

ORDINANCE NO. 336

AN ORDINANCE DEFINING TRAVEL BUREAUS AND PRESCRIBING THE PREREQUISITES FOR THE LICENSING THEREOF IN THIS MUNICIPALITY; PROVIDING THE CIRCUMSTANCES UNDER WHICH SUCH LICENSES SHALL BE REVOKED; PROHIBITING THE OPERATION OF TRAVEL BUREAUS IN THIS MUNICIPALITY EXCEPT WHEN LICENSED; PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

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

SECTION 1: A travel bureau as referred to in this Ordinance is hereby defined as any person, firm or corporation

- (A) Which shall hold itself out in this municipality as being in the business of acting as intermediary or medium between a carrier or carriers of passengers and the traveling public, or which shall operate, conduct or maintain in this municipality, a business
- (B) For the solicitation of passenger transportation, or
- (C) For the sale, exchange, barter or transfer of passenger transportation or tickets by water, rail, air or motor

and shall receive compensation for such services or any or either of them either from the carrier or carriers, or passenger or passengers;

Provided, however, nothing herein contained shall be construed to apply to carriers selling directly to the passenger, transportation over their own respective lines; Provided further none of the businesses described in Section 1, when pertaining solely to sightseeing transportation shall be deemed to be within the provisions of this Ordinance, when such transportation is confined to an area the boundary of which nowhere extends more than 75 miles beyond the then corporate limits of this City and such transportation is furnished in boats, autos, busses, airplanes or dirigibles, the owners and operators of which have fully complied with the laws of the United States, the State of Florida and the City of Miami Beach which are applicable to such transportation for hire;

SECTION 2: Before any travel bureau shall be operated, conducted or maintained in this municipality, the person, firm or corporation wishing to operate and maintain the same shall apply to the City Council for a license to operate, conduct and maintain the same, and shall state in said application the name and place of residence of the party applying therefor, and if a firm, shall state the names, places of residence of the individuals composing said firm, and if a corporation, the names and places of residence of its officers and directors, and shall produce satisfactory written proof of the existence of the relation of principal and agent between such party wishing to operate a travel bureau and a person, firm or corporation duly authorized to carry passengers for hire whereby said proposed travel bureau is authorized by such person, firm or corporation to act as its agent in any one or more of the businesses set forth in parts A, B and C of Section 1 hereof; upon the making of said application, accompanied by said proof and the payment of license fee, which fee is hereby fixed in the sum of \$25.00 per year, the City Manager may issue a license to said person, firm or corporation to conduct, operate and maintain only such a travel bureau business as is authorized by the contract of agency in this Section above referred to and only for and on behalf of the principal executing such contract of agency and no other;

before any such license shall become effective, the licensee shall execute and file with the City of Miami Beach a good and sufficient surety bond in the penal sum of \$5,000.00 to be approved by the City Attorney, indemnifying the public against any loss by fraud and/or the violation of any law on the part of the travel bureau and/or the principal for whom it is acting as agent; the first license obtained under this Section by each applicant, so long as it is in force, is, as to that applicant, hereby denominated and hereafter referred to as the "original license"; no original license to operate, conduct or maintain a travel bureau business in this municipality shall be issued except upon a compliance with the foregoing conditions precedent;

SECTION 3: Before any person, firm or corporation shall operate, conduct or maintain in this municipality any travel bureau as agent for a principal other than the principal named in his or its original license, such person, firm or corporation is required as to each such other principal to obtain a supplemental travel bureau license which shall be obtained only in the manner and upon the conditions provided and imposed by Section 2 for the issuance of an original license, except that the fee for each supplemental license is hereby fixed in the sum of \$1.00 per year; before any such supplemental license shall become effective the licensee shall, in addition to the original license bond, execute and file with the City of Miami Beach a good and sufficient surety bond in the penal sum of \$5,000.00 to be approved by the City Attorney, indemnifying the public against any loss by fraud and/or the violation of any law on the part of the travel bureau and/or the principal for whom it is acting as agent under the supplemental license, or in lieu of such additional bond, the supplemental licensee may procure his or its original license bond to be amended, without increasing the principal amount thereof, so as to include indemnity against any such loss; the operation or maintenance of any travel bureau business under any such supplemental license is hereby restricted, as to the business conducted and as to the principal represented, in the same manner and to the same extent as such business is restricted under said Section 2; Provided, no supplemental license shall be issued unless the applicant is then licensed as an original licensee; and Provided no travel bureau which then holds an original license shall be required to obtain a supplemental license for any business defined in Section 1 hereof when that business is confined to transportation by duly authorized carriers where the point of departure, the destination and the route are all wholly outside this State; no supplemental license to operate, conduct or maintain a travel bureau business in this municipality shall be issued except upon a compliance with the conditions precedent set forth in this Section and upon a compliance with the conditions precedent referred to by this Section;

SECTION 4: All licenses issued under this Ordinance shall expire on the 31st day of October of each year, unless sooner revoked. No license hereunder shall be issued for more than one year; for each license obtained hereunder between November 1st and July 1st the full license fee for one year shall be paid, and for such license obtained from July 1st to October 31st, one-half of the full license fee for one year shall be paid; no license issued under this Ordinance shall be transferable;

SECTION 5: Every supplemental license granted under Section 3 hereof shall expire when the original license expires, unless it is sooner revoked or becomes void under the authority of this Ordinance; but the revocation of the original license shall not constitute a revocation of any supplemental license, but in such case the supplemental license, unless revoked or voided, shall continue in force until the expiration of the license year; no such supplemental license shall be renewed or extended under any circumstances except the applicant therefor shall be then licensed as an original licensee;

SECTION 6: Any license issued under this Ordinance shall be valid until revoked or until it becomes void or it expires or until any annual license tax shall not be paid, within the time required by law by the party so licensed;

SECTION 7: If at any time a duly licensed travel bureau or any of its officers, agents or employees or any of its principals for whom it is authorized to act by the contract of agency referred to in this Ordinance shall violate any of the provisions of Chapter 14,764, of the Laws of Florida, or any other statute or statutes of the State of Florida pertaining to the transportation of passengers for hire, and such violation shall be brought to the attention of the City Manager, he shall, if any such violation be committed by a duly licensed travel bureau or any of its officers, agents or employees, forthwith revoke each and every license, both original and supplemental, of such travel bureau; and if any such violation be committed by any principal for whom such travel bureau is authorized to act by the said contract of agency, the City Manager shall forthwith revoke that travel bureau license which authorizes the operation and maintenance of a travel bureau under the particular agency contract; no license, either original or supplemental, so revoked shall be reinstated except upon good assurance that the aforesaid laws will not again be violated, and after a second revocation the license or licenses so revoked shall not be reinstated, nor shall the person, firm or corporation named as licensee in such revoked license, nor any of its members, officers or directors, be licensed or permitted to operate, maintain or conduct a travel bureau in this municipality, nor shall any new firm or corporation in which any of said parties are interested be so licensed; This section is not intended, and it shall not be construed, to except any travel bureau from the operation or requirements of this Ordinance because the particular transportation or proposed transportation is not regulated by any law of this state;

SECTION 8: Each and every licensee under this Ordinance is hereby required, at the request of any police officer of this municipality, to produce to the City Manager or to the City Council, as such police officer shall direct, satisfactory proof that the contract of agency under which the licensee obtained his license is in full force and effect; whenever any such contract expires, is cancelled or revoked by either party thereto, the travel bureau license granted upon it shall ipso facto be void and a reinstatement of such or a similar contract shall not validate the said void license;

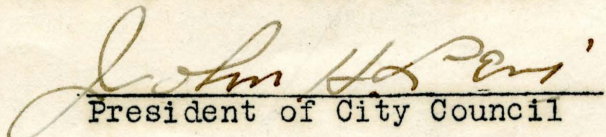
SECTION 9: If any person, firm or corporation shall operate, maintain or conduct any of the travel bureau businesses as described in Section 1 hereof in this municipality without first obtaining a license so to do as hereinbefore provided, or shall continue to operate, maintain or conduct a travel bureau after any such license has expired or been revoked or become void, he or it, and its members if a firm, and its officers and directors if a corporation, shall be guilty of a misdemeanor and upon a conviction thereof shall be fined not more than Two Hundred Dollars (\$200.00), or be confined in the City Jail for not more than 60 days;

SECTION 10: Ordinance No. 316 and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

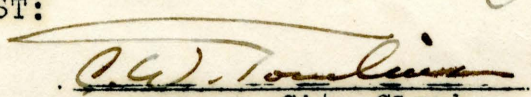
SECTION 11: If any section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held invalid and/or unconstitutional, such ~~decision~~ shall not affect the validity of the remaining portions of this Ordinance.

SECTION 12: This Ordinance shall become effective from the date of its passage and approval.

PASSED AND ADOPTED this 11th day of December, A. D., 1933.


President of City Council

ATTEST:


City Clerk

APPROVED BY ME THIS 16th day of Decemben A. D.,
1933.

A. Frank Kalgendiel
Mayor


1st Reading, Dec. 4, 1933.
2nd Reading, Dec. 4, 1933.
3rd Reading, Dec. 11, 1933.
Posted - 18th of Dec. 1933.

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. 336 entitled, "AN ORDINANCE DEFINING TRAVEL BUREAUS AND PRESCRIBING THE PREREQUISITES FOR THE LICENSING THEREOF IN THIS MUNICIPALITY; PROVIDING THE CIRCUMSTANCES UNDER WHICH SUCH LICENSES SHALL BE REVOKED; PROHIBITING THE OPERATION OF TRAVEL BUREAUS IN THIS MUNICIPALITY EXCEPT WHEN LICENSED; PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS 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 18th day of December, A. D., 1933, 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 17th day of January, A. D., 1934.


City Clerk



(ORIGINAL)

ORDINANCE NO. 336

Fixing regulations for
travel bureaus.