

ORDINANCE NO. 297

AN ORDINANCE GOVERNING AND REGULATING THE CONSTRUCTION, INSTALLATION, REPAIR, ALTERATION AND REMOVAL OF AWNINGS, STATIONARY AWNINGS, ROLLER CURTAINS, CANOPIES AND ALL CANVAS OR OTHER CLOTH PROTECTION AGAINST SUN AND WEATHER ON PUBLIC OR PRIVATE PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF MIAMI BEACH AND PROVIDING FOR A LICENSE, CERTAIN INSURANCE AND PERMITS TOGETHER WITH CERTAIN RULES AND RESTRICTIONS GOVERNING THE ISSUANCE OF PERMITS, THE COLLECTION OF FEES, AND THE CONSTRUCTION, AND ALSO PROVIDING FOR A PENALTY FOR THE VIOLATION OF SAID ORDINANCE.

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

SECTION 1. That no person, firm, partnership or corporation shall engage in the business of manufacturing, constructing, installing, repairing, remodeling or taking down awnings, stationary awnings, tents, roller curtains or canopies within the City of Miami Beach, either as a contractor, sub-contractor or day laborer unless licensed as hereinafter provided.

It is further provided however, that when it is necessary for the holder of a general contractor's license to take down or rehang awnings in connection with his general contract work, his general contractor's license shall cover this work. It is further provided that this exception shall not apply to new awning construction or to any other license except a general contractor's license.

SECTION 2. That the business and labor as designated in Section 1 hereof shall be known as "Awning Construction", and the person, firm, partnership or corporation transacting this business shall be known as an "Awning Contractor."

SECTION 3. A. Every Awning Contractor granted a license under the terms of this Ordinance, shall be required to maintain at all times, in a Stock Casualty Insurance Company authorized to do business in the State of Florida, Public Liability Insurance with minimum limits on each of not less than Ten Thousand Dollars (\$10,000.00) for one person and Twenty Thousand Dollars (\$20,000.00) for more than one person, in any one accident, and Public Property Damage Insurance with a minimum limit of not less than One Thousand Dollars (\$1,000.00) for any one accident. Said policies are to be subject to the approval of the City Manager.

Before a license can be issued, the Awning Contractor shall file with the City Clerk, a certificate signed by a qualified agent of the Stock Casualty Insurance Company, stating that a policy or policies has been issued to the Licensee for Public Liability Insurance and Public Property Damage Insurance; the minimum limits of each; the policy number or numbers; the name of the company; the effective date of such policies; the expiration date of such policies; together with a statement and a copy of an endorsement placed on such policy or policies requiring five (5) days written notice by registered mail to the City Clerk if it becomes necessary to cancel the policy or policies, for any reason.

In the event of a cancellation of a policy or policies, the City Clerk shall immediately notify the Licensee and the Building Inspector, and the Licensee shall be required to furnish a new certificate in full compliance with the terms of this Section, within ten (10) days. Failure to do so shall constitute a violation of this Section and license shall automatically be revoked. License may be reinstated by the City Clerk, when the Licensee has furnished certificate of insurance in compliance with this Section.

B. If the information as stated in the application is satisfactory and the insurance is in correct form the License Department shall collect from the applicant a license fee in the sum of Two Hundred Fifty Dollars (\$250.00) and shall issue to said applicant a license to do business as an Awning Contractor within the City of Miami Beach from that date until the following October 31st, inclusive. This license shall be known as a Regular Awning Contractor's License.

C. It is further provided that if the applicant submit to the License Department positive proof that he is the owner or leasee of a commercial building, storeroom, factory room or display room, which has been built or leased for the exclusive use of the applicant in the transaction of his Awning Contracting business, the License Department shall collect from the applicant a license fee in the sum of Fifty Dollars (\$50.00) and shall issue to said applicant a license to do business as an Awning Contractor within the City of Miami Beach from that date until the following October 31st, inclusive. This license shall be known as a Resident Awning Contractor's License and shall entitle the holder to all privileges allowed by a Regular Awning Contractor's License.

Note: It shall not be considered or understood that the owner or leasee referred to in this Section (Section 3 - C) shall apply to the owner or leasee of desk room, sample room or display room in a store or display room built or leased for other purposes than the exclusive use of the Awning Contractor for the transaction of his business, nor shall it be understood to apply to the owner or leasee of residential property, but shall apply to commercial property only.

D. It is further provided that expiration or cancellation of a lease or the change of ownership of a property, when such lease or ownership has been used to secure a Resident Awning Contractor's License, shall automatically revoke said license until the holder of said license shall have submitted to the License Department a new lease or proof of ownership as required. No additional fee shall be required for the renewing of a license, but should the holder of a Resident Awning Contractor's License desire to exchange said license for a Regular Awning Contractor's License the fee for this exchange shall be Two Hundred Dollars (\$200.00).

E. It is further provided that Regular or Resident Awning Contractors' Licenses shall not be issued to a bankrupt and that the granting of a petition in bankruptcy, either voluntary or involuntary, as against the holder of a Regular or Resident Awning Contractor's License shall automatically revoke said license.

Said revoked license may be renewed upon the discharge of the alleged bankrupt from bankruptcy, upon application to and approval by the City Council in regular session.

F. All Awning Contractors' Licenses shall expire on October 31st of each year and no Awning Construction shall be performed by Awning Contractors until such licenses have been renewed.

G. It shall be unlawful to transact the business of Awning Construction under any other license except a Regular or Resident Awning Contractor's License, and no other license shall be required of an Awning Contractor to transact the business of Awning Construction.

H. No Licensed Awning Contractor shall allow his name to be used by any other person or party, directly or indirectly, either for the purpose of obtaining a permit or to do any Awning Construction under his license.

BE IT FURTHER ORDAINED:

SECTION 4. That the following definitions be used for the interpretation of this Ordinance:

Awning: An "Awning" is a temporary, movable, detachable canvas or other cloth protection against sun or weather, on a folding metal frame supported entirely from the walls of a building and raised and lowered with ropes and pulleys, rollers or other mechanical devices.

Roller
Curtain: A "Roller Curtain" is a temporary, movable, detachable canvas or other cloth protection against sun or weather, having a wooden or metal roller attached to its lower edge which is supported entirely by the canvas and is raised and lowered by ropes and pulleys or other mechanical devices.

Station-
ary
Awning: A "Stationary Awning" is a detachable canvas or other cloth protection against sun or weather, on a rigid metal frame and supported entirely from the walls of a building.

Canopy: A "Canopy" is a temporary, detachable canvas or other cloth protection against sun or weather, on a rigid metal frame supported entirely or in part by wooden or metal posts attached to the ground or deck, floor or parapet of the building.

Tent: A "Tent" is a canvas or other cloth shelter from sun or weather, supported by wooden frame or by poles, stakes and ropes, or both, and not attached to any building.

Any Awning Construction of any description when it is outside of a building and used as a domicile, home or sleeping room for man or beast, or when it has a wooden frame, shall be considered to be a "Tent" as defined in this section.

Awning Contractor:

An "Awning Contractor" is a person, firm, partnership or corporation engaged in business of Awning Construction as herein defined, and who is duly licensed to transact said business by the License Department of the City of Miami Beach.

Awning Construction:

The term "Awning Construction" as used in this Ordinance shall mean the installation, renewal, removal, repair or alteration of an Awning, Stationary Awning, Roller Curtain, Canopy or Tent as defined above.

SECTION 5. It shall be the duty of the Building Inspector to issue all permits, collect permit fees and from time to time inspect, approve or condemn all awning construction requiring permits as herein outlined, and to condemn or order the immediate alteration of any awning construction within the City limits of Miami Beach, which may be found to be in an unsafe or unsightly condition, or to have been installed, repaired or altered subsequent to the passage of this Ordinance and does not conform to the construction restrictions as herein required.

SECTION 6. Permits Required:

A. A permit must be obtained from the Building Inspector for all Awning Construction on the street or ground floor, when such construction projects over any sidewalk or other public area within the City limits of the City of Miami Beach.

B. On private property when such Awning Construction is on the street or ground floor and is on the same building lot where gasoline or other inflammable or combustible materials are stored.

C. On private property when such Awning Construction is a tent or could be considered a tent as defined in this Ordinance.

D. On private property when such Awning Construction is of sufficient size to require frame of truss type construction or requires the use of pipe larger than 1 1/4 inch diameter (inside measurements).

E. No permit is required for re-hanging awnings heretofore erected, unless same require alterations to comply with this Ordinance.

SECTION 7. Permit Restrictions and Fees:

Upon application and payment of the required permit fee it shall be the duty of the Building Inspector to issue permits in accordance with the following restrictions:

A. No permits will be required for Awning Construction on private property except as defined in Section 6, Paragraphs B, C and D, of this Ordinance.

B. Permits as required by this Ordinance will be issued only to Awning Contractors who have obtained an Awning Contractor's License and furnished Insurance as required by the License Department of the City of Miami Beach, and to persons doing their own Awning Construction on their own premises.

C. On issuing permits required in this Ordinance, only one permit will be required for all Awning Construction to be installed at any one address and for one property owner only. Separate permits must be obtained to cover Awning Construction for two property owners at one address or to cover Awning Construction at more than one address for one property owner, and the number of units of Awning Construction shall be specified in the permit.

D. Permit as required in this Ordinance must be secured from the Building Inspector before the work is started, and permit must be held by workmen performing such Awning Construction, and said permit shall then be delivered to the occupant of the premises where such construction is installed, and must be shown to any City, Building, Sanitary, Police or Fire Inspector upon demand.

E. For Awning Construction on the street or ground floor or over public area as required in Section 6, Paragraph A, no plans or specifications will be required (except in the case of roller curtains and extremely heavy construction as described in Section 6, Paragraph D, plans and specifications will be required) and permits will be issued subject to the regular construction restrictions of this Ordinance. The fee for issuing this permit is One Dollar (\$1.00).

F. For Awning Construction on the street or ground floor and on the same building lot where gasoline or other inflammable or combustible materials are stored as required in Section 6, Paragraph B, permits will be issued only when such Awning Construction does not constitute an additional fire hazard and the permit has been approved by the Fire Chief. Plans and specifications must be submitted with application. The fee for issuing this permit is One Dollar (\$1.00).

G. For tents or any Awning Construction that could be considered a tent as required in Section 6, Paragraph C, permits will be issued for the erection of a tent or group of tents, for temporary use and for a specified period only, after the applicant has obtained written permission from the City Council for the issuance of such permits. The fee for issuing this permit is One Dollar (\$1.00).

H. For Awning Construction of sufficient size to require frame of truss construction or the use of pipe larger than 1 1/4 inch (inside measurement) as required in Section 6, Paragraph D, complete plans and specifications must accompany the application. The fee for this permit is One Dollar (\$1.00).

SECTION 8. General Construction:

A. No existing Awning Construction, whether on public or private property, shall be renewed, repaired, re-erected or altered unless and until it conforms to this Ordinance.

B. All Awning Construction, whether on public or private property, shall have metal frames and in no case shall canvas covers be used with wooden frames except such construction be a tent as defined herein.

C. All Canopies and Stationary Awnings, whether on public or private property, shall be equipped with rafters and corner braces of sufficient size and strength to withstand ordinary wind pressure, and in no case shall the cloth support the frame. Rafters must not be more ^{than} eight feet (8') apart.

D. All Awnings and Stationary Awnings and Canopies shall have metal frames when erected within the City limits; provided, however, that in case of Canopies the metal frame may be supported by heavy wooden posts on private property, and wooden ^{head} rods may be used to secure Awnings, Stationary Awnings and Canopies to the face of the buildings.

E. All Awnings, Stationary Awnings, Canopies and Roller Curtains shall be substantially constructed and securely fastened. No form or type of construction or fastenings shall be used unless approved by the Building Inspector.

F. When wooden or metal head rods are used to fasten Awning Construction to face of building with expansion bolts or expansion fittings, fiber or metal expansion shields may be used, but in no case will wooden plugs be permitted. On awnings up to seven feet (7') in width, head rod fastenings shall not be more than three feet (3') apart, and on awnings over seven feet (7') in width, head rod fastenings shall not be more than two feet six inches (2' 6") apart. Metal expansion shields shall be used when the awning or canopy extends over public property.

G. The cloth part of Canopies and Stationary Awnings must be securely laced, tied or otherwise securely fastened to the metal frame, and in no case shall Roller Curtains be used to cover stationary frames of Canopies or Stationary Awnings.

SECTION 9. Construction over Sidewalks.

Awnings, Stationary Awnings and Canopies may be erected over sidewalks under the following general conditions:

A. The frame must be of metal.

B. No metal part of any Awning, Stationary Awning or Roller Curtain shall be less than seven feet six inches (7' 6") from the top of the sidewalk, and no part of the cloth shall be less than six feet six inches (6' 6") from the top of the sidewalk.

C. No Awning or Stationary Awning shall project more than nine feet (9') from the building wall or property line, or nearer than ten inches (10") to the curb line. No part of any canopy shall project nearer than ten inches (10") to the curb line, and the uprights supporting a canopy shall never be fastened nearer than eighteen inches (18") from the curb line. In all cases where support or supports are on public property, permit must be approved by the Building Inspector and City Manager.

D. The front bar of an awning when it is pulled up shall not be higher than the head of the awning.

E. Awnings shall not be equipped with slide rods except where they can be made

to operate automatically. The projection shall never be greater than two times the height, and where slide rods are used balanced arms also must be supplied.

F. All Awnings must be equipped with supporting chains or fireproof cables, one end of which fastens to the front bar, and the other end of which fastens to a point just under the head of the awning, but never to the head rod or head rod fastenings. Such chains and cables shall be of sufficient strength and securely enough fastened to withstand the stress of the awning being accidentally dropped when being raised or lowered, and to keep the frame from going below the horizontal in case the cloth stretches, tears or burns. Balanced arms are not permitted as meeting this requirement.

Note: Above Paragraphs E and F do not apply where Lateral folding arms and Flexible arms are used.

G. The projection of a stationary awning shall in no case be greater than three times the height.

H. Roller Curtains can only be erected over sidewalks when the method of securing the bottom of Curtain has been approved by the Building Inspector.

This Section (Section 9) applies only to construction on the first or street floor and over public property.

SECTION 10. Permits Revoked and Construction Condemned.

It shall be the duty of the Building Inspector to revoke the permit and order the immediate removal or alteration of all or any part of any Awning Construction when it is found:

- A. To have been installed without a permit as required by this Ordinance.
- B. To have been installed under any other permit than that required by this Ordinance.
- C. Being used for any other purpose than that for which the permit has been issued.
- D. To violate the construction requirements of this Ordinance.
- E. To have been so constructed or to have deteriorated through age or use as to be dangerous, unsightly or otherwise injurious to public safety, health, peace or happiness.
- F. To violate any of the provisions of this Ordinance.

Any person, firm, partnership or corporation who refuses to remove any Awning Construction, or to make alterations in Awning Construction, ordered removed or altered by the Building Inspector, within forty-eight (48) hours after being served with such an order, will be subject to arrest for the violation of this Ordinance.

SECTION 11. That Sections 4, 5, 6, 7, 8, 9 and 10 of this Ordinance shall be incorporated into and become a part of the General Building Code of the City of Miami Beach.

SECTION 12. Penalty for Violation.

Any person violating any of the provisions of this Ordinance shall upon conviction before the Municipal Court, be punished by a fine of not less than Fifteen Dollars (\$15.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment, not exceeding thirty (30) days, or both, at the discretion of the Court. Each day of its continuance shall constitute a separate offense.

SECTION 13. All Ordinances, or parts of Ordinances, except Zoning Ordinances, inconsistent with or conflicting with the provisions of this Ordinance, be and the same are hereby repealed.

SECTION 14. In the event that a portion of this Ordinance shall be declared unconstitutional or void for any reason by a Court of competent jurisdiction, such decision shall in no way affect the validity of the remaining sections of this ordinance, unless such Court order or decision shall so direct.

SECTION 15. This Ordinance shall become effective November First, 1931.

PASSED AND ADOPTED this 21st day of October, A. D. 1931.

SECTION 12. Penalty for Violation.


Any person violating any of the provisions of this Ordinance shall upon conviction before the Municipal Court, be punished by a fine of not less than Fifteen Dollars (\$15.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment, not exceeding thirty (30) days, or both, at the discretion of the Court. Each day of its continuance shall constitute a separate offense.

SECTION 13. All Ordinances, or parts of Ordinances, except Zoning Ordinances, inconsistent with or conflicting with the provisions of this Ordinance, be and the same are hereby repealed.

SECTION 14. In the event that a portion of this Ordinance shall be declared unconstitutional or void for any reason by a Court of competent jurisdiction, such decision shall in no way affect the validity of the remaining sections of this ordinance, unless such Court order or decision shall so direct.

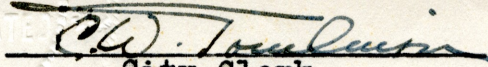
SECTION 15. This Ordinance shall become effective November First, 1931.

PASSED AND ADOPTED this 21st day of October, A. D. 1931.

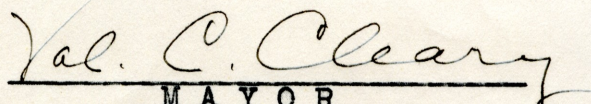

President of City Council

ATTEST:




City Clerk

APPROVED BY ME this 24th day of October, A. D. 1931.


MAYOR

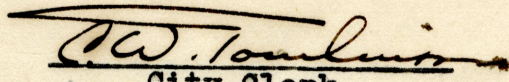
First Reading, October 20th, 1931.
Second Reading, October 20th, 1931.
Third Reading, October 21st, 1931.
Posted, October 24th, 1931.

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. 297, entitled, "AN ORDINANCE GOVERNING AND REGULATING THE CONSTRUCTION, INSTALLATION, REPAIR, ALTERATION AND REMOVAL OF AWNINGS, STATIONARY AWNINGS, ROLLER CURTAINS, CANOPIES AND ALL CANVAS OR OTHER CLOTH PROTECTION AGAINST SUN AND WEATHER ON PUBLIC OR PRIVATE PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF MIAMI BEACH AND PROVIDING FOR A LICENSE, CERTAIN INSURANCE AND PERMITS TOGETHER WITH CERTAIN RULES AND RESTRICTIONS GOVERNING THE ISSUANCE OF PERMITS, THE COLLECTION OF FEES, AND THE CONSTRUCTION, AND ALSO PROVIDING FOR A PENALTY FOR THE VIOLATION OF SAID 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. 1931, 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 2nd day of December, A. D. 1931.




City Clerk

ORIGINAL

ORDINANCE NO. 297

Regulating Awning
Construction.