

ORDINANCE NO. 405

AN ORDINANCE REQUIRING ALL OWNERS OF MOTOR VEHICLES OPERATED IN THE CITY OF MIAMI BEACH, FLORIDA, TO PRESENT THEIR VEHICLES FOR SEMI-ANNUAL INSPECTION OF CERTAIN VEHICULAR EQUIPMENT, REQUIRING THE OWNERS OF SAID MOTOR VEHICLES TO COMPLY WITH THE REQUIREMENTS SET FORTH IN THIS ORDINANCE, PROVIDING MINIMUM STANDARDS FOR CERTAIN EQUIPMENT ON MOTOR VEHICLES, PROVIDING A FEE FOR THE INSPECTION OF SAID MOTOR VEHICLES, REQUIRING ALL DRIVERS OF MOTOR VEHICLES IN THE CITY OF MIAMI BEACH TO SECURE DRIVERS' LICENSES, PROVIDING FOR THE GRANTING, REVOCATION AND SUSPENSION OF SAID DRIVERS' LICENSES, PRESCRIBING REGULATIONS TO BE OBSERVED BY ALL DRIVERS, PROVIDING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE, AND DECLARING AN EMERGENCY TO EXIST.

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

For the purpose of this ordinance a motor vehicle

SECTION 1: is defined to be any motor-propelled vehicle with the exception of farm machinery, railroad locomotives, water craft, aircraft and trolley cars.

The owners of all motor vehicles operated upon

SECTION 2: the public streets and highways of the City of Miami Beach shall present said motor vehicles at least once every six months at a place designated by the Police Department for the purpose of having said vehicles inspected by members of said department.

When by said inspection it is determined that a

SECTION 3: motor vehicle complies with the requirements of this ordinance, there shall be furnished to the owner a certificate to be attached to the windshield of the vehicle. Said certificate shall show the date of inspection, description of the vehicle and shall state that the vehicle was found to be safe for operation at the time of said inspection. The issuance of a certificate, however, shall not affect the right of the City to inspect said vehicle at all times under the traffic rules and regulations of the City.

If a motor vehicle when presented for inspection

SECTION 4: is found to be defective, the owner of said vehicle shall be allowed one week from the date of said inspection to make necessary adjustments or repairs and at the end of said week shall present the vehicle for reinspection.

To entitle the owner of a motor vehicle to the  
SECTION 5: certificate provided for herein, each motor  
vehicle must fulfill the following requirements:

(a) The headlights on each motor vehicle shall produce a driving light sufficient to render persons or objects visible at night at least 200 feet in advance of said vehicle, but shall not project a glaring or blinding light, and no main part of the bright beam shall be projected above the horizontal plane of the lamp centers; headlight bulbs shall not exceed 21 candlepower, and each vehicle shall also be provided with a rear light discernible at night not less than 60 feet to the rear of the vehicle.

(b) Every motor vehicle shall be provided with brakes adequate to control and stop and hold such vehicle, and shall be equipped with two independent braking devices. The foot or service brake shall be so adjusted as to enable the operator to bring the vehicle, when driven at a speed of 20 miles per hour, to a full stop within a distance of 25 feet. For each vehicle with a gross weight in excess of 7,000 pounds the foot or service brake shall be so adjusted as to enable the operator to make a full stop within 38 feet when the vehicle is driven at a speed of 20 miles per hour. Emergency brakes on motor vehicles shall enable the operators thereof to stop the vehicles in conformity with standards to be established and prescribed by the Chief of Police.

(c) Every motor vehicle, with the exception of motorcycles, shall be provided with a windshield wiper or cleaner which is in conformity with standards to be established and prescribed by the Chief of Police.

(d) Every motor vehicle shall be provided with a horn or other warning device in conformity with standards to be established and prescribed by the Chief of Police.

(e) Every motor vehicle shall be equipped with an efficient muffler attached to the exhaust pipe of said vehicle.

(f) Every motor vehicle with the exception of motorcycles, shall be equipped with a mirror in good condition and so placed and adjusted as to permit the operator to have a clear and unobstructed view of the road to the rear of the vehicle.

(g) The steering mechanism of every motor vehicle shall be adjusted so that the steering wheel play shall not exceed 15 degrees. The steering arms, tie rod and drag link shall be thoroughly and firmly secured.

To defray the expense of making the inspections provided for herein, a fee of Twenty-five (25¢) Cents, shall be charged for each certificate issued and said fee shall be paid by the person in charge of the vehicle at the time of application for inspection and issuance of the certificate.

SECTION 6:

SECTION 7: That from and after the passage of this ordinance, it shall be unlawful for any person to operate any motor vehicle as defined in Section 1 hereof upon the streets, highways or other public places of the City of Miami Beach, unless such person has applied for and procured a driver's license as hereinafter provided. The provisions of this section shall not apply, however, to any person while learning to operate a motor vehicle and accompanied by a licensed operator who shall be held responsible for the observance of all traffic rules and regulations by the person who is learning to operate said vehicle.

SECTION 8: Any person learning to drive a motor vehicle must first obtain a learner's permit from the Police Department.

SECTION 9: A driver's license to operate a motor vehicle as defined in Section 1 hereof shall be granted only after an application therefor has been duly made upon forms to be prescribed by the Police Department and after full and complete examination of the applicant as herein provided and after the approval of such application by the examining officer or officers designated to supervise said examination.

It shall be the duty of the Chief of Police  
SECTION 10: to designate one or more members of the Police  
Department to examine each applicant for said  
driver's license as to physical fitness and knowledge of the  
traffic laws of the City of Miami Beach and as to the ability of  
such applicant to operate a motor vehicle in compliance with the  
traffic rules and regulations prescribed by the City of Miami  
Beach. The examination of the physical condition of said appli-  
cant shall include a test of visual capacity and a determination  
of the existence of physical impairment which would prevent the  
proper operation of a motor vehicle. The standards of physical  
fitness to be met by each applicant for a driver's license shall  
be formulated and prescribed by the Chief of Police.

If such applicant shall demonstrate ability  
SECTION 11: to operate a motor vehicle in a reasonably  
safe and prudent manner and shall display to  
the satisfaction of the examining officer or officers substantial  
knowledge of the traffic rules and regulations of the City of  
Miami Beach the officer or officers shall approve the application  
and a driver's license to operate the type of motor vehicle de-  
scribed in the application shall be granted to said applicant  
upon payment of the fee hereinafter prescribed.

Whenever an application for a driver's license  
SECTION 12: is disapproved because the applicant has failed  
to pass the prescribed examination the examining  
officer or officers shall submit to the Chief of Police a written  
report stating the reasons for the disapproval of the application  
and the said written report shall be filed in the office of said  
Chief of Police.

A non-resident operator of a motor vehicle to  
SECTION 13: to whom a driver's license has been granted by  
a state or municipality which requires all per-  
sons to be examined as to fitness to drive and operate a motor  
vehicle in substantially the same respects as set forth herein,  
shall not be required to take the examination provided for in  
Section 10 hereof but said license granted by said state or  
municipality shall serve as sufficient authorization for the

issuance of a driver's license card by the City of Miami Beach upon payment of the fee hereinafter prescribed. Non-resident drivers shall be allowed 30 days within which to comply with the provisions of this ordinance.

SECTION 14: No license shall be granted to any person who is less than 16 years of age nor to any person who has been adjudged a lunatic or an habitual drunkard or drug addict.

SECTION 15: Each person to whom a driver's license is granted shall be issued a license card stating that a driver's license has been granted to the person named thereon. License cards shall be consecutively numbered and each license card shall contain the date of its issuance, the full name, residence, age, color, sex, height and weight of the person to whom it is issued and such other information as the Chief of Police may prescribe. Duplicate license cards to replace lost or mutilated cards shall be issued at the discretion of the Chief of Police.

SECTION 16: All licenses to operate motor vehicles shall expire on October 31st of each year and must be renewed annually on or prior to said date.

The renewal of a license shall not necessitate the taking and passage of another examination except at the discretion of the examining officer but shall involve the procurement of a new license card for the ensuing year

SECTION 17: Each person to whom a driver's license has been granted is hereby required, while operating a motor vehicle and upon the demand of any police officer of the City of Miami Beach, to present the driver's license card for the examination of said police officer.

SECTION 18: The municipal judge is hereby authorized and empowered to revoke any driver's license granted under the provisions hereof provided that the person to whom said license has been granted is convicted of violating a traffic regulation or traffic ordinance and provided further that, in the opinion of said judge, the revocation of said license is necessary in the interest of public safety. The Municipal Judge is also empowered to suspend a driver's license for a specified period in any case wherein said

Judge is of the opinion that the suspension rather than revocation of a license is warranted. Any person whose driver's license is suspended or revoked by the Municipal Judge shall surrender to the Court the driver's license card hereinbefore described and upon refusal so to do, shall be subject to the penalty hereinafter provided.

The following fees are hereby adopted and prescribed:

SECTION 19:

- (1) For each original license or renewal thereof . . . . . \$ 0.25
- (2) For each duplicate license card issued . . . . . 0.25

SECTION 20: Any persons adjudged to have been guilty of violating any of the provisions of this ordinance shall be liable to a fine of not to exceed Two Hundred (\$200.00) Dollars or to imprisonment not to exceed Sixty (60) days, or both fine and imprisonment.

SECTION 21: 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 22: This Ordinance is hereby declared to be an emergency measure on the ground of urgent public need for the preservation of peace, health, safety and property, and shall become effective from its passage and approval as such.

PASSED AND ADOPTED this 23rd day of October,

A. D., 1935.

*Baron De Hirsch Meyer*  
Vice-President of City Council

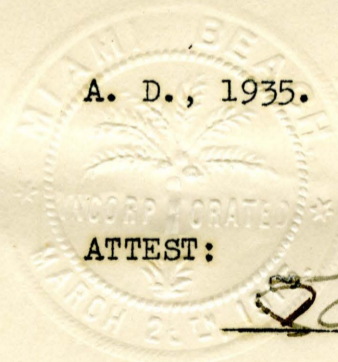
ATTEST:

*W. Tomlin*  
City Clerk

APPROVED BY ME THIS 23rd day of October, A. D., 1935.

*Louis F. Sridjar*  
Mayor


1st, 2nd and 3rd readings,  
October 23rd, 1935.  
Posted - October 25th, 1935.



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. 405 entitled "AN ORDINANCE REQUIRING ALL OWNERS OF MOTOR VEHICLES OPERATED IN THE CITY OF MIAMI BEACH, FLORIDA, TO PRESENT THEIR VEHICLES FOR SEMI-ANNUAL INSPECTION OF CERTAIN VEHICULAR EQUIPMENT, REQUIRING THE OWNERS OF SAID MOTOR VEHICLES TO COMPLY WITH THE REQUIREMENTS SET FORTH IN THIS ORDINANCE, PROVIDING MINIMUM STANDARDS FOR CERTAIN EQUIPMENT ON MOTOR VEHICLES, PROVIDING A FEE FOR THE INSPECTION OF SAID MOTOR VEHICLES, REQUIRING ALL DRIVERS OF MOTOR VEHICLES IN THE CITY OF MIAMI BEACH TO SECURE DRIVERS' LICENSES, PROVIDING FOR THE GRANTING, REVOCATION AND SUSPENSION OF SAID DRIVERS' LICENSES, PRESCRIBING REGULATIONS TO BE OBSERVED BY ALL DRIVERS, PROVIDING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE, AND DECLARING AN EMERGENCY TO EXIST," 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 25th day of October, A. D., 1935, 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 November, A. D., 1935.

  
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City Clerk



(Original)  
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