

ORDINANCE NO. 356

Amended by # 368

AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, DEFINING AUTOMOBILES AND MOTOR VEHICLES FOR HIRE, REGULATING AND RESTRICTING THE OPERATION THEREOF, AND PROVIDING CONDITIONS AND REGULATIONS UNDER WHICH THEY MAY BE OPERATED UPON THE STREETS, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, AND REPEALING ALL ORDINANCES, AND PARTS OF ORDINANCES, IN CONFLICT HEREWITH.

WHEREAS, Section 6, Sub-Section B, of the City Charter of the City of Miami Beach, Florida, as amended by the Special Acts of the Legislature of 1927, grants unto said City, through its properly ordained and constituted officers, the right, among other things, to regulate or restrict the use of all highways within said City; to classify persons using, or vehicles used on any public highway within said City; to provide the conditions under which such class may or may not use such highway; to provide regulations with reference to the operation and speed, and manner of movement of all manner of vehicles over said highway; to regulate the service to be rendered, and the rates to be charged by busses, jitneys, cabs and any other vehicles carrying passengers, or freight, or other things, within said City, or to points from within to points without said City, or from points without to points within said City; and to regulate and limit the speed at which motor or other vehicles may be operated in any public place or highway within said City, and

WHEREAS, the City of Miami Beach desires, for the protection and convenience of its inhabitants, to provide for the proper taxi cab and for-hire car service within the City limits,

NOW, THEREFORE, 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.

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 certificate of public convenience and necessity or 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.

The word "equipment" as used in this ordinance shall mean and include any motor propelled vehicle used for sightseeing, for hire, or as a taxi cab.

SECTION 2. It shall be unlawful for any persons owning a for-hire automobile, as herein defined, to use, operate or run, or cause, or permit any of his agents, servants, or employees to use, operate or run a for-hire automobile 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 an automobile in said City without first having obtained a permit so to do from the City Council of the City of Miami Beach, as provided for herein, and no person shall be entitled to a permit until he shall have first obtained a certificate of public convenience and necessity from the City of Miami Beach, as hereinafter specified.

Before any person shall be entitled to a permit from the City of Miami Beach to operate any for-hire automobile under the provisions of this Ordinance, he shall have first obtained a certificate of public convenience and necessity from the City Council of Miami Beach, showing that the present or future public convenience or necessity requires, or will require, such operation, and the City Council may at any time for good cause shown after due notice having been given to the grantee of any certificate an opportunity to be heard, suspend, alter, revoke or amend any certificate granted under the provisions of this Ordinance, and such suspension, alteration, revocation or amendment shall therefore automatically suspend, revoke, alter or amend the permit issued.

All applications for such certificates of public convenience and necessity must be prepared in writing, sworn to, and filed by the applicant, or his duly authorized attorney, or agent, if a natural person, and by the proper officer thereof if the applicant is a corporation, and if the applicant is a partnership or association, by a member thereof, with the City Clerk of Miami Beach, and same must be filed with the said Clerk between the 1st day of June and the 1st day of October, inclusive, of each year, and no such application shall be considered by the City Council unless same shall be filed within such period, and said application shall specify the following matters, to-wit:

(a) The name, age, residence, length of time he has resided in Miami Beach, where and by whom employed for the previous five years, residence for the previous five years, if other than Miami Beach, Florida, if, and under what circumstances, applicant has been arrested, or charged with the commission of any crime, if, and under what circumstances, he has been involved in any accident causing damage to persons, or property of another, if applicant is a natural person; If a corporation, its name, date of incorporation, the names of its officers, and directors, and their place of business; If a partner-

ship or association, the business name of the partnership or association, and the names of the partners or persons comprising the association, which last named class is to furnish the information required of a single applicant, with residence and business address of each partner and member of the association. Each and every individual applicant and each partner or member of any partnership, or association, shall furnish with his application a photograph showing an exact likeness of the applicant, together with fingerprints, and all other information of description and identity as may be required by the City Clerk.

SECTION 3. Upon the filing of said application for a certificate of public convenience and necessity, the City Clerk shall forthwith report the same to the City Council, and the City Council of Miami Beach shall thereupon fix a time for the hearing of said application, which shall not be less than five (5) days, nor more than thirty (30) days subsequent to October 1st of the year in which said application is filed, and no application shall be granted or a certificate of convenience and necessity issued without a hearing by the City Council, and notice of such hearing shall be given by the applicant at least five (5) full days prior to such hearing, which said notice shall cite the fact of the filing of such application, and the time and place of hearing of same, which notice shall be mailed by registered mail at least five (5) days prior to the time for such hearing, to the address given in said application.

At the time specified in said notice, a public hearing upon said application shall be held by the City Council and at or after such hearing the Council, in its exclusive discretion, may issue a certificate of public convenience and necessity as applied for, or refuse to issue the same, or may issue the same with modification or upon such terms and conditions as in its judgment the public convenience and necessity may require, provided that in granting applications for the certificate the Commission may take into consideration the length of time the applicant has operated for-hire automobiles, the general standard of the service maintained during such period, the reliability of the applicant and his sense of responsibility toward the public, as well as other matters tending to qualify or disqualify him as a common carrier.

Each certificate of convenience and necessity issued under the provisions of this Ordinance shall contain the matters set forth in the application for such certificate as well as said additional provisions and limitations as the City Council shall deem necessary and proper.

No certificate issued under the provisions of this Ordinance may be assigned or transferred without the consent of the City Council authorizing such transfer.

An application for a permit to operate each and/or every piece of equipment may be filed at any time, after the granting of a certificate of public convenience and necessity, and shall be filed in writing with the City Clerk, which shall be verified by oath by the person making such application as to the truth of the statements therein contained, if a person, and by the officers thereof if applicant is a corporation, and if the applicant is a partnership or association, by a partner or member thereof, and such application for a permit shall set forth the following facts:

(a) That said application is made out in its name, that said applicant is the holder of a certificate of public convenience and necessity granted to it from the City Council of Miami Beach.

(b) All other things that are set out in the application for the certificate of public convenience and necessity.

(c) The name, type, year of manufacture, make and number of the for-hire automobiles, as herein provided, proposed to be operated by the applicant.

(d) Title certificates for all for-hire automobiles must accompany the applications.

The City Manager shall thereupon promptly consider the said application for a permit, and if in his judgment is satisfied that the applicant for a permit should receive the permit applied for, and that all precedent qualifications have been met, and said applicant is properly insured according to the provisions of this Ordinance, he shall cause the permit applied for to be issued, upon the payment of a permit fee of \$ 5.00, and the payment of all other occupational or license taxes due the City, and all permits issued hereunder by the City Manager in accordance with the provisions of this Ordinance shall be for a period of one (1) year, and shall expire November 1st of the year following that in which they are granted, and said permits as issued by the City Manager to such applicant shall contain in substance the following:

(a) Those things that are set out in the application for permit.

(b) The length of time for which said permit is issued.

(c) The contents upon which said permit is issued, and the qualifications, conditions and limitations thereof.

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 and address, make, type, State License number, and seating capacity of motor vehicle, and in detail the condition of said vehicle.

A small medallion plate shall be issued with each permit, the number of this plate to correspond with the number of the record card, and this plate shall be attached to the outside of and in plain view on the motor vehicle for which issued.

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, his agents or employees 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 4. 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 5. 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 6. 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 7. 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 8. 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 9: Every article left in a motor vehicle by passengers shall be, within twelve hours after same is found by or delivered to the driver of such motor vehicle, deposited at the police station in the City of Miami Beach.

SECTION 10. 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 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 11. In order to insure the safety of the public, it is hereby declared unlawful for any Permittee, his agent and employees, 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 which 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, insurance 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, written by a reliable and responsible insurance company, which company and policy of insurance shall have been approved by the City Manager 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.

SECTION 12. No person, firm, association, partnership or corporation to whom a permit is issued shall operate, permit or cause to be operated any for-hire automobile herein contained until the driver thereof, or person to whom the custody and control of same is intrusted, shall have taken an examination, qualified and received a driver's license from the City Clerk of the City of Miami Beach.

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.

Ord # 368 Section 14-A
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 medallion 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 Two Hundred Dollars (\$ 200.00), 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. 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.

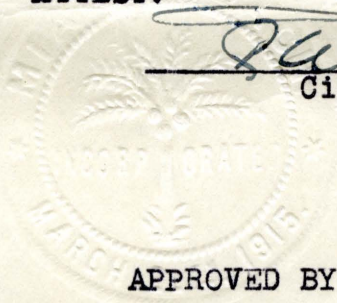
SECTION 19. This ordinance shall be effective immediately upon its passage, approval and posting according to law.

PASSED AND ADOPTED this 25th day of July, A. D., 1934.

John H. Leri
President of City Council

ATTEST:

J. W. Tomlinson
City Clerk



APPROVED BY ME THIS 30th day of July, A. D., 1934.

A. Frank Katzentine
Mayor

Ordinance No 356

1st Reading, July 11th, 1934
2nd Reading, July 11th, 1934
3rd Reading, July 25th, 1934
Posted - July 31, 1934.


Ordinance No 368

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. 356 entitled "AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, DEFINING AUTOMOBILES AND MOTOR VEHICLES FOR HIRE, REGULATING AND RESTRICTING THE OPERATION THEREOF, AND PROVIDING CONDITIONS AND REGULATIONS UNDER WHICH THEY MAY BE OPERATED UPON THE STREETS, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, AND REPEALING ALL ORDINANCES, AND PARTS 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 31st day of July, A. D., 1934, 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 4th day of September, A. D., 1934.


City Clerk



(ORIGINAL)

ORDINANCE NO. 356

Regulation of autos
for hire and taxicabs.