

ORDINANCE NO. 364

AN ORDINANCE REGULATING THE BUSINESS OF THE OPERATION OF CHARTER, SIGHTSEEING OR EXCURSION BOATS OPERATING IN OR FROM THE CITY OF MIAMI BEACH, FLORIDA; REQUIRING THE OPERATOR OF ANY SUCH VESSEL TO OBTAIN A PERMIT FOR SAID OPERATION FROM A BOARD OF EXAMINERS PROVIDED FOR HEREIN; PRESCRIBING THE DUTIES AND POWERS OF SAID BOARD OF EXAMINERS AND THE QUALIFICATIONS AND CONDITIONS NECESSARY TO BE COMPLIED WITH BEFORE SAID PERMIT SHALL BE ISSUED, AND FIXING A FEE FOR THE ISSUANCE THEREOF; DIRECTING AND AUTHORIZING THE CITY COUNCIL OF THE CITY OF MIAMI BEACH, FLORIDA, TO PROMULGATE RULES AND REGULATIONS GOVERNING THE INSPECTION OF SUCH VESSELS OF THE ABOVE CLASS AS ARE NOT SUBJECT TO THE INSPECTION LAWS AND REGULATION OF THE UNITED STATES; PROVIDING A PENALTY FOR THE VIOLATION OF ANY PROVISION OF THIS ORDINANCE OR OF ANY SUCH RULE OR REGULATION SO PROMULGATED BY SAID CITY COUNCIL; DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE, AND DISPENSING WITH THE READING OF SAME AT TWO SEPARATE REGULAR MEETINGS OF THE CITY COUNCIL OF MIAMI BEACH BY UNANIMOUS VOTE OF SAID CITY COUNCIL; PROVIDING FOR THE REPEAL OF ALL OTHER ORDINANCES IN CONFLICT HEREWITH IN WHOLE OR IN PART.

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

Section 1. PERMITS. On and after the passage of this ordinance it shall be unlawful for any person to operate a charter, sightseeing or excursion boat in or from the City of Miami Beach, Florida, unless said operator shall have first obtained and posted in a conspicuous place on said vessel a permit for said operation from a Board of Examiners provided for herein. No such permit shall be granted to any applicant unless the said applicant shall have had at least one year's experience as a navigator or Captain in charge of a vessel operating in the waters of Miami Beach harbor and other waters adjacent thereto. In addition to the foregoing qualifications every such applicant shall be required to successfully pass the examination provided for herein by said Board of Examiners and comply with the other pertinent provisions of this ordinance.

Section 2. (a) BOARD OF EXAMINERS. Within ten days after this ordinance becomes effective there shall be appointed by the City Council of said City of Miami Beach, a Board of Examiners for said applicants for said permits, consisting of five (5) members who have been residents of the City of Miami Beach, Florida, for at least one year continuously preceding such appointment. At least three (3) members of said Board shall constitute a quorum for the conducting of any such examination and the granting or denial of any application for such a permit. If a vacancy occurs in said Board for any cause, the same shall

be filled by appointment by the City Council of said City of Miami Beach. The said members of said Board shall serve during the pleasure of the said City Council and may be removed from said Board at any time within the discretion of said City Council. It shall be the duty of said Board of Examiners to examine all applicants for said permits to determine whether or not the said applicants are qualified:

1. To properly and safely operate such a vessel of the class specified in Section 1 of this ordinance in or from the said City of Miami Beach;
2. To receive permits under the provisions of this ordinance.

Section 3. DUTIES OF SECRETARY-TREASURER. The City Clerk shall act as Secretary-Treasurer and shall keep a record of all proceedings of the Board, together with the necessary registers showing all applications for examination and license, showing thereon for each the date of application, name, qualifications, place of residence and whether the application was granted or refused. He shall receive all money and deposit same with the City of Miami Beach, Florida.

Section 4. APPLICATIONS FOR SAID PERMITS. Every application shall be presented in person by the applicant. No such application for said permits shall be received or filed by the said Board of Examiners except during the months of November and December of each year and said application shall be held in abeyance for a period not exceeding sixty (60) days, during which time the statements contained in the application may be investigated, and after such period the Board of Examiners may issue said license. Each of said applications shall be accompanied by a deposit of Ten (10) Dollars to cover fee for the issuance of said permit. If for any reason the said application should be denied, then the said deposit for fee shall be refunded to the applicant by said Board. The said application shall be on a printed form which may be obtained from the City Clerk and said Board.

Section 5. EXPIRATION AND RENEWAL OF PERMITS. All permits issued under the terms of this ordinance shall expire and shall be of no further force and effect on the 31st day of October, following the date of issuance of same, and if the holder of said permit desires to continue in the operation of the vessel described in said permit after the expiration of said period he shall apply for and obtain

from said Board of Examiners a new permit upon depositing the fee heretofore provided for. No further examination shall be required for the issuance of such a new permit, but the Board of Examiners shall make such investigation before issuing same as to satisfy it that the conduct of the holder during the operation of said vessel under the old permit has not been in violation of any provisions of this ordinance including any rule promulgated by the City Council under authority of this ordinance, provided that every such applicant for a new permit shall be required to produce the certificate of inspection provided for in Section 6 of this ordinance.

Section 6. INSPECTION RULES AND REGULATIONS. The City Council of the City of Miami Beach, Florida, shall forthwith promulgate such rules and regulations, as in their discretion the interest of public safety require, providing for the inspection of such vessels used, or intended to be used, as a charter, sightseeing or excursion boat in or from the City of Miami Beach, Florida, which vessels are not subject to the inspection laws and regulations of the United States. It is further provided that no permit shall be issued to any applicant by said Board of Examiners to operate any such vessel of the class designated in this section unless the said applicant shall produce a certificate certifying as to said inspection and that the said vessel is safe and seaworthy for the said purpose intended. The said inspection rules and regulations so promulgated by the said City Council are hereby adopted as part of this ordinance in the same manner as if specifically incorporated herein.

Section 7. PENALTY FOR VIOLATION. Any person who violates any of the provisions of this ordinance or any rule or regulation promulgated by the City Council of the City of Miami Beach, Florida, under the authority hereof, upon conviction in the Municipal Court of the said City of Miami Beach, shall be punished by a fine not exceeding the sum of Two Hundred (\$200.00) Dollars, or by imprisonment in the City jail of said Miami Beach, Florida, for a period not exceeding sixty (60) days, or by both such fine and imprisonment. Upon said conviction, the Judge of said Municipal Court shall have the power to revoke any permit heretofore granted to any defendant under the terms of this ordinance, as an

additional penalty for said violation, if, in his discretion, such action seems proper. Such revocation may be permanent or temporary within the discretion of said Judge.

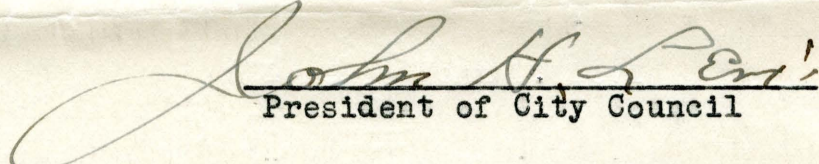
Section 8. DECLARATION OF EMERGENCY. This ordinance is hereby declared to be an emergency measure on the ground of urgent public need for the preservation of property and safety of the residents of Miami Beach, Florida.

Section 9. SEPARATE READINGS DISPENSED WITH. The reading of this ordinance at two separate regular meetings of the City Council of Miami Beach, Florida, before the enactment of same, is hereby dispensed with by unanimous vote of said City Council.

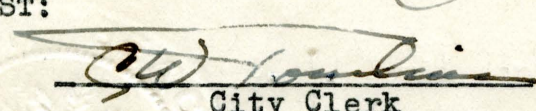
Section 10. REPEAL OF PRIOR ORDINANCES. All ordinances or parts of ordinances in conflict with any of the terms and provisions of this ordinance, be and the same are hereby repealed.

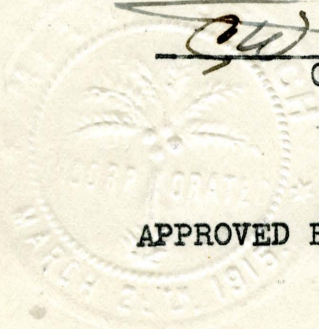
Section 11. That should any part of this ordinance be for any reason declared unconstitutional or unenforceable, it shall not affect any other part or portion of this ordinance.

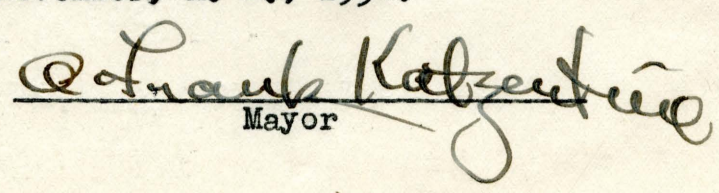
PASSED AND ADOPTED this 7th day of November, A. D., 1934.


President of City Council

ATTEST:


City Clerk


APPROVED BY ME this 9th day of November, A. D., 1934.


Mayor

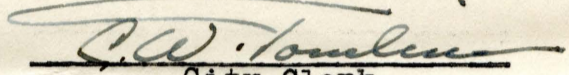
1st Reading, November 7th, 1934.
2nd Reading, November 7th, 1934.
3rd Reading, November 7th, 1934.
Posted - November 10th, 1934.

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. 364 entitled "AN ORDINANCE REGULATING THE BUSINESS OF THE OPERATION OF CHARTER, SIGHTSEEING OR EXCURSION BOATS OPERATING IN OR FROM THE CITY OF MIAMI BEACH, FLORIDA; REQUIRING THE OPERATOR OF ANY SUCH VESSEL TO OBTAIN A PERMIT FOR SAID OPERATION FROM A BOARD OF EXAMINERS PROVIDED FOR HEREIN; PRESCRIBING THE DUTIES AND POWERS OF SAID BOARD OF EXAMINERS AND THE QUALIFICATIONS AND CONDITIONS NECESSARY TO BE COMPLIED WITH BEFORE SAID PERMIT SHALL BE ISSUED, AND FIXING A FEE FOR THE ISSUANCE THEREOF; DIRECTING AND AUTHORIZING THE CITY COUNCIL OF THE CITY OF MIAMI BEACH, FLORIDA, TO PROMULGATE RULES AND REGULATIONS GOVERNING THE INSPECTION OF SUCH VESSELS OF THE ABOVE CLASS AS ARE NOT SUBJECT TO THE INSPECTION LAWS AND REGULATION OF THE UNITED STATES; PROVIDING A PENALTY FOR THE VIOLATION OF ANY PROVISION OF THIS ORDINANCE OR OF ANY SUCH RULE OR REGULATION SO PROMULGATED BY SAID CITY COUNCIL; DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE, AND DISPENSING WITH THE READING OF SAME AT TWO SEPARATE REGULAR MEETINGS OF THE CITY COUNCIL OF MIAMI BEACH BY UNANIMOUS VOTE OF SAID CITY COUNCIL; PROVIDING FOR THE REPEAL OF ALL OTHER ORDINANCES IN CONFLICT HEREWITH IN WHOLE OR IN PART." 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 10 th day of November, 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 26th day of December,
A.D., 1934.


City Clerk



(ORIGINAL)

Ordinance No. 364

Regulating the operation
of Charter Boats in the
City of Miami Beach.