

*Original*

ORDINANCE NO. 371

AN ORDINANCE CREATING THE BOXING COMMISSION OF THE CITY OF MIAMI BEACH FOR THE REGULATING AND SUPERVISING OF PUGILISTIC, WRESTLING OR OTHER SIMILAR PUBLIC EXHIBITIONS, PROVIDING FOR PERMITS FOR THE PROMOTING AND CONDUCTING OF SUCH EXHIBITIONS AND THE GRANTING OR DENYING OF SUCH PERMITS BY THE COMMISSION, AND PROVIDING FOR A PENALTY FOR VIOLATING THE TERMS OF SAID ORDINANCE.

WHEREAS, it is deemed necessary in the interests of the public welfare, that all pugilistic, boxing, wrestling or similar public exhibitions held in the City of Miami Beach be regulated and supervised so that such exhibitions shall hereafter be held under prescribed rules and regulations by persons adequately qualified to conduct same;

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

Section 1. DEFINITIONS:

"Exhibitions" shall include any show, encounter, fight or match, with or without gloves, commonly considered boxing or wrestling match, the same being voluntary between two or more persons for money, prizes of any character, points, or fame, or any other thing of value, or upon the result of which any money or thing of value is bet or wagered, whether admission fees are charged or not, directly or indirectly.

"Person" shall include a natural person, a corporation created under the laws of this or any other State, a partnership, association or a joint stock company.

"Promoter" shall include any person or persons, association or corporation engaged in advertising, encouraging, promoting or bringing about an exhibition in the City of Miami Beach.

SECTION 2. A Commission is hereby created to be known as the Boxing Commission of the City of Miami Beach, whose duty it shall be to administer and provide for the enforcement of all the provisions of this ordinance. Said Commission shall consist of three members to be appointed by the City Council of the City of Miami Beach, any two of whom shall constitute a quorum. They shall serve during the pleasure of the City Council. Said Commission shall have its office in the City Hall in the City of Miami Beach, and in rooms to be provided by the City for that purpose, and all of its records shall be there kept. Said Commission shall hold meetings upon such days as may be determined on by the Commission and may hold special meetings upon the call of the Chairman or any two members. It shall keep a complete record of all its meetings, all its acts and all the business it transacts, and may prepare all necessary regulations and blank forms for the conducting of its business.

The Commission may employ from time to time such clerks and employees as are necessary for the administration of this ordinance and shall pay salaries to such clerks and employees only out of such funds as said Commission may procure as hereinafter provided. The Commission and each of the members shall take and file the oath of office prescribed by law.

The Commission shall report to the City Council of the City of Miami Beach annually the work during the preceding year.

SECTION 3. The said Commission shall regulate and supervise and have jurisdiction over all pugilistic, boxing, wrestling or similar public exhibitions in the City of Miami Beach and no person or persons shall advertise, encourage, promote or engage in any such exhibition, directly or indirectly, without having first obtained a permit for the holding of such exhibition from said Commission as hereinafter provided.

SECTION 4. A. APPLICATION:

No permit shall be issued by the Boxing Commission unless application therefor shall be first filed with said Commission in writing and filed with said Commission on or before five days prior to the date on which any such exhibition is intended to be held. Such application shall be upon forms prescribed by the Commission for that purpose, and signed by the person or persons intending to conduct or promote such exhibitions; if the applicant is a corporation, the application shall be signed in the corporate name by the President thereof; if the applicant is a partnership or association the application shall be signed by a member of such partnership or association.

B. APPLICATION, SWORN TO:

The application for permit must be duly sworn to by the applicant, certifying to the truth of the statements therein contained.

C. APPLICATION, CONTENTS:

The application shall contain the following information, to-wit:

- (a) The name, age and residence of the applicant.
- (b) The length of time said applicant has resided or done business in the City of Miami Beach.
- (c) Whether the applicant intends to promote said exhibition for himself or for others.
- (d) If applicant is not alone in the promoting of said exhibition he shall give the names and addresses of each and everyone of his other associates in connection with said exhibition.
- (e) If applicant is a corporation or partnership the names of all stockholders and partners shall be set forth in full and the interest of each.
- (f) A financial statement shall be given by the applicant from which the Commission may determine the financial responsibility of the applicant.
- (g) The exact time, day and hour of the day, when said exhibition is intended to be held.
- (h) The exact place where said exhibition is intended to be held.
- (i) The names of the contestants intended to be engaged in said exhibition, together with information as to the amount of money or guarantee each contestant is to receive or has been promised.

The Commission may require the applicant to submit any other and further information it may in its judgment deem necessary to enable it to ascertain the merits of such application.

At the time of the filing of the application with the Commission as aforesaid, the applicant shall pay to the Commission a fee of \$5.00, which fee shall be deposited in a fund belonging to said Commission for the purpose of paying its administrative expenses.

SECTION 5. PERMIT:

After the filing of said application with said Commission, it shall be the duty of said Commission to consider and determine the merits of said application at a regular or special meeting held for that purpose; if upon examination of said application, the commission shall find that the applicant is of good moral character and financially able to promote said exhibition, that the time is satisfactory and the place of holding said

exhibition has been approved by the City Council of the City of Miami Beach and is in conformity with the Zoning Ordinance of said City and that the said exhibition is not against the public welfare and that the contestants are properly matched and are in sound physical condition at the time of the contest, then a permit may be issued by said Commission to such applicant to promote and carry out said exhibition. But every such permit issued to such applicant shall be subject to any and all rules and regulations made by said Commission. No permit shall be issued except as herein provided.

The Commission may issue a permit for the holding of such exhibitions upon such terms and conditions as may be prescribed by it, and may in its discretion, change or modify such conditions from time to time, and may in its discretion, withdraw or cancel any permit already issued upon proper cause.

SECTION 6. BOND:


After the Commission has acted favorably upon any application, but before such permit is issued, said applicant shall furnish to the City of Miami Beach a surety company bond, or a property bond with two good and sufficient sureties, owning real property in the City of Miami Beach, in an amount to be fixed and determined by the Commission and City Attorney at the time of granting said permit, said bond to be conditioned upon such terms and conditions as may be fixed and determined by said Commission, particularly upon the condition of the faithful holding and carrying through of the exhibition intended to be staged or promoted by said applicant or the return by said applicant of all moneys received by said applicant in the sale of tickets or otherwise, in connection with the said exhibition. Upon the issuance of said permit, the applicant shall pay to said Commission a fee of \$1.00.

SECTION 7. All exhibitions as hereinabove defined and all persons in any wise connected with, interested in or participating in any such exhibitions shall be subject to the rules and regulations and decisions of said Commission as it shall from time to time prescribe for the conduct of such exhibitions, subject to the approval of the City Manager of the City of Miami Beach.

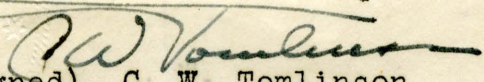
SECTION 8. Any person or persons violating any of the provisions of this ordinance or holding any exhibition without a permit as herein provided, or selling tickets for any such exhibition for which no permit has been applied for, or which exhibition is not actually held, shall, upon conviction in a Court of proper and competent jurisdiction, be fined not more than Two Hundred (\$200.00) Dollars, or by imprisonment not exceeding sixty days, or both, in the discretion of the Court.

SECTION 9. If any paragraph or section, clause, or phrase of this ordinance be held unconstitutional, such unconstitutionality of such paragraph, section, clause or phrase shall not affect the validity of the remaining sections or portions of this ordinance which are constitutional.

PASSED AND ADOPTED this 25th day of January, A. D., 1935.

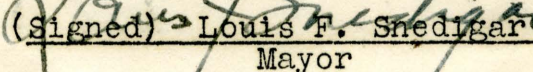
  
(Signed) Baron De Hirsch Meyer  
Vice-President of City Council

ATTEST:

  
(Signed) C. W. Tomlinson  
City Clerk

(SEAL)

APPROVED BY ME this 25th day of January, A. D., 1935.

  
(Signed) Louis F. Snedigar  
Mayor

1st Reading, November 9th, 1934.  
2nd Reading, November 9th, 1934.  
3rd Reading, January 25th, 1935.  
Posted - January 26th, 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. 371 entitled "AN ORDINANCE CREATING THE BOXING COMMISSION OF THE CITY OF MIAMI BEACH FOR THE REGULATING AND SUPERVISING OF PUGILISTIC, WRESTLING OR OTHER SIMILAR PUBLIC EXHIBITIONS, PROVIDING FOR PERMITS FOR THE PROMOTING AND CONDUCTING OF SUCH EXHIBITIONS AND THE GRANTING OR DENYING OF SUCH PERMITS BY THE COMMISSION, AND PROVIDING FOR A PENALTY FOR VIOLATING THE TERMS OF SAID 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 26th day of January, A. D., 1935, and that said ordinances 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 12th day of March, A. D., 1935.

  
City Clerk



(ORIGINAL)

RESOLUTION NO. 371

CREATING BOXING  
COMMISSION