

ORDINANCE NO. 252

ORDINANCE OF THE TOWN OF WEST MIAMI AMENDING ORDINANCE NO. 237, BY REGULATING AND LICENSING PERSONS DISTRIBUTING NEWSPAPERS AND NON-COMMERCIAL HANDBILLS AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, Ordinance No. 237, known as the "West Miami Anti-Litter Ordinance" permits the distribution of newspapers and non-commercial handbills upon private premises and from door to door, and

WHEREAS, persons distributing such material frequently go upon the premises of residents of the Town without invitation, and

WHEREAS, it is necessary for the protection, safety and welfare of the residents of the Town that such persons be registered with the Town authorities and their character and references be verified by proper officers of the Town,

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF WEST MIAMI:

Section 1. Ordinance 237 be and is hereby amended by adding thereto as Section 14.1 the following:

"14.1 Licensing of Persons Distributing Newspapers and Non-Commercial Handbills.

a. It shall be unlawful for any person to distribute any newspaper, as herein defined, or any non-commercial handbill, as herein defined, within the corporate limits of the Town of West Miami, Florida, without first obtaining a permit and license therefor as provided herein, except as hereinafter provided.

b. It shall be unlawful for any person to cause the distribution of newspapers or non-commercial handbills within the corporate limits of the Town of West Miami by a person or persons not licensed as provided herein, except as hereinafter provided.

c. Insofar as persons delivering newspapers or non-commercial handbills to residents by reason of bona fide paid subscriptions thereto go upon the premises of such residents by invitation of the residents this Ordinance shall not be applicable to such persons.

d. Applicants for permit and license under this Ordinance must file with the Mayor a sworn application in writing (in duplicate) on a form to be furnished by the Mayor, which shall give substantially the following information:

1. Name and description of the applicant;
2. Address (Legal and local);
3. A brief description of the newspaper or non-commercial handbill to be distributed.
4. If employed, the name and address of the employer, together with credentials establishing the exact relationship;
5. The length of time for which the right to distribute newspapers or non-commercial handbills is desired;
6. If a vehicle is to be used, a description of the same, together with license number or other means of identification;
7. Two prints of photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;
8. The fingerprints of the applicant and the names of at least two reliable property owners of the County of Dade, State of Florida, who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
9. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance excepting traffic violations, the nature of the offense and the punishment or penalty assessed therefor;

10. If the applicant is a voluntary distributor of non-commercial handbills published by the applicant for distribution without charge, or published by a non-profit organization for distribution without charge no fee shall be required. If the applicant is a paid distributor of newspapers or non-commercial handbills a fee of \$3.50 shall be paid by the applicant to the Mayor to cover the cost of investigation.

e. Upon receipt of such application, the Mayor shall cause such investigation of the applicant's moral character to be made as shall be necessary for the protection of the public good.

f. If as a result of such investigation the applicant's character is found to be such that it would be contrary to the interests of the residents of the Town to issue a permit to such applicant, the Mayor shall endorse on such application disapproval and reasons for the same, and shall notify the applicant that his application is disapproved and that no permit and/or license will be issued.

g. If as a result of such investigation, the character of the applicant is found to be such that the welfare of the residents of the Town would not be adversely affected by the issuance of the permit, the Mayor shall endorse approval on the application, execute a permit addressed to the applicant and upon payment of the prescribed license fee, if any is required, deliver to the applicant his permit and license, if a license is required. Licenses and permits issued shall contain the signature and seal of the issuing officer and shall show the name and address of the person to whom issued, the amount of fee paid, if any, the date of issuance and the length of time the same shall be operative, as well as the license number and the other identifying description of any vehicle to be used. The Mayor shall keep a permanent record of all licenses and permits issued.

h. In addition to the application fee provided above, persons who are required to pay such fee shall in addition pay a license fee of 50¢ per week, or \$2.00 per month, or \$20.00 per year; provided, however, that where one or more persons are engaged in the delivery of newspapers or non-commercial handbills of one publisher under the supervision of one person, only the supervisor shall be required to pay the license fee herein provided. In such event all persons working under such supervisor must obtain a permit as herein provided.

i. For the purpose of this ordinance any period of seven (7) calendar days or less shall be considered one week; any period of more than seven (7) calendar days and not more than thirty (30) calendar days shall be considered one month; any period of more than thirty (30) calendar days and not more than one calendar year shall be treated as a year. The annual fees herein provided for shall be assessed on a yearly basis commencing April 1st of each year and on and after October 1st the amount of the fee for such annual licenses shall be one-half the amount stipulated for the remainder of the year.

j. Licenses issued hereunder may be renewed upon payment of fees required by this ordinance.

k. The Mayor shall issue to each licensee and permittee at the time of delivery of his license and/or permit an identification card. The identification card shall bear the words "Registered Distributor", a photograph of the distributor, the period for which the license or permit is issued, and the number of the license or permit, in letters and figures plainly discernible. Such identification

card shall be worn constantly by the distributor on the front of his outer garment in such a way as to be conspicuous during such time as he is engaged in distributing newspapers or non-commercial handbills within the limits of the Town of West Miami.

1. No license, permit, or identification card issued under the provisions of this ordinance shall be used or worn at any time by a person other than the one to whom it was issued.

m. Persons holding licenses and permits issued pursuant to this ordinance are required to exhibit their licenses or permits at the request of any resident or police officer of the Town within the corporate limits of the Town.

n. It shall be the duty of any police officer of the Town of West Miami, Florida, to require any person seen distributing newspapers or non-commercial handbills, and who is not known by such officer to be duly licensed or registered, to produce his license or permit and to enforce the provisions of this ordinance against any person found to be violating the same.

o. The Chief of Police shall report to the Mayor all convictions for violation of this ordinance and the Mayor shall maintain a record for each license and permit issued and record the reports of violation therein.

p. All annual licenses issued under the provisions of this ordinance shall expire on the 31st day of March following date of issue. Other than annual licenses shall expire on the date specified in the license.

q. Violation of any of the terms of this ordinance or ordinance 237 and amendments, thereto, or conviction of a felony or a crime of moral turpitude, shall be grounds for revocation of the permits and licenses issued pursuant to this ordinance."

Section 2. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Five Hundred Dollars, or be imprisoned in the Town jail not exceeding sixty days, or by both such fine and imprisonment.

Section 3. This Ordinance repeals all ordinances or parts of ordinances in conflict herewith.

Section 4. If any provision or portion of this Ordinance shall be declared to be invalid the remaining portion shall not be affected, but shall remain in full force and effect.

PASSED AND ADOPTED this 17th day of September, 1963.

ATTEST:

VICE

James W. Knicker
President of the Town Council

Bessie Logan
Town Clerk

APPROVED:

Mayor

Became law October 2, 1963
without Mayor's signature.