

ORDINANCE NO. 271

AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF MIAMI BEACH, FLOR-  
IDA, DEFINING CERTAIN OFFENSES  
AND FIXING THE PENALTIES THEREOF.

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

SECTION 1: It shall be unlawful for any person in the  
City of Miami Beach, Florida, to steal, take,  
carry or drive away without the permission of the owner  
or custodian thereof, the personal property of another.

SECTION 2: It shall be unlawful for any person in the  
City of Miami Beach, to unlawfully deprive  
of liberty or imprison another.

SECTION 3: It shall be unlawful for any person in the  
City of Miami Beach to commit an assault or  
an assault and battery.

SECTION 4: It shall be unlawful for any person in the  
City of Miami Beach through culpable negli-  
gence or reckless disregard for the safety of others to  
inflict any personal injury upon another.

SECTION 5: It shall be unlawful for any person in the  
City of Miami Beach, having control of or  
being parent or guardian of any child or children under  
the age of Sixteen (16) years to wilfully or negligent-  
ly abandon or torture or cruelly or unlawfully punish  
such child or children, or wilfully or negligently de-  
prive of necessary food, clothing or shelter, such child  
or children.

x SECTION 6: It shall be unlawful for any person in the  
City of Miami Beach to engage in an affray  
or riot.

x SECTION 7: It shall be unlawful for any person in the  
City of Miami Beach to commit a breach of  
the peace or be guilty of any disorderly conduct.

SECTION 8: It shall be unlawful for any person in this  
City to accuse or maliciously threaten to  
accuse another of any crime or offense or to threaten  
any injury to the person or property of another, with  
intent thereby to extort money or any pecuniary advan-  
tage whatsoever from another, or with intent to compel  
the person so threatened or any other person to do any  
act against his will.

SECTION 9: It shall be unlawful for any person in the  
City of Miami Beach, except a police or  
other authorized person to secretly carry arms of any  
kind on or about his person.

SECTION 10: It shall be unlawful for any person in the City of Miami Beach having a weapon in his possession, to exhibit the same in a rude, careless, angry or threatening manner not in necessary self defense.

SECTION 11: It shall be unlawful for any person in the City of Miami Beach to burn or attempt to burn any building or other property without first having obtained a permit therefor from the Fire Department of said City.

SECTION 12: It shall be unlawful for any person to break and enter, or enter without the permission of the owner or custodian thereof, any dwelling house or other building or vessel in the City of Miami Beach.

SECTION 13: It shall be unlawful for any person in the City of Miami Beach to have in his possession tools adapted or designed for committing a burglary.

SECTION 14: It shall be unlawful for any person in the City of Miami Beach, to buy, receive or aid in the concealment of stolen property, knowing the same to have been stolen.

SECTION 15: It shall be unlawful for any person in the City of Miami Beach to appropriate to his own use without the consent of the owner thereof any article of value, the property of another.

SECTION 16: It shall be unlawful for any person in the City of Miami Beach, by a false pretense to obtain from another person any article of value.

SECTION 17: It shall be unlawful for any person in the City of Miami Beach, to impersonate or falsely represent himself to be an officer of the law.

SECTION 18: It shall be unlawful for any person, in the City of Miami Beach to sell any article of merchandise or trade by short weight or measure.

SECTION 19: It shall be unlawful for any person in the City of Miami Beach, to overload, overdrive, torture, torment or deprive of the necessary sustenance or shelter or unnecessarily or cruelly beat, mutilate any animal, or cause same to be done, or carry in or upon any vehicle or otherwise any animal in a cruel or inhuman manner.

SECTION 20: It shall be unlawful for any person in the City of Miami Beach to enter upon the premises of another, being forbidden so to enter, or not being previously forbidden is warned to depart therefrom and refuses so to do, or having departed reenters without the previous consent of the owner, or having departed remains about the vicinity using profane or indecent language.

SECTION 21: It shall be unlawful for any person in the City of Miami Beach in a judicial proceeding to commit perjury.

SECTION 22: It shall be unlawful for any person in the City of Miami Beach to procure or attempt to procure another person to commit perjury.

SECTION 23: It shall be unlawful for any person in the City of Miami Beach to knowingly and wilfully resist, obstruct or oppose any officer in the execution of his legal process or in the lawful execution of any legal duty.

SECTION 24: It shall be unlawful for any person in the City of Miami Beach to print, publish, display, sell or distribute any book, pamphlet, song, printed paper, moving picture or other thing containing obscene language, or prints of pictures tending to the corruption of morals.

SECTION 25: It shall be unlawful for any person in the City of Miami Beach to use vulgar and indecent language in any place, so as to be heard by another.

SECTION 26: It shall be unlawful for any person, association of persons or corporation or any agent or employee of any person, association of persons, or corporation to manufacture, sell, barter or exchange, or cause to be manufactured, sold, bartered or exchanged, or to transport or in anywise to be concerned in the transportation within this City any alcoholic or intoxicating liquors or beverages, contrary to the laws of the United States or of the State of Florida.

SECTION 27: It shall be unlawful for any person, association of persons or a corporation or any agent or employee of any person, association of persons or corporation to have in his, her or their or its possession, custody or control in this City any alcoholic or intoxicating liquors or beverages, contrary to the laws of the United States or of the State of Florida.

SECTION 28: It shall be unlawful for any person, association of persons or corporation or any agent or employee of any person, association of persons or corporation to own or to have in his, her, their or its possession, custody or control in this City any still or distillery apparatus contrary to the laws of the United States or of the State of Florida.

SECTION 29: It shall be unlawful for any person to become or be drunk or intoxicated in this City.

SECTION 30: Rogues, and vagabonds, idle or dissolute persons who go about begging, common gamblers, persons who use juggling or unlawful games or plays, common pipers and fiddlers, common drunkards, common nightwalkers, thieves, pilferers, traders in stolen property, lewd, wanton and lascivious persons, keepers of gambling places, common railers, and brawlers, persons who neglect their calling or employment, or are without reasonably continuous employment or regular income and who have not sufficient property to sustain them, and misspend what they earn without providing for themselves or the support of their families, persons wandering or strolling around from place to place without any lawful purpose or object, habitual loafers, idle and disorderly persons, persons neglecting all lawful business and habitually spending their time by frequenting houses of ill fame, gaming houses or tippling shops, persons able to work by habitually living upon the earnings of their wives or minor children, and all able-bodied male persons over the age of eighteen years who are without means of support and remain in idleness, shall be deemed vagrants, and upon conviction shall be subject to the penalties hereinafter provided.

SECTION 31: It shall be unlawful for any person, his servant, clerk or agent to in any manner have, keep, exercise or maintain a gaming table or room of gaming implements or apparatus or house, booth, tent, shelter or other place in the City of Miami Beach for the purpose of gaming or gambling or in any place of which he may directly or indirectly have charge, control or management either exclusively or with others, or to procure, suffer or permit any person to play for money or other valuable thing at any game whatever.

SECTION 32: It shall be unlawful to act as servant, clerk, agent or employee of any person in violation of the preceding section.

SECTION 33: It shall be unlawful for any person in the City of Miami Beach as owner or agent to knowingly rent to another a house, room, booth, tent, shelter or place for the purpose of gambling or permit the same to be done.

SECTION 34: It shall be unlawful for any person in the City of Miami Beach to play or engage in any game of cards or other game of chance by any device whatsoever for money or other things of value.

SECTION 35: It shall be unlawful for any person, firm or corporation to set up, promote or conduct any lottery for money or other thing of value, or by means of any lottery to dispose of any money or other thing of value, or to advertise any such lottery scheme in any manner or to sell or offer for sale or to transmit by mail any lottery tickets or coupons therefor or to attempt to operate, conduct or advertise any lottery scheme or device or to have in his, their or its possession any lottery ticket or evidence of any share or right thereof, in the City of Miami Beach.

SECTION 36: It shall be unlawful for any unauthorized person to discharge within this City any firearm.

SECTION 37: It shall be unlawful for any person to obstruct any public road or established highway without permission of the proper authorities, or to wilfully cause any obstruction to be placed therein and that each day said obstruction is allowed to remain in said highway, after being so placed, shall constitute a separate and distinct offense.

SECTION 38: It shall be unlawful to create, maintain or cause or permit to be maintained a nuisance in the City of Miami Beach. A nuisance is hereby declared to be anything which tends to annoy the community or any part thereof, injure the health of the citizens, or to corrupt morals.

SECTION 39: It shall be unlawful for any person in the City of Miami Beach to violate the "Florida Plant Act of 1927."

SECTION 40: It shall be unlawful to keep a house of ill fame in the City of Miami Beach resorted to for the purpose of prostitution or lewdness.

SECTION 41: It shall be unlawful for any person in the City of Miami Beach in any public place to

be found in a state of nudity or in a dress not becoming to his or her sex, or in any indecent exposure of his or her person, or be guilty of any indecent or lewd behaviour, or to exhibit, sell or offer to sell any indecent or lewd picture or other thing, or to exhibit or perform any indecent, immoral or lewd play or other representation.

SECTION 42: It shall be unlawful for any person in the City of Miami Beach to bathe, wash or swim in any river, bay, lake, pool, stream, canal or ocean, being naked or insufficiently clothed to prevent improper exposure of his or her person.

SECTION 43: It shall be unlawful for any person to change his or her clothes in the City of Miami Beach, Florida, for the purpose of donning a bathing suit or for any other purpose, in any automobile or bus, whether the same be opened or closed, or upon any street or highway in any city park or in any other place open to the public view.

SECTION 44: It shall be unlawful for any person, firm or corporation to throw any paper, trash, garbage or debris upon any street, alley, park or other public or private property in the City of Miami Beach.

SECTION 45: It shall be unlawful for any person or corporation to cut down, dig up, mutilate, despoil or destroy any flowers, shrubbery, trees or other plants in any street or other public highway, parkway, park or other public place within this City unless permission to do so shall have been first obtained in writing from the City Engineer.

SECTION 46: It shall be unlawful for any person, firm or corporation owning or controlling, or having in their custody any poultry or fowl of any kind to permit or allow the same to run at large in the City of Miami Beach, Florida.

SECTION 47: It shall be unlawful for any cat to be permitted to be outside of any residence or store room in the City of Miami Beach, Florida, unless such cat wear a bell or bells, the sound of which may be heard at least fifty feet.

It is hereby made the duty of all policemen and any citizen of said City to kill any cat found anywhere within said City except in a residence or in a store room unless such cat wear a bell or bells the sound of which may be heard at least fifty feet.

SECTION 48: It shall be unlawful for any person, firm or corporation to permit shrubbery or any growth to grow upon or to maintain the same upon any parcel of land at the intersection of any highways in the City of Miami Beach, so that the same will obstruct the view of the driver or operator of any vehicle approaching such intersection from another highway.

SECTION 49: It shall be unlawful for any person to take or keep any dog into or upon any public park, beach, or any pavilion or pier in said City unless said dog is under leash and kept under leash at all times while in or on such place or places.

**SECTION 50:** It shall be unlawful for any person to drive any motor or other self propelled boat upon an inland waterway in the City of Miami Beach 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, construction and width of the waterway and of any other condition then existing and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

**SECTION 51:** It shall be unlawful for any person, firm or corporation in the City of Miami Beach to collect or to sell empty bottles or glass containers which have contained intoxicating liquors or which bear any label indicating that such bottles have contained intoxicating liquor or beer or wine.

**SECTION 52:** It shall be unlawful for any person to fish from any portion of the viaduct in and forming a part of the County Causeway between Miami and Miami Beach, Florida, within the said City of Miami Beach.

**SECTION 53:** It shall be unlawful for any person, firm or corporation to carry on any business of any nature whatsoever in the streets or alleys of the City of Miami Beach, Dade County, Florida, without the consent of the owner whose property abuts on the street or alley, and unless such business shall be conducted in a place of part of the street or alley designated by police order.

**SECTION 54:** A: It shall be unlawful for any person in the City of Miami Beach, to possess, sell, distribute, administer, dispense or prescribe cocaine or opium, or any of their derivatives or cannibas indica, cannibas sativa or any of their derivatives; provided, however, that nothing herein contained shall be deemed to prohibit the possession, selling, distributing, administering, dispensing or prescribing of any of the drugs or their derivatives as in this Ordinance hereinafter provided.

B: AUTHORIZED ACTS OF TRADES AND PROFESSIONS.  
A manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, private hospital, sanatorium or institution maintained or conducted in whole or in part for the treatment of disability, or disease, or inebriety or drug addiction, may purchase, receive, possess, sell, distribute, prescribe, administer or dispense cocaine, opium or their derivatives, or cannibas indica, cannibas sativa, or any of their derivatives, provided he shall have complied with all provisions as required by the Act of Congress of December 17th, 1914, known as the Harrison Narcotic Law, as the same exists or may be amended.

C: HYPODERMIC SYRINGE No person except a dealer in surgical instruments, apothecary, physician or institution in which persons are treated for disability or disease shall at any time have or possess a hypodermic syringe or needle or opium pipe, or any instrument or implement adapted for the use of cocaine or narcotic drugs by subcutaneous injections and which is possessed for that purpose.

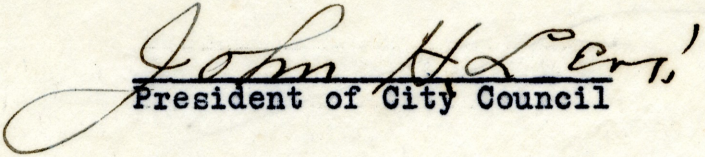
D: FRAUD, DECEIT, ETC. Any fraud, deceit, misrepresentation, subterfuge, or concealment of a material fact or the use of a false name or the giving of a false address in obtaining treatment in the course of which cocaine or opium or their derivatives shall be prescribed or dispensed or in obtaining any supply of such drugs shall constitute a violation of the provisions of this ordinance. The wilful making of any false statement in any required prescription blank, order or record shall constitute a violation of this ordinance.

\* SECTION 55: 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 Five Hundred (\$ 500.00) Dollars, or be imprisoned for not more than ninety (90) days, with or without hard labor, or both in the discretion of the Court.

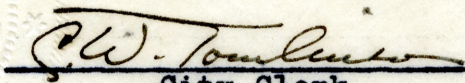
SECTION 56: EFFECT OF ORDINANCE. If any section or subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 57: REPEAL. All 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.

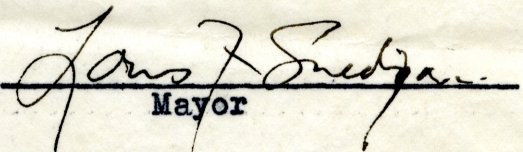
*Add Secs. 58, 59, 60*  
PASSED AND ADOPTED this 6th day of March, A. D. 1929.

  
President of City Council

ATTEST:

  
City Clerk

APPROVED BY ME this 13th day of March, A. D. 1929.

  
Mayor

First Reading, January 16th, 1929.  
Second Reading, January 16th, 1929.  
Third Reading, March 6th, 1929.  
Posted, March 9th, 1929.

# I N D E X

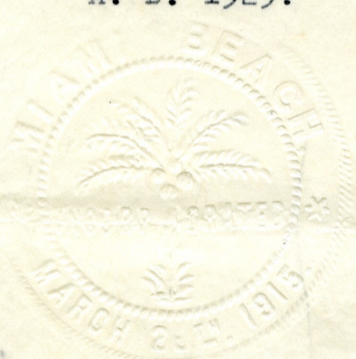
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STATE OF FLORIDA )  
COUNTY OF DADE )

I, C. W. TOMLINSON, City Clerk in and for the City of Miami Beach, Florida, do hereby certify that Ordinance No. 271, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI BEACH, FLORIDA, DEFINING CERTAIN OFFENSES AND FIXING THE PENALTIES THEREOF" 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 9th day of March, A. D., 1929, 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, Florida, on this the 15th day of April, A. D. 1929.



C. W. Tomlinson  
City Clerk

(ORIGINAL)

ORDINANCE NO. 271

GENERAL ORDINANCE.  
Miscellaneous Offenses.