

ORDINANCE NO. 286

AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, DEFINING AUTOMOBILES FOR HIRE, REGULATING, RESTRICTING, AND/OR PROHIBITING THE OPERATION THEREOF UPON STREETS OR PARTS THEREOF AND/OR PROVIDING CONDITIONS UNDER WHICH THEY MAY BE OPERATED UPON THE STREETS, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

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

SECTION 1. For the purposes of this ordinance, a "for-hire" automobile is defined to be any motor propelled vehicle used for sight-seeing purposes or which is rented from a stand in the street or from a public or private garage, the designation or route of which is under the direction of the passenger or passengers transported therein, and which for reward receives, carries and/or discharges individuals offering themselves for transportation within said City or to points from without to points within said city, or from points within to points without, including taxicabs and hacks. Nothing in this ordinance contained shall be deemed to apply to any motor propelled vehicle which comes under the provisions of Ordinance No. 251 of the City of Miami Beach, Florida.

The word "street" as used in this ordinance shall mean and include all public streets, avenues, boulevards, alleys, lanes, highways, sidewalks, public parks, parking roads, viaducts, causeways and other public places laid out for the use of vehicles.

The word "person" as used in this ordinance shall mean and include all persons, partnerships, firms, companies, corporations (except municipal corporations) and any others whatsoever owning, controlling or having charge of a motor vehicle or vehicles.

The word "applicant" as used in this ordinance includes every person who makes application to the City of Miami Beach for a permit to operate a motor vehicle or vehicles.

The word "permittee" as used in this ordinance means any individual, partnership or corporation who owns and/or operates a for hire automobile under a permit granted in accordance with the terms and conditions of this ordinance.

The word "driver" as used in this ordinance includes every individual operating a motor vehicle as herein defined, either as owner, agent, employee or otherwise, for the permittee as herein defined.

SECTION 2. It shall be unlawful for any person owning a motor vehicle or vehicles to use, operate or run, or cause or allow any of his agents, servants or employees to use, operate or run said motor vehicle or vehicles in, along, through, over or upon any of the streets in the City of Miami Beach, Florida, or to carry on a business of transporting passengers for hire in a motor vehicle or vehicles in said City without first having applied for and accepted in writing a permit so to do as in this ordinance provided.



SECTION 3. An application for a permit hereunder shall be filed in writing with the City Manager, initial applications not less than thirty (30) days prior to the issuance of said permit, which shall be verified by the oath of the person making such application, as to the truth of the statements therein contained; if a natural person, by such person, and by the officers thereof if the applicant is a corporation; by a member thereof if the applicant is a partnership; and by a duly authorized representative, if applicant is other than a natural person, corporation and/or partnership. Said application shall set forth the following facts:

(a) The name, age, residence and business address, the length of time of residence at such place of residence or in the case of a corporation, the date of its incorporation, the name of its officers and directors and its place of business; if a partnership, the names thereof, the names of the partners and their residences and business address.

(b) The make, type, year of manufacture, motor number, serial number, State license number, seating capacity according to manufacturer's trade rating, and S. F. A. horsepower of the motor vehicle or vehicles proposed to be operated by the applicant, and if the motor vehicle proposed to be used has been adapted for use as such, either by converting a freight carrying truck into a passenger vehicle, or by reconstructing, modifying or adding to the body, or seating arrangements thereof, in addition to the above, a statement of its carrying capacity in pounds, its rated seating capacity as adapted, and the method and material used in such conversion.

SECTION 4. The City Manager shall consider all such applications for permits and may if deemed advisable summon and examine the person who has signed the application and any other person or persons in regard to the granting of such permit, and if in the City Manager's opinion the applicant has fully complied with the provisions of this ordinance relative to the furnishing of a bond or bonds and/or insurance policy or policies, and is a responsible person having the financial ability, skill, experience and dependability to furnish adequate and proper transportation, and is of the opinion that the motor vehicle or vehicles proposed to be operated is in good and satisfactory mechanical condition; has such appliances attached thereto in good condition as are required by law, and has fully complied with all other provisions of this ordinance relative to the application for and granting of a permit, and is of the opinion that the public convenience and welfare requires the operation of the motor vehicle or vehicles proposed to be operated by the applicant, the City Manager shall grant the permit applied for unless otherwise directed by the City Council, otherwise he may refuse the permit to such applicant in whole or in part. If the City Manager shall determine to grant a permit to the applicant, he shall, if applicant agrees to the terms and conditions of the permit, and if the City Attorney and City Manager approves the bond and/or insurance policy as provided for in Section 12 of this Ordinance, and upon satisfactory proof of the compliance with the other applicable provisions of this ordinance, sign for the City a motor vehicle permit in duplicate to operate or cause or permit the operation of the motor vehicle or vehicles therein described, which permit, upon applicant's written acceptance endorsed upon the face thereof, shall become effective and shall constitute



the agreement between the City and the applicant covering the operation of the motor vehicle or vehicles in accordance with all of the terms and provisions of this ordinance and upon the signing of such permit by the applicant, the applicant shall become a Permittee hereunder.

One duplicate of said permit shall be placed in the City's files and the other given to the Permittee. All of said permits shall expire on October 31st of the year in which they are granted.

All permits signed by the City Manager with a Permittee shall provide that no permit shall be transferable without the consent of the City Council expressed by resolution.

The form of the permit shall embrace the following and such other conditions prescribed by this ordinance as the City Manager shall prescribe:

FOR HIRE AUTOMOBILE NO. \_\_\_\_\_  
CITY OF MIAMI BEACH, FLORIDA.

To

\_\_\_\_\_ Permittee.

Dated \_\_\_\_\_ 19\_\_.

In consideration of the agreement by Permittee hereunder, as evidenced by his signed acceptance hereof, to operate said automobile for hire under the schedule or schedules attached hereto and made a part hereof, and in accordance with all the requirements of Ordinance No. 286 of the City of Miami Beach, Florida, permission is hereby granted to \_\_\_\_\_, Permittee, to operate the motor vehicle or vehicles described in his Application No. \_\_\_ for "For Hire Automobile Permit" as approved by the City Manager under the schedule or schedules attached hereto.

This permit shall not become effective until signed and accepted by the Permittee, and shall expire on the 31st day of October of the present year unless sooner revoked, and shall not be in part or wholly transferred without the consent of the City Council of Miami Beach, expressed by resolution duly passed.

Done at Miami Beach, Florida, this \_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_.

CITY OF MIAMI BEACH, FLORIDA,

By \_\_\_\_\_  
City Manager.

Signed and accepted the \_\_\_\_ day of \_\_\_\_\_,  
A. D. 19\_\_.

\_\_\_\_\_  
By \_\_\_\_\_

After the permit has been duly signed on behalf of the City and by the Permittee, the City



Manager shall sign with the Permittee in duplicate a record card for each motor vehicle to be operated, which record shall set forth the permit number, Permittee's name, photograph and address, make, type, State license number, and seating capacity of motor vehicle, and in detail the condition of said vehicle.

He shall also file with the City Manager and post inside of said automobile in full view of passengers thereof a schedule of rates and charges which schedule shall be in letters not less than one (1) inch in height.

One of said record cards shall be placed in the City's files and the other given to the applicant, who shall attach said record card to the motor vehicle covered by said record card, which record card shall be kept in plain view at all times while the said vehicle is being operated.

The record card given to the applicant shall cover only the motor vehicle for which it was issued and shall not be transferred to any other person or motor vehicle. No motor vehicle shall be operated by Permittee not described in his application for a permit, and should Permittee desire to replace or substitute for a motor vehicle or operate an additional motor vehicle or vehicles, application must be made for a permit, as in the first instance, in accordance with this ordinance, to the City Manager, to operate said motor vehicle or vehicles.

SECTION 5. It shall be unlawful for any motor vehicle to be operated after dusk unless there shall be sufficient light provided therein to adequately illuminate the inside thereof, and all laws of the State of Florida and ordinances of the City of Miami Beach relating to the lighting of motor vehicles shall be complied with by Permittee and drivers of motor vehicles.

SECTION 6. Every Permittee **owning** or operating any motor vehicle shall abide by each and all of the ordinances, rules and regulations of the City of Miami Beach, applying thereto.

SECTION 7. It shall be unlawful for any Permittee to permit any motor vehicle to be driven or operated by any individual who is not licensed to operate a motor vehicle upon the streets of the City of Miami Beach.

SECTION 8. It shall be unlawful for any Permittee or driver of any motor vehicle to:

(a) Solicit passengers or attract attention by calling or by the use of a horn, bell, whistle or other signal.

(b) Operate or run such vehicle while any individual or article is standing or sitting on the running board, fender, hood or door, and any baggage carried thereon must be wholly within said vehicle.

(c) Reconstruct, alter, modify, add to, or otherwise change the body or seating arrangement of such motor vehicle after a permit to operate the same has been granted without applying for and obtaining consent of the City Manager to do so.



(d) Drive or operate a motor vehicle without having the same equipped with a suitable horn or similar warning device and standard speedometer, all in proper working order, and such other equipment as is required for motor vehicles under the laws of the State of Florida, or may be required to comply herewith.

(e) Accept or transport a greater number of passengers than the rated passenger-seating capacity of the motor vehicle, unless said motor vehicle shall be designed, built and equipped for the purpose of carrying standing passengers.

(f) Smoke while driving said motor vehicle.

(g) Fail to have the record card, issued to the Permittee thereof under the provisions of this ordinance, attached to said motor vehicle in plain view as required by this ordinance.

SECTION 9. Every Permittee shall immediately report fully to the City Manager, the time, place, cause and circumstances of any accident or injury to a passenger or person, or damage to any property in which the motor vehicle or vehicles of Permittee is or are involved.

SECTION 10. Every article left in a motor vehicle by passengers shall within twelve hours after same is found by or delivered to the driver of such motor vehicle be deposited at the police station in the City of Miami Beach.

SECTION 11. It shall be unlawful for the driver or operator of any motor vehicle or vehicles to receive or collect fares or compensation for transportation greater than that stated in the notice required herein to be placed upon such motor vehicles and greater than that specified in the application for permit and in the permit.

SECTION 12. In order to insure the safety of the public, it is hereby declared unlawful for any Permittee or person to drive or operate any motor vehicle or allow the same to be driven or operated in the City of Miami Beach unless such Permittee shall have given, and there is in full force at all times while such motor vehicle is being driven or operated, on file, or proof thereof satisfactory to the City Manager, in the office of the City Manager of the City of Miami Beach, a bond or bonds for each such motor vehicle in the penal sum of Five Thousand Dollars (\$5,000.00) for injury to any one person; Ten Thousand Dollars (\$10,000.00) for injuries to more than one person in the same accident, and One Thousand Dollars (\$1,000.00) property damage in any one accident, with a reliable and responsible corporate/<sup>stock</sup>surety company regularly and generally engaged in the conduct of the business of a Surety Company, as surety, which surety shall have been approved by the City Manager of Miami Beach and which bond shall run to the City of Miami Beach, and which shall insure:

(a) To the benefit of any passenger or passengers in such motor vehicle who may receive bodily injuries, and to the heirs, or legal representatives of any passenger or passengers who may suffer death by reason of the negligence or misconduct on the part of the Permittee or driver of such motor vehicle;



(b) To the benefit of any individual or individuals who may receive bodily injuries and to the heirs, or legal representatives of any individual or individuals who may suffer death by reason of the negligence or misconduct on the part of the Permittee or driver of such vehicle;

(c) To the benefit of any individual or individuals who may sustain damage by reason of any injury to his or their property by reason of the negligence or misconduct of the Permittee or driver of such motor vehicle; provided, however, in lieu of giving such bond or bonds, any Permittee before being permitted to drive or operate any motor vehicle or permitting the same to be driven or operated, may procure and file with the City Manager of said City a policy or policies of liability insurance on each motor vehicle so operated with a reliable and responsible stock insurance company regularly and generally engaged in the conduct of a business of an insurance company satisfactory to the City Manager of the City of Miami Beach, insuring said Permittee in the sum of Five Thousand Dollars (\$5,000.00) for injury to any one person; Ten Thousand Dollars (\$10,000.00) for injuries to more than one person in the same accident, and One Thousand Dollars (\$1,000.00) property damage in any one accident.

SECTION 13. Nothing herein contained shall be construed to effect, repeal or alter the provisions of any ordinance of the City of Miami Beach, requiring the drivers and operators of motor vehicles for hire to take an examination and receive a permit to drive and operate such vehicles.

SECTION 14. Whenever it shall appear to the City Manager that the motor vehicle covered by any permit herein provided for is not in good and sufficient mechanical condition, or has not such appliances attached thereto in good condition as are required by the laws of the State of Florida relating to motor vehicles, and as required by this ordinance, then the said City Manager may order such motor vehicle withdrawn from service and the permit therefor revoked unless such person shall request a hearing before the Municipal Judge, and in such event the City Manager may order such motor vehicle withdrawn from service pending such hearing, and if it is adjudged at said hearing by said Municipal Court that the said motor vehicle is not in good and sufficient mechanical condition as set forth and required by this ordinance, then, and in that event, the said permit may be revoked as to such motor vehicle.

SECTION 15. Upon the expiration of the term for which any permit is granted, or upon the revocation thereof, the holder of such permit shall surrender to the City Manager the permit and record card received from said City Manager by such person, and it shall be unlawful for any person to operate a motor vehicle within said City after such permit has expired, or after it has been revoked.

SECTION 16. That any person, Permittee, driver or operator found guilty of a violation of any one or more of the provisions of this ordinance or of operating a motor vehicle without having obtained a permit in accord herewith, or after the revocation, suspension or expiration of a permit, shall upon conviction be



fined not exceeding Five Hundred Dollars (\$500.00), or be imprisoned in the City Jail not exceeding ninety (90) days, or by both such fine and imprisonment, in the discretion of the Municipal Judge.

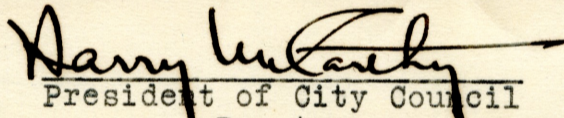
SECTION 17. That all ordinances, or parts of ordinances, in conflict herewith are hereby repealed, but such repeal shall apply only to that part of an ordinance in conflict herewith where only a part conflicts, but shall apply to the whole of an ordinance if the whole thereof is in conflict herewith.

SECTION 18. That the City Council in exercising its duty and powers hereunder shall do any and every act that is deemed necessary or expedient by it in so far as not in conflict with any of the provisions of this ordinance, charter of said City and applicable laws to provide for the City of Miami Beach and the inhabitants thereof a well regulated, safe, adequate, coordinated and unified motor vehicle transportation system.

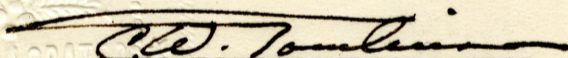
SECTION 19. If any section, part of section, paragraph or clause of this ordinance shall be held to be unconstitutional or void, the remaining provisions of this ordinance shall nevertheless remain in full force and effect.

SECTION 20. This ordinance shall be effective immediately upon its passage, approval and posting according to law.

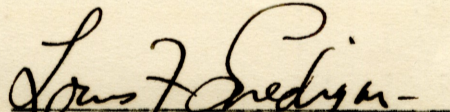
PASSED AND ADOPTED this 22nd day of October, A. D. 1930.

  
President of City Council  
Pro-tem

ATTEST:

  
City Clerk

APPROVED by me this 22nd day of October, A. D. 1930.

  
Mayor

First Reading, October 2nd, 1930.  
Second Reading, October 2nd, 1930.  
Third Reading, October 22nd, 1930.  
Posted, October 24th, 1930.



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. 286, entitled, "AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, DEFINING AUTOMOBILES FOR HIRE, REGULATING, RESTRICTING, AND/OR PROHIBITING THE OPERATION THEREOF UPON STREETS OR PARTS THEREOF AND/OR PROVIDING CONDITIONS UNDER WHICH THEY MAY BE OPERATED UPON THE STREETS, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE", 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 24th day of October, A. D. 1930, 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 3rd day of December, A. D. 1930.



C. W. Tomlinson  
City Clerk



Original

Ordinance no. 286.

"For this" land.