

A BILL

FOR AN ACT REPEALING CHAPTER SIX, TITLE TEN OF THE CODE OF 1873, AND ALL AMENDMENTS THERETO, AND ENACTING IN LIEU THEREOF A PROVISION FOR LEVYING A TAX UPON THE OCCUPATION OF DEALING IN INTOXICATING LIQUORS, PROVIDING FOR THE COLLECTION THEREOF, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That chapter six, title eleven of the Code of 1873, and all amendments thereto relating in any manner to the sale of intoxicating liquors, and the following enacted in lieu thereof :

SEC. 2. That for the purposes of this act the board of supervisors of each county in the State shall have the sole authority to issue permits under this act.

SEC. 3. Any person desiring to obtain a permit to sell intoxicating liquors under this act must file with the county auditor an application in writing, under oath, ten full days prior to any regular session of the board of supervisors of the county in which he seeks to carry on the business, setting forth the place where he intends and desires to transact such business with particularity, and that he has not been convicted of a felony within the jurisdiction of the United States, and that he has never been convicted of violating any of the provisions of this act. He must also file at the same time and place a petition signed by a majority of the legal voters of the ward in which he proposes to carry on such business, if in a city which is sub-divided into wards, and if in an incorporated town not so divided, then said petition shall contain the signatures of a majority of the legal voters of such incorporated town, and if in a township outside of any city or incorporated town, then said petition shall be signed by a majority of the legal voters of said township outside of any such city or incorporated town. Said petition must recite that the applicant is a man of good moral character and of temperate habits; he shall also file with said application and petition a good and sufficient bond to be approved by the board of supervisors in the penal sum of three thousand dollars (\$3,000), conditioned, that if a permit be issued to the applicant that he will well and truly observe and obey all the conditions of this act, and for the payment of all fines and judgments and costs which may be adjudged against said applicant for the violation of any of the provisions of this act. The question as to whether the petition above provided for does contain the signature of a majority of the legal voters of the

21 ward, incorporated town, or township, shall be decided by the poll books of the last preced-
22 ing election. Said applicant shall publish in the newspaper published nearest to the place
23 where he proposes to carry on such business, a copy of his application, coupled with a
24 notice, stating at what place and on what date he will present his application to the board
25 of supervisors for their action. That said publication shall be at least five days prior to the
26 day fixed in the notice for the hearing before the board of supervisors. Any citizen of any
27 such ward, incorporated town or township may appear before the board of supervisors at
28 the time fixed and contest upon sworn pleadings any of the allegations required, to be in
29 either said application, petition or bond. And if the board of supervisors find any of such
30 allegations to be untrue, they shall refuse to grant the permit: but if no such contest is
31 made, or if made is not sustained, they shall issue such permit, providing the applicant has
32 complied with all of the requirements of this act and paid to the county auditor the tax
33 as fixed under the provisions of this act.

SEC. 4. That before any permit shall be issued under this act for the sale of intoxicating
2 liquors, the common council of any city, the trustees of any incorporated town, or the town-
3 ship trustees of any township, shall submit to the legal voters of such city, town, or township
4 at either a general or special election the question: Shall the price of such permit be two
5 hundred and fifty or five hundred, or seven hundred and fifty or one thousand dollars, and
6 the proposition receiving the largest number of votes, at such election, shall be the estab-
7 lished price for such permits, until such time as said amount shall be changed at a general
8 election, but no permit shall be issued for less than two hundred and fifty or more than one
9 thousand dollars and no change shall be made except in the above ratio, it shall be the
10 duty of the common council of any city, or trustees of any incorporated town, or township
11 trustees of any township, to call a special election for the purpose of establishing the price
12 of such permits, whenever there shall be filed with them a petition signed by one-fifth of all
13 the legal voters of such city, incorporated town or township, asking that a special election
14 be called to submit such question to the voters. After the price of such permits has been
15 fixed by such election, the question of increasing or diminishing the amount so established
16 shall not be submitted to the voters of such city, incorporated town or township within two
17 years thereafter, and no proposition to change the price of such permits after the same has
18 been fixed by a vote, shall be submitted in less time than two years from the last preceding
19 election, at which a proposition to change the price of such permits has been voted upon
20 whenever said question is to be submitted to the voters of any city, incorporated town or
21 township at any election as herein provided it shall be the duty of the mayor or trustees, as
22 the case may be, to give notice of such election and the propositions to be submitted by pro-
23 clamation to be published in one newspaper published within such city, incorporated town
24 or township if there be one, but if there be no such paper so published they shall give pub-

25 licity to said proclamation by posting printed copies thereof in at least twenty public
 26 places within the limits of such city, incorporated town or township, if by publication in a
 27 newspaper, the first insertion must be at least four weeks prior to the date of holding such
 28 election and continue one insertion each week up to the election; and if by posting, then
 29 such posting must be done at least four weeks prior to the date of such election and proof of
 30 such posting must be shown by affidavit. Whenever any of the propositions provided for
 31 under and by this act is submitted to the voter to be voted upon, the officers conducting the
 32 election shall provide a separate box in which all ballots voted under the provisions of this
 33 act shall be deposited, and said ballots shall be detached and separate from any other ballots
 34 or proposition and shall read: For a liquor tax.....dollars; or against a liquor tax
 35dollars.

SEC. 5. It shall be the duty of the city council or trustees of any incorporated town or
 2 trustees of any township, as the case may be, in which any such election has been held to
 3 certify the result thereof to the board of supervisors within five days after the canvass has
 4 been completed, but no such vote shall in any way affect a permit then in force for the term
 5 for which it has been issued and paid for.

SEC. 6. All permits issued under this act shall terminate on the first Monday in April
 2 after its issuance provided that any person who has been granted a permit under this act
 3 for a period of six months or less preceding such first Monday in April shall be allowed to
 4 continue under such permit for one year additional after such first Monday in April with-
 5 out renewing his application and bond therefor upon paying the amount of the tax in oper-
 6 ation at such time.

SEC. 7. The tax collected by the county auditor under this act shall be paid by him to
 2 the county treasurer who shall apportion and credit the same as follows: One-third
 3 of all the tax collected for permits used in any city or incorporated town to the general
 4 county fund and the remaining two-thirds to such city or incorporated town. And all
 5 sums collected for permits used in any township shall be paid to such township for the sole
 6 use and benefit of the school fund.

SEC. 8. If any person shall either sell or give away intoxicating liquors, except as pro-
 2 vided in this act, shall be deemed guilty of a misdemeanor and upon conviction thereof
 3 shall be fined not less than twenty-five nor more than two hundred and fifty dollars or be
 4 imprisoned in the county jail not less than thirty days nor more than six months, or both
 5 fined and imprisoned.

SEC. 9. Any person except a registered pharmacist who shall either sell or give any in-
 2 toxicating liquors to any habitual drunkard or to any person in an intoxicated condition or
 3 to any insane person or idiot or to any person under twenty-one years of age shall be
 4 deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than

5 one hundred or more than five hundred dollars or be imprisoned not less than one nor
6 more than six months or both such five and imprisonment.

SEC. 10. This act shall in no wise apply to registered pharmacists or persons doing busi-
2 ness under the pharmacy law of this State.

SEC. 11. All contracts and reference to the sale of intoxicating liquors under this act
2 shall be valid except when sold or given away in violation of the provisions of this act,
3 when they shall be void. All costs accruing under this act shall be paid by the applicant
4 except in case where the facts set out in his application and petition are contested in which
5 case they shall be paid by the party defeated in said contest.

SEC. 12. All acts or parts of acts inconsistent with this act are hereby repealed.