 - passed and adopted 5/5/48

DO NOT GIVE OUT — FOR REFERENCE ONLY

SHOWS HOW ORD. #258 READ BETWEEN MAY 5, 1948 AND JUNE 1, 1951, WHEN THE CODE BECAME EFFECTIVE