

ORDINANCE NO. 361

AN ORDINANCE REGULATING DRIVERS OF MOTOR VEHICLES FOR HIRE IN THE TRANSPORTATION OF PERSONS; PROVIDING A LICENSE TAX FOR SUCH DRIVERS; FIXING THE AMOUNT OF SUCH LICENSE TAX ANNUALLY; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, there are being operated upon the streets of the City of Miami Beach a large number of motor vehicles for hire in the transportation of persons; and

WHEREAS, the City Council deems it necessary in the interest of the public safety and welfare that the operators of such motor vehicles be regulated and licensed as hereinafter provided; and

WHEREAS, the City Council has determined that the regulations hereinafter imposed are reasonable and necessary in the interest of the public safety and welfare;

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

Section 1. That all persons engaged in driving any motor vehicle used in the transportation of persons upon or over the streets of the City of Miami Beach for a consideration, including sight-seeing busses, taxi-cabs and automobiles for hire, shall be subject to the provisions of this ordinance.

Section 2. That it shall be unlawful for any person to operate a motor vehicle for hire in the transportation of persons, as herein defined, over any of the streets of the City of Miami Beach, or to receive passengers within the City of Miami Beach without first having obtained a license and paid a license tax as hereinafter provided.

Section 3. No applicant shall be granted a license until he shall make it appear that he is possessed of the following qualifications, to-wit; A person of sound health, alert mind, good eye-sight, hearing, and all other faculties necessary to the safe operation of a motor vehicle, thoroughly familiar with the operation of a motor vehicle, and having a clear knowledge of the laws of the road and streets prescribed by the State and City, and a knowledge of all ordinances relating to the operation of a motor vehicle upon the streets.

Section 4. That any person desiring to obtain a license to operate a motor vehicle for hire over any of the streets of the City of Miami Beach, shall file with the City Manager of said City an application in writing for a license to operate such motor vehicle, the said application to be upon a form to be furnished by the City Manager. No license shall be issued to any person, unless such person shall be over the age of eighteen years, and shall be of good moral character. The said application shall be under oath, and shall state: First, the name and address of the applicant; Second, the length of time the applicant has resided in Dade County, and the age of the applicant; Third, such other information as the City Manager shall require. The said applicant shall also file with such application the affidavit of at least three reputable persons to the effect that such persons know the applicant to be of good moral character.

Section 5. Upon the filing of such application and the affidavit or affidavits in support thereof, as hereinabove provided, the said City Manager shall refer such applicant to the Chief of Police who shall cause three sets of fingerprints and photographs of said applicant to be made, one set to be kept at the Police Station, one to be attached to his license and one to be transmitted to the City Manager.

As soon as the foregoing provision shall have been complied with the City Manager shall make or cause to be made an examination of said applicant upon the question of his competency and qualifications as required by the ordinance to operate such motor vehicle upon the streets of the City of Miami Beach, for the safety of the public. The said examination shall be conducted by the propounding to such applicant questions orally or in writing, as may be determined by said City Manager. The answers to such questions, if propounded in writing shall be written in the presence of said City Manager or some person or persons designated by him to conduct the said examination. These questions to be propounded to said applicant shall be sufficient to thoroughly test the competency of such applicant.

Section 6. If, as the result of the examination given, as hereinabove provided, the said City Manager shall find that the said applicant is competent to operate a motor vehicle upon the streets of the City of Miami Beach with safety for the public, he shall pass upon his other qualifications and if all are found to be satisfactory he shall issue to the said applicant, upon his paying the license tax hereinafter provided for a license to operate a motor vehicle for hire, in the transportation of persons upon and over the streets of the City of Miami Beach, which license and photograph shall be displayed in plain view of all passengers in his vehicle at all times. Each such license shall be effective from the date of its issuance up to and including the thirty first day of October following, unless renewed or revoked, as hereinafter provided.

Section 7. No person who has taken the examination, hereinabove provided for, and been refused a license, shall be permitted to take the said examination a second time until the expiration of three months from the date of said first examination, provided that if any applicant shall feel aggrieved upon refusal of a license by the City Manager he shall have the right of appeal to the City Council, who shall determine whether said license shall be issued or refused.

Section 8. Each person to whom a license to operate a motor vehicle for hire in the transportation of persons is issued shall pay an annual license tax in the sum of Five (\$5.00) Dollars. The said license tax shall become due and payable on the first day of November each year and shall entitle the person paying the same to operate such vehicle until the thirty-first day of October following; provided, however, that any person obtaining a license, as hereinabove provided, after the first day of July in any year, shall be required to pay one-half of the amount of the said annual license tax for the year in which such license is granted.

Section 9. Each license to be issued, as hereinabove provided, at the expiration of the time for which the same is issued, shall continue in full force and effect so long as the holder thereof shall pay the license tax hereinabove provided for annually as the same becomes due, unless the same shall be revoked, as hereinafter provided.

Section 10. Each year, at the time of paying the license tax hereinabove provided for, there shall be issued to the person so paying the same, a button or tag in a form to be prescribed by the City Manager, which shall show the number of the license issued to such person, and the year for which the license tax is paid. Each person operating a motor vehicle for hire shall cause the said button or tag to be attached to some part of his clothing where the same may be readily seen at all times when he is engaged in the operation of such motor vehicle.

Section 11. The licenses herein provided for shall not be transferable, and may be suspended by the City Manager upon proof that the holder thereof has been negligent in the operation of a motor vehicle for hire upon the streets of Miami Beach.


Section 12. Any person violating any of the provisions of this ordinance, upon conviction thereof, shall be punished by a fine not exceeding Two Hundred (\$200.00) Dollars, or by imprisonment for not more than thirty (30) days, or both such fine and imprisonment in the discretion of the Municipal Judge.

Section 13. If any section, part of section, paragraph or clause of the ordinance shall be held to be unconstitutional or void the remaining provisions of the ordinance shall, nevertheless, remain in full force and effect.

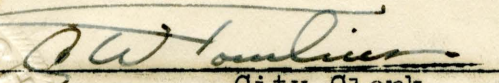
Section 14. Ordinance No. 360 is hereby especially repealed and any ordinance, ordinances or parts of same in conflict herewith are hereby repealed.

Section 15. That in order that the health, safety and security of the public be protected and preserved and that public convenience be served, this ordinance is hereby declared to be an emergency measure and adopted as an emergency ordinance by giving the same three readings at the same meeting.


PASSED AND ADOPTED this 17th day of October, A. D., 1934.


President of City Council

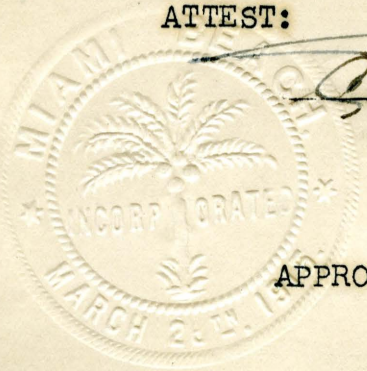
ATTEST:


City Clerk

APPROVED BY ME this 19th day of October, A. D., 1934.


Mayor

1st Reading, October 17th, 1934.
2nd Reading, October 17th, 1934.
3rd Reading, October 17th, 1934.
Posted October 20th, 1934.

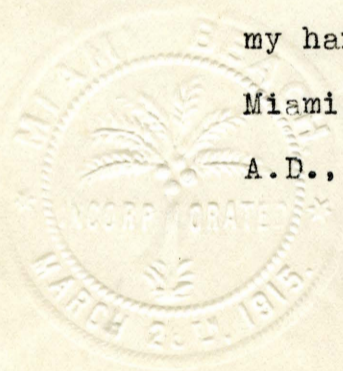


STATE OF FLORIDA)

COUNTY OF DADE)

I, C.W. TOMLINSON, City Clerk in and for the city of Miami Beach, Florida, do hereby certify that Ordinance No. 361 entitled " AN ORDINANCE REGULATING DRIVERS OF MOTOR VEHICLES FOR HIRE IN THE TRANSPORTATION OF PERSONS; PROVIDING A LICENSE TAX FOR SUCH DRIVERS; FIXING THE AMOUNT OF SUCH LICENSE TAX ANNUALLY; 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 20th day of October, 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 24th day of December, A.D., 1934.



C.W. Tomlinson
City Clerk

(ORIGINAL)

(ORIGINANCE NO. 361

Providing regulations
for drivers of for hire
vehicles.