

Reported Recommending .....  
Ind. Postponed .....  
Passed Senate .....  
Failed to Pass Senate .....  
Passed House .....  
Failed to Pass House .....

Senate File 211

February 5, 1947.  
Passed on File.

By JUDICIARY II.

## A BILL FOR

An Act to suppress the increasing abuse of unlicensed and unregulated sales of alcoholic liquor by an exercise of the police power of the State for the protection of the welfare, health, morals and the safety of the people of the State by licensing and regulating the sale of wine and spirits by reputable persons in cities and towns under local conditions; and to amend Chapter One Hundred Twenty-three (123), Code 1946, relating to the sale and control of liquor and for the promotion of temperance, and to provide for the issuance by cities and towns of licenses to sell wine and spirits for consumption on the premises where sold in said cities and towns; limiting the authority to issue such licenses to cities and towns having a population of less than ten thousand inhabitants, unless a petition therefor is properly signed and filed; providing for a mulct tax against those to whom licenses are issued; levying a tax on all wine and spirits purchased for sale under such licenses; authorizing the State Liquor Control Commission to issue licenses to golf and country clubs located outside of cities and towns under certain conditions; defining the classes of licenses to be issued; prescribing who may obtain licenses and the conditions relating to the issuance of licenses; providing regulations of licensees and the premises covered by such license; providing regulation of licensed premises; providing for the filing of bonds by licensees; providing for revocation of license and forfeiture of bonds; and authorizing cities and towns to adopt ordinances further regulating the sale of wine and spirits.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. That Chapter One Hundred Twenty-three  
2 (123), Code 1946, is amended by adding thereto the  
3 following:

1 Sec. 2. Cities and towns, including cities under  
2 special charter, having a population of 10,000 or more  
3 inhabitants according to the most recent federal census,  
4 may adopt ordinances regulating the sale of wine and  
5 spirits at retail and may issue licenses to persons  
6 for the sale of wine and spirits at retail, subject  
7 to the regulations hereinafter set forth. The authority  
8 herein given shall be deemed to be permissive and not  
9 mandatory.

1 Sec. 3. Cities and towns, including special  
2 charter cities having a population of less than 10,000  
3 inhabitants according to the most recent federal census,  
4 may adopt such ordinances and issue such licenses only  
5 if a written statement of general consent that wine  
6 and spirits may be sold at retail by licensed persons  
7 in such city or town, signed by not less than 51% of  
8 the voters residing in such city or town, voting at  
9 the last preceding general election as shown by the  
10 poll list of said election is filed with the city  
11 or town council. Such statement shall show the  
12 voting precinct of the signers thereof, the date  
13 of signing, and no name shall be counted that was

14 not signed within thirty days prior to the filing  
15 of said statement. The signing of the name of  
16 another to any such statement shall be punishable  
17 as forgery, and every such statement shall be  
18 accompanied by the affidavit of some reputable  
19 citizen showing that said person personally witnessed  
20 the signing of each name appearing thereon, and any  
21 false statement contained in such affidavit shall be  
22 punishable as perjury. All provisions of law  
23 relating to the bribery of voters are hereby made  
24 applicable to the bribery of signers to any such  
25 statement of general consent. The authority herein  
26 given shall be deemed to be permissive and not  
27 mandatory.

1 Sec. 4. All statements of general consent filed  
2 with the city or town council shall be publicly  
3 canvassed by such city or town council, at a regular  
4 meeting, at least ten clear days notice of such  
5 intended canvass having been previously published in  
6 some newspaper of general circulation published in  
7 such city or town, or if no such newspaper is published  
8 in such city or town, then in some newspaper of general  
9 circulation published in the County in which such city  
10 or town is located. Every such statement of general  
11 consent shall be open to inspection by any citizen  
12 of the city or town prior to the time of such canvass,

13 at which time any citizen of the city or town may  
14 object to the legality or sufficiency of the  
15 statements of general consent or to the qualifications  
16 of any person whose name appears thereon, or to any  
17 alleged irregularities in the signing or filing of  
18 any statement of general consent. The finding of  
19 the council with respect to such canvass shall be  
20 effectual for the purposes herein contemplated until  
21 such general consent is revoked as hereinafter provided.

1 Sec. 5. If the council shall find the statements  
2 of general consent sufficient, any citizen of such  
3 city or town may, within twenty days thereafter, file  
4 an appeal in the District Court together with a bond  
5 for costs in an amount to be fixed by the Clerk of  
6 said Court. Upon the filing of such appeal the Clerk  
7 of the District Court shall notify the County Attorney,  
8 and the County Attorney shall thereupon cause notice  
9 of said appeal to be served upon the council and upon  
10 the person or persons filing the statement of general  
11 consent with the council. Such notice shall be served  
12 in the same manner as is provided for the service of  
13 original notices. Within ten days from the service of  
14 such notice upon the person or persons filing the  
15 statement of general consent such person or persons  
16 shall file with the Clerk of the District Court a  
17 bond conditioned to pay the costs of the hearing in

18 the District Court, in a sum to be fixed by the Clerk  
19 of said Court. If such bond be filed, then the city  
20 or town clerk shall certify the statement of general  
21 consent and all papers and records to the District  
22 Court, where the matter shall be tried de novo, the  
23 County Attorney appearing for the State, but if  
24 no bond be filed, then the findings of the council  
25 shall be considered as set aside and void.

26 Pending appeal no license shall be issued in  
27 the city or town.

1 Sec. 6. Any statements of general consent  
2 shall be revoked, and all ordinances adopted  
3 pursuant thereto shall be repealed, if after two  
4 years from the adoption of any such ordinance, a  
5 statement of revocation is filed with such city or  
6 town council signed by not less than 50% of the  
7 voters residing in such city or town, voting at  
8 the last preceding general election as shown by  
9 the poll list of said election. All provisions  
10 herein applicable with respect to statements of  
11 general consent, including proceedings in relation  
12 thereto, shall be applicable to statements of  
13 revocation. Thereafter no new statements of general  
14 consent shall be considered by the council until  
15 two years have elapsed from such general revocation.  
16 All licenses in effect at the time of such

17 revocation shall continue only for the balance of  
18 the period for which such licenses are issued, and  
19 such ordinances shall remain in effect only until  
20 such licenses shall have expired.

1 Sec. 7. After it has been determined that  
2 licenses for the sale of wine and spirits at retail  
3 may be issued in any city or town, the council  
4 shall have the authority to establish districts by  
5 ordinance, limiting and defining the area, or areas,  
6 within which such licensed businesses may be conducted  
7 and for which applications for licenses may be received.  
8 It shall be unlawful to carry on any such licensed  
9 business outside the areas thus established.

1 Sec. 8. Licenses for the retail sale of wine  
2 and spirits shall be of the following classes:

3 (a) A Class "A" license may be issued to a  
4 person authorizing such licensee to carry on the  
5 business of selling wine and spirits at retail for  
6 immediate consumption upon the premises where said  
7 business is carried on.

8 (b) A Class "B" license may be issued to any  
9 club authorizing such club to sell at retail and  
10 serve wine and spirits to club members and their  
11 guests for immediate consumption upon the premises.  
12 A club shall mean an association of persons incorporated  
13 under the provisions of Chapter 504 as a corporation

14 not for pecuniary profit for the promotion of some  
15 common object, owning, hiring or leasing a building  
16 or space in a building suitable and adequate for the  
17 reasonable and comfortable use and accommodations of  
18 its members and their guests, and provided for suitable  
19 and adequate kitchen and dining room space and equipment,  
20 implements and facilities and employing a sufficient  
21 number of servants or employees for cooking, preparing  
22 and serving food and meals for its members and their  
23 guests. Such club obtaining a license shall file with  
24 the council annually, within ten days of February 1st  
25 of each year, a list of the names and addresses of its  
26 members. No license shall be issued to any club which  
27 has not been in existence for at least one year prior  
28 to its application for a license.

29 (c) The Commission may issue a "Special Club"  
30 license to any golf and country club located within  
31 ten miles of any city or town in which Class "A" or  
32 "B" licenses are issued when such club maintains a  
33 regulation nine or eighteen hole golf course for the  
34 use of its members and guests. All provisions of  
35 this act applicable and not inconsistent with the  
36 provisions of this subsection shall apply to the  
37 issuance of such license. The amount of the mulct  
38 tax levied against the licensee shall be Five Hundred  
39 Dollars and payable to the Commission. A tax of 5%

40 of the purchase price of all wine and spirits purchased  
41 by any such licensee shall be added to the purchase  
42 price by the Commission. The Commission shall adopt  
43 rules and regulations with respect to the issuance  
44 of such licenses not inconsistent with the provisions  
45 of this act.

1 Sec. 9. No license shall be issued to any person  
2 who is an official or employee of the city or town.  
3 It shall be unlawful for any such official or employee  
4 to own, hold or have any interest directly or indirectly  
5 in any such license or licensed business.

1 Sec. 10. Applications for license shall be sworn  
2 to and shall be on a form to be prepared by the commission  
3 and shall include the following information:

4 (a) The name, age and citizenship and place of  
5 residence of the applicant.

6 (b) A description and location of the premises  
7 where the applicant proposes to operate giving a  
8 detailed drawing and floor plan of the premises or  
9 portion thereof which the license is to include.

10 (c) The name of the owner of the premises  
11 where the applicant proposes to operate.

12 (d) Statement as to whether applicant has  
13 ever been a party to litigation involving violations  
14 of any liquor laws.

15 (e) A statement as to whether applicant has

16 ever been convicted of a violation of any state or  
17 federal law.

18 (f) A statement of the applicant's occupations,  
19 including location thereof during the preceding  
20 twenty years.

21 (g) A complete disclosure and statement of  
22 names of all persons having any financial interest  
23 in said proposed business, either directly or indirectly,  
24 whether secured or not.

25 The discovery of a false statement in any  
26 application shall be grounds for the revocation of  
27 any license issued pursuant thereto.

1 Sec. 11. Upon the filing of the application the  
2 council shall fix a date for hearing thereon, which  
3 shall be not earlier than fifteen days from the filing  
4 of such application, and the applicant shall give at  
5 least ten days public notice of the time and place of  
6 such hearing by publication in a newspaper in the city  
7 or town, and if no newspaper is published in said city  
8 or town then in some newspaper of general circulation  
9 published in the County in which such city or town is  
10 located. The council shall give full hearing to all  
11 objections to the issuance of any license.

1 Sec. 12. Said application shall be filed with  
2 the council and be accompanied by a bond in the penal  
3 sum of Three Thousand Dollars providing for a

4 forfeiture thereof in the event of a revocation  
5 of the license by order of Court resulting from  
6 a violation of any of the liquor laws of the State  
7 of Iowa, or of any ordinance relating to the sale  
8 of wine and spirits as herein provided. Said bond  
9 shall also be conditioned upon payment by the  
10 applicant of all license fees, taxes or other charges  
11 imposed for the operation of said business.

1 Sec. 13. The council may either approve or  
2 disapprove any application. No application shall  
3 be approved until the council has made a thorough  
4 investigation and finds that the applicant is of a  
5 good moral character and that the applicant's place  
6 of business and the premises within which he proposes  
7 to operate conform to all the laws of the State of  
8 Iowa and all of the health and fire regulations  
9 applicable thereto, and to the ordinances of such  
10 city or town relating thereto.

1 Sec. 14. Licenses shall be for a period of one  
2 year, commencing on the 1st day of July and ending on  
3 June 30th following, unless sooner revoked. Provided,  
4 however, that a license may be issued for the remainder  
5 of any fiscal year and the mulct tax hereinafter  
6 provided shall be pro-rated.

7 Before any such license shall be issued a mulct  
8 tax shall be levied against the licensee in such amount

9 as the council may determine, but not in excess of the  
10 following maximum amounts: In cities and towns of ten  
11 thousand population or more for a class "A" license,  
12 Fifteen Hundred Dollars, and for a class "B" license,  
13 Seven Hundred Fifty Dollars; and in cities and towns  
14 with a population of less than ten thousand for a  
15 class "A" license, One Thousand Dollars, and for a  
16 class "B" license, Five Hundred Dollars.

17 The mulct tax levied by the council in each city  
18 or town shall be uniform for each class or license  
19 within such city or town.

1 Sec. 15. A record of each license as issued  
2 shall be certified by the council to the commission  
3 and the commission shall keep a record of all licenses  
4 issued. The form of license shall be prescribed by  
5 the commission and no license shall be issued except  
6 in the form thus prescribed. The proceeds of the  
7 mulct tax shall go to the general fund of the cities  
8 and towns and be treated in all particulars as other  
9 revenue.

1 Sec. 16. The commission shall sell wine and  
2 spirits at wholesale to the licensees, under such  
3 uniform wholesale prices as it may establish. No  
4 licensee shall purchase wine or spirits from any  
5 other source than the commission, nor shall any  
6 licensee own or process any wine or spirits except

7 such as are purchased from the commission.

1     Sec. 17. There is hereby levied a sales tax  
2 of five per cent of the purchase price on all wine  
3 and spirits purchased by licensees. The commission  
4 shall add the amount of said tax to the purchase  
5 price of such wine and spirits and collect the same  
6 when such purchases are made. The amount of said tax  
7 shall be credited to the general fund of the several  
8 incorporated cities and towns of the state. The  
9 state treasurer shall apportion the amount of  
10 said tax among the incorporated cities and towns  
11 of the state in the ratio that the population of  
12 each such city or town bears to the total population  
13 of all such cities and towns of the state as shown  
14 by the latest federal census, and shall on the first  
15 day of each month remit to the city clerk of each  
16 such city or town the amount so apportioned to the  
17 general fund and shall be treated in all particulars  
18 as other revenue.

1     Sec. 18. In addition to the regulations  
2 prescribed by ordinance, every licensee shall be  
3 subject to the following regulations:

4     (a) No wine or spirits shall be sold except  
5 for consumption upon the premises described in detail  
6 in the application of the licensee.

7     (b) All wine and spirits shall be purchased

8 from the commission and after delivery by the  
9 commission shall be kept by the licensee only at his  
10 place of business and must at all times be kept in  
11 the original bottles in which it is received from  
12 the commission, until sold for immediate consumption.

13 (c) . No licensee shall have in his possession or  
14 knowingly allow any other person to bring upon the  
15 premises any wine or spirits, except as provided in  
16 the preceding paragraph.

17 (d) No wine or spirits shall be sold on the  
18 licensed premises on any primary or general election  
19 day until after the polls are closed, all Sundays,  
20 December 24th and Christmas Day, or on any other  
21 day between the hours of mid-night and 11:00 a.m.

22 (e) No licensee shall sell, dispense, deliver  
23 or give in any manner any wine or spirits to any  
24 intoxicated or interdicted person, nor permit any  
25 person to consume on the licensed premises any wine  
26 or spirits except those supplied to such persons by  
27 the licensee in accordance with the terms of this  
28 act, his license, and any lawful rules or regulations  
29 for the enforcement thereof. No licensee, and no  
30 employee thereof, shall knowingly sell or deliver  
31 any wine or spirits, to any person when such licensee  
32 or employee has reasonable grounds to believe that  
33 said person is a minor. Nor shall the licensee permit

34 any persons reasonably appearing to be minors, to  
35 consume any wine or spirits in his licensed place.  
36 No more than one drink or portion of spirits shall  
37 be delivered to any person at a time, nor in any  
38 package, receptacle or container, except the glass  
39 or container containing only the drink about to be  
40 consumed, excepting that wine may be served by the  
41 bottle. No purchaser thereof shall remove such drink  
42 or bottle contents from the licensed premises where  
43 purchased before drinking the same. The licensee  
44 shall conduct the place in a quiet orderly manner.  
45 No minor, intoxicated or interdicted person shall  
46 knowingly be permitted to enter, remain, purchase,  
47 consume or remove any wine or spirits on or from  
48 the licensed premises.

49 (f) Notwithstanding the provisions of the  
50 preceding subsection, regularly licensed hotels  
51 may permit their rooms to be occupied by minors,  
52 during which occupancy any such room so occupied  
53 shall be excluded from the licensed premises and  
54 it shall be unlawful for the licensee to serve  
55 wine and spirits therein.

56 (g) No gambling and no cards, dice, billiards,  
57 pool tables, pin ball, slot machines, punch boards  
58 or other devices commonly used in games of chance  
59 shall be permitted upon the premises for which the

60 license is issued.

61 (h) No sale of wine or spirits shall knowingly  
62 be made to any person whose wife, child, or guardian  
63 by written notice to the licensee forbids such sale.  
64 Notice may be given by registered mail; the return  
65 postal receipt or card shall be sufficient proof  
66 that such notice was given.

67 (i) No licensee shall carry on the business  
68 of selling wine or spirits unless his license is  
69 prominently and publicly displayed in the place of  
70 business.

71 (j) No license shall be assigned or transferred.

1 Sec. 19. It shall be the duty of all peace  
2 officers to investigate any violations of the provisions  
3 of this act and any member of the commission or any  
4 representative or inspector so designated by the  
5 commission shall have the power of peace officers  
6 for the purpose of enforcing this act.

1 Sec. 20. The council shall make a thorough  
2 investigation of any alleged violation for the  
3 purpose of revoking any license if the holder  
4 thereof shall have violated any of the provisions  
5 of this act or of any ordinances passed pursuant  
6 to the provisions of this act.

1 Sec. 21. Any citizen of a city or town having  
2 information of any violation by the holder of a

3 license in such city or town may and any peace  
4 officer having such information shall file a complaint  
5 with the District Court in the county in which such  
6 city or town is located. Such complaint shall state  
7 the facts in relation to the alleged violation, shall  
8 be entitled in the name of the State of Iowa by  
9 relation, and shall be sworn to. It shall pray for  
10 an injunction against the violator and for forfeiture  
11 of his bond. When such complaint is filed the  
12 presiding judge or any other judge in vacation shall  
13 forthwith cite the alleged violator to appear in said  
14 court and show cause why the injunction should not  
15 be issued and the bond revoked. Such alleged violator  
16 shall be required to appear at such time as the court  
17 or judge shall determine, but the time of such hearing  
18 shall not be unnecessarily delayed and in no event  
19 shall the time of such hearing be fixed for longer  
20 than thirty days from the time of the filing of such  
21 complaint. At the time of issuing the order citing  
22 such alleged violator for hearing the court may if  
23 the facts and circumstances warrant, temporarily  
24 enjoin the alleged violator from carrying on the  
25 licensed business, without requiring a bond, and  
26 direct the peace officer serving the order to take  
27 possession of the alleged violator's license and  
28. return the same to the Clerk of the District Court

29 pending the outcome of the hearing. The proceedings  
30 shall be in equity and upon such hearing if the  
31 court finds that the licensee has been guilty of a  
32 violation shall declare the same to be a nuisance  
33 and enter an order permanently enjoining the licensee  
34 from engaging in the licensed business, and shall  
35 forfeit the bond of the licensee. The clerk of  
36 the court shall forthwith certify a copy of said  
37 decree to the city or town council, who shall  
38 immediately revoke the defendant's license.

39 An appeal from the ruling of the District Court  
40 may be taken to the Supreme Court as in other equitable  
41 proceedings and pending such appeal the said license  
42 shall remain revoked and there shall be no stay of  
43 the order of injunction.

44 The proceedings provided in this section shall  
45 not be any bar to criminal action for violation of  
46 statutes or ordinances; nor shall the provisions of  
47 this section affect the right of a city or town to  
48 proceed against the bond of a licensee for non-payment  
49 of any taxes owing under the provisions of this act.

1 Sec. 22. When the Court enters an order for a  
2 permanent injunction the Court shall also enter a  
3 judgment decreeing a forfeiture of the stock of wine  
4 and spirits in the possession of the licensee and  
5 shall direct the disposition thereof as provided in

6 section 751.31. In the event of an appeal the  
7 forfeiture shall be stayed pending such appeal.

1 Sec. 23. Cities and towns may by ordinance  
2 adopt such regulations with respect to carrying on  
3 the business of selling wine and spirits at retail  
4 under license as are in the interest of temperance  
5 and the public welfare, and are not inconsistent  
6 with State law.

1 Sec. 24. No valid mortgage, pledge or other  
2 lien of any kind or character may be placed upon  
3 any stock of intoxicating liquor by any licensee,  
4 and the voluntary placing of any lien or an  
5 unrevealed transfer of any of the property, fixtures  
6 or equipment of a licensee used by him in connection  
7 with said licensed business shall be grounds for the  
8 immediate revocation of his license.

Reported Recommending .....  
Ind. Postponed .....  
Passed Senate .....  
Failed to Pass Senate .....  
Passed House .....  
Failed to Pass House .....

**Senate File 211**  
**As Passed by the Senate**

February 5, 1947.  
Passed on File.

By JUDICIARY II.

## A BILL FOR

An Act to suppress the increasing abuse of unlicensed and unregulated sales of alcoholic liquor by an exercise of the police power of the State for the protection of the welfare, health, morals and the safety of the people of the State by licensing and regulating the sale of wine and spirits by reputable persons in cities and towns under local conditions; and to amend Chapter One Hundred Twenty-three (123), Code 1946, relating to the sale and control of liquor and for the promotion of temperance, and to provide for the issuance by cities and towns of licenses to sell wine and spirits for consumption on the premises where sold in said cities and towns; limiting the authority to issue such licenses to cities and towns having a population of less than ten thousand inhabitants, unless a petition therefor is properly signed and filed; providing for a mulct tax against those to whom licenses are issued; levying a tax on all wine and spirits purchased for sale under such licenses; authorizing the State Liquor Control Commission to issue licenses to golf and country clubs located outside of cities and towns under certain conditions; defining the classes of licenses to be issued; prescribing who may obtain licenses and the conditions relating to the issuance of licenses; providing regulations of licensees and the premises covered by such license; providing regulation of licensed premises; providing for the filing of bonds by licensees; providing for revocation of license and forfeiture of bonds; and authorizing cities and towns to adopt ordinances further regulating the sale of wine and spirits.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. That Chapter One Hundred Twenty-three  
2 (123), Code 1946, is amended by adding thereto the  
3 following:

1 Sec. 2. Cities and towns, including cities under  
2 special charter,  
3 may adopt ordinances regulating the sale of wine and  
4 spirits at retail and may issue licenses to persons  
5 for the sale of wine and spirits at retail, subject  
6 to the conditions and regulations hereinafter set forth. The authority  
7 herein given shall be deemed to be permissive and not  
8 mandatory.

1 Sec. 3. The authority given under the preceding section  
2 shall not be exercised unless an election shall be held in  
3 such city or town, at which there shall be submitted to the  
4 electors the following proposal:

5 "Shall wines and spirits be sold at retail for consumption  
6 on the premises where sold in (name of city or town)?"

1 Sec. 4. Such election shall be called and held in any  
2 city or town in the state when there is addressed to and filed  
3 with the city council a petition signed by at least twenty-  
4 five per cent (25%) of the electors of said city or town who  
5 voted at the last general election preceding the filing of such  
6 petition; and such petition may consist of the aggregate of  
7 a number of separate petitions, which, however, when filed  
8 shall constitute the petition herein referred to. Such petition

9 must be filed with the city or town clerk at least sixty  
10 (60) days prior to the date of the next succeeding general  
11 election at which the proposition is to be submitted.

12 Sec. 5. Upon the filing of such petition the city or  
13 town council shall proceed at once to canvass the same and  
14 determine the sufficiency thereof, which sufficiency shall  
15 be determined within fifteen (15) days after the filing, and  
16 shall be entered of record in the minutes of the council.  
17 If such petition is found sufficient the council shall forth-  
18 with order and provide by proper procedure for the holding of  
19 such election and shall provide ballots therefor. The ballot  
20 shall contain the following proposition and no other: "Shall  
21 wine and spirits be sold at retail for consumption on the  
premises where sold in (name of city or town)?" Opposite  
and to the right of such proposal as it appears on the ballot  
shall be placed two (2) squares, one above the other, and to  
the left of the upper square shall be printed the word "Yes",  
and to the left of the lower square the word "No", and in  
casting his vote upon such proposal the voter favoring such  
proposition shall place a cross in the square opposite the  
word "Yes" and the voter opposing such proposition shall  
place a cross in the square opposite the word "No". The  
city or town council shall provide funds to meet the expenses  
of such election.

1 Sec. 6. The ballots cast on said proposal at such election  
2 shall be counted and the results certified as required by the

3 laws applicable to such general election, and the ballots at  
4 once returned to such clerk, as the case may be, who shall  
5 canvass same and certify the result, and make a permanent  
6 record thereof in his office, which certificate and record  
7 shall be completed within thirty (30) days after such election.

1 Sec. 7. The results of such election may be contested  
2 or appealed from as in case of a general election, and pending  
3 such contest or appeal no action shall be taken by the city  
4 or town council in relation to the adoption of ordinances or  
5 the granting of licenses.

1 Sec. 8. If a majority of the votes cast on such propo-  
2 sition at such election opposes the sale at retail of wines  
3 and spirits for consumption on the premises where sold in such  
4 city or town, then the authority provided in section two  
5 hereof shall not be vested in nor exercised by such city or  
6 town council.

1 Sec. 9. If a majority of the votes cast on such propo-  
2 sition at such election are in favor of the sale at retail  
3 of wines and spirits for consumption on the premises where  
4 sold in such city or town, then the city or town council may  
5 exercise the authority given under (section two hereof.)

1 Sec. 10. When any city or town by virtue of the authority  
2 of the provisions of this act shall have adopted ordinances  
3 and issued licenses as herein provided, and at a subsequent  
4 election called and held as herein provided a majority of the  
5 votes cast on the proposition are opposed thereto, then all

6 such licenses issued by such city or town for the sale at  
7 retail of wines and spirits for consumption on the premises  
8 where sold shall expire on the June 30th following such election,  
9 and all ordinances adopted by the city or town pursuant to  
10 the provisions of section two hereof shall be abrogated as  
11 of like date and shall be repealed by the city council.

1 Sec. 11. No election as herein provided shall be held  
2 in and for such city or town oftener than once in four years,  
3 and then only on general city or town election dates.

1 Sec. 12. After it has been determined that licenses for  
2 the sale of wine and spirits at retail for immediate consump-  
3 tion upon the premises where said business is carried on may  
4 be issued in any city or town, all Class "A" licenses shall  
5 be granted only to persons or clubs which are located as  
6 follows:

7 In cities and towns having a zoning ordinance the location  
8 shall be in an area zoned for retail business.

9 In cities and towns having no zoning ordinance the loca-  
10 tion shall be in an area where fifty per cent or more of the  
11 frontage contiguous to the street for a distance of three  
12 hundred feet or more is occupied by buildings or places used  
13 for business purposes. The council shall by ordinance limit  
14 and define such area or areas. It shall be unlawful to conduct  
15 such business under a Class "A" license outside the areas  
16 thus determined or established.

1 Sec. 13. Licenses for the retail sale of wine

2 and spirits shall be of the following classes:

3 (a) A Class "A" license may be issued to a  
4 person authorizing such licensee to carry on the  
5 business of selling wine and spirits at retail for  
6 immediate consumption upon the premises where said  
7 business is carried on.

8 (b) A Class "B" license may be issued to any  
9 club authorizing such club to sell at retail and  
10 serve wine and spirits to club members and their  
11 guests for immediate consumption upon the premises.  
12 A club shall mean an association of persons incorporated  
13 under the provisions of Chapter 504 as a corporation  
14 not for pecuniary profit for the promotion of some  
15 common object, owning, hiring or leasing a building  
16 or space in a building suitable and adequate for the  
17 reasonable and comfortable use and accommodations of  
18 its members and their guests, and provided for suitable  
19 and adequate kitchen and dining room space and equipment,  
20 implements and facilities and employing a sufficient  
21 number of servants or employees for cooking, preparing  
22 and serving food and meals for its members and their  
23 guests. Such club obtaining a license shall file with  
24 the council annually, within ten days of February 1st  
25 of each year, a list of the names and addresses of its  
26 members. No license shall be issued to any club which  
27 has not been in existence for at least one year prior

28 to its application for a license.

29 (c) The Commission may issue a "Special Club"  
30 license to any golf and country club located within  
31 ten miles of any city or town in which Class "A" or  
32 "B" licenses are issued when such club maintains a  
33 regulation nine or eighteen hole golf course for the  
34 use of its members and guests after securing the approval of the  
35 Board of Supervisors. All provisions of  
36 this act applicable and not inconsistent with the  
37 provisions of this subsection shall apply to the  
38 issuance of such license. The amount of the mulct  
39 tax levied against the licensee shall be Five Hundred  
40 Dollars and payable to the Commission. A tax of 5%  
41 of the purchase price of all wine and spirits purchased  
42 by any such licensee shall be added to the purchase  
43 price by the Commission. The Commission shall adopt  
44 rules and regulations with respect to the issuance  
45 of such licenses not inconsistent with the provisions  
46 of this act.

46 (d) The commission may issue to any dining car company,  
47 sleeping car company, railroad company, or railway company  
48 a "special railway license" which shall authorize the holder  
49 thereof to keep for sale and sell on any dining car, sleeping  
50 car, buffet car or observation car on any train operated by  
51 such applicant from a point outside the state of Iowa into or  
52 across the state, or from a point in the state of Iowa to a  
53 point outside the state, wine and spirits at retail for con-

54 sumption in such cars. The application for such license shall  
55 be in such form and contain such information as may be re-  
56 quired by the commission. Each such license shall be good  
57 throughout the state as a state license. Only one such license  
58 shall be required for all cars operated in this state by such  
59 applicant, but a duplicate of such license shall be posted in  
60 each car in which such beverages are sold and no further li-  
61 cense shall be required or tax levied for the privilege of  
62 selling beverages for consumption in such cars. As a condition  
63 precedent to the issuing of any such license the applicant  
64 shall give bond to the commission with good and sufficient  
65 sureties thereon to be approved by the commission conditioned  
66 upon the faithful performance of this act in the penal sum of  
67 one thousand dollars. The annual tax for such license shall  
68 be five hundred dollars and ten dollars for each duplicate  
69 thereof to be paid to the commission. The commission shall  
70 issue duplicates of such license from time to time as applied  
71 for by each such company.

1 Sec. 14. (a) No more than one (1) Class "A" and one  
2 (1) Class "B" license shall be issued in any town as defined  
3 in section 363.1.

4 (b) In any city<sup>✓</sup> as defined in section 363.1 the maximum  
5 total number of Class "A" licenses which may be issued shall  
6 be as follows dependent on the population of such city.

7 (c) In cities having a population up to and including  
8 twenty-four thousand the maximum total Class "A" licenses shall

9 not exceed one license for each three thousand or fraction  
10 thereof.

11 (d) In cities having a population of over twenty-four  
12 thousand and up to and including seventy-six thousand, the  
13 maximum total number of Class "A" licenses shall not exceed  
14 one license for each three thousand population up to and  
15 including twenty-four thousand population of such city. On  
16 the basis of the excess of population over twenty-four thousand  
17 and up to and including seventy-six thousand the maximum total  
18 number of Class "A" licenses shall not exceed one license for  
19 each four thousand population.

20 (e) In cities having a population of over seventy-six  
21 thousand, the maximum number of Class "A" licenses shall not  
22 exceed one license for each three thousand population up to  
23 and including twenty-four thousand population of such city.  
24 On the basis of the excess of population over twenty-four  
25 thousand and up to and including seventy-six thousand the  
26 maximum total number of Class "A" licenses shall not exceed  
27 one license for each four thousand population. On the basis  
28 of the excess of population over seventy-six thousand the  
29 maximum total number of Class "A" licenses shall not exceed  
30 one license for each five thousand population.

31 (f) No license shall be issued to any person to operate  
32 a business of selling or dispensing wine or spirits under a  
33 class "A" permit which is located within 300 feet of any  
34 church, school house, character building institution, normal

35 school, college or university.

1 Sec. 15. No license shall be issued to any person  
2 who is an official or employee of the city or town.  
3 It shall be unlawful for any such official or employee  
4 to own, hold or have any interest directly or indirectly  
5 in any such license or licensed business.

1 Sec. 16. Applications for license shall be sworn  
2 to and shall be on a form to be prepared by the commission  
3 and shall include the following information:

4 (a) The name, age and citizenship and place of  
5 residence of the applicant.

6 (b) A description and location of the premises  
7 where the applicant proposes to operate giving a  
8 detailed drawing and floor plan of the premises or  
9 portion thereof which the license is to include.

10 (c) The name of the owner of the premises  
11 where the applicant proposes to operate.

12 (d) Statement as to whether applicant has  
13 ever been a party to litigation involving violations  
14 of any liquor laws.

15 (e) A statement as to whether applicant has  
16 ever been convicted of a violation of any state or  
17 federal law.

18 (f) A statement of the applicant's occupations,  
19 including location thereof during the preceding  
20 twenty years.

21 (g) A complete disclosure and statement of  
22 names of all persons having any financial interest  
23 in said proposed business, either directly or indirectly,  
24 whether secured or not.

25 The discovery of a false statement in any  
26 application shall be grounds for the revocation of  
27 any license issued pursuant thereto.

1 Sec. 17. Upon the filing of the application the  
2 council shall fix a date for hearing thereon, which  
3 shall be not earlier than fifteen days from the filing  
4 of such application, and the applicant shall give at  
5 least ten days public notice of the time and place of  
6 such hearing by publication in a newspaper in the city  
7 or town, and if no newspaper is published in said city  
8 or town then in some newspaper of general circulation  
9 published in the County in which such city or town is  
10 located. The council shall give full hearing to all  
11 objections to the issuance of any license.

1 Sec. 18. Said application shall be filed with  
2 the council and be accompanied by a bond in the penal  
3 sum of Three Thousand Dollars providing for a  
4 forfeiture thereof in the event of a revocation  
5 of the license by order of Court resulting from  
6 a violation of any of the liquor laws of the State  
7 of Iowa, or of any ordinance relating to the sale  
8 of wine and spirits as herein provided. Said bond

9 shall also be conditioned upon payment by the  
10 applicant of all license fees, taxes or other charges  
11 imposed for the operation of said business.

1 Sec. 19. The council may either approve or  
2 disapprove any application. No application shall  
3 be approved until the council has made a thorough  
4 investigation and finds that the applicant is of a  
5 good moral character and that the applicant's place  
6 of business and the premises within which he proposes  
7 to operate conform to all the laws of the State of  
8 Iowa and all of the health and fire regulations  
9 applicable thereto, and to the ordinances of such  
10 city or town relating thereto.

11 No license shall be issued to an applicant who by his state-  
12 ment discloses that he has ever been convicted of a felony  
13 or a violation of any state or federal liquor or beer law or  
14 whose beer or liquor license has ever been revoked.

1 Sec. 20. Licenses shall be for a period of one  
2 year, commencing on the 1st day of July and ending on  
3 June 30th following, unless sooner revoked. Provided,  
4 however, that a license may be issued for the remainder  
5 of any fiscal year and the mulct tax hereinafter  
6 provided shall be pro-rated.

7 Before any such license shall be issued a mulct  
8 tax shall be levied against the licensee in such amount  
9 as the council may determine, but not less than the

10 following minimum amounts: In cities and towns of ten  
11 thousand population or more for a class "A" license,  
12 Fifteen Hundred Dollars, and for a class "B" license,  
13 Seven Hundred Fifty Dollars; and in cities and towns  
14 with a population of less than ten thousand for a  
15 class "A" license, One Thousand Dollars, and for a  
16 class "B" license, Five Hundred Dollars.

17 The mulct tax levied by the council in each city  
18 or town shall be uniform for each class or license  
19 within such city or town.

1 Sec. 21. A record of each license as issued  
2 shall be certified by the council to the commission  
3 and the commission shall keep a record of all licenses  
4 issued. The form of license shall be prescribed by  
5 the commission and no license shall be issued except  
6 in the form thus prescribed. The proceeds of the  
7 mulct tax shall go to the general fund of the cities  
8 and towns and be treated in all particulars as other  
9 revenue.

1 Sec. 22. The commission shall sell wine and  
2 spirits at wholesale to the licensees, under such  
3 uniform wholesale prices as it may establish. No  
4 licensee shall purchase wine or spirits from any  
5 other source than the commission, nor shall any  
6 licensee own or process any wine or spirits except  
7 such as are purchased from the commission.

1     Sec. 23. There is hereby levied a sales tax  
2 of five per cent of the purchase price on all wine  
3 and spirits purchased by licensees. The commission  
4 shall add the amount of said tax to the purchase  
5 price of such wine and spirits and collect the same  
6 when such purchases are made.

7 The amount of said tax shall be paid by the commission to  
8 the general fund of the state.

1     Sec. 24. In addition to the regulations  
2 prescribed by ordinance, every licensee shall be  
3 subject to the following regulations:

4     (a) No wine or spirits shall be sold except  
5 for consumption upon the premises described in detail  
6 in the application of the licensee.

7     (b) All wine and spirits shall be purchased  
8 from the commission and after delivery by the  
9 commission shall be kept by the licensee only at his  
10 place of business and must at all times be kept in  
11 the original bottles in which it is received from  
12 the commission, until sold for immediate consumption.

13     (c) No licensee shall have in his possession or  
14 knowingly allow any other person to bring upon the  
15 premises any wine or spirits, except as provided in  
16 the preceding paragraph.

17     (d) No wine or spirits shall be sold on the licensed  
18 premises on Sundays or any of the legal holidays designated

19 in section 541.85, or on any other day between the hours of  
20 eleven p.m. (11:00 p.m.) and eleven a.m. (11:00 a.m.).

22 (e) No licensee shall sell, dispense, deliver  
23 or give in any manner any wine or spirits to any  
24 intoxicated or interdicted person, nor permit any  
25 person to consume on the licensed premises any wine  
26 or spirits except those supplied to such persons by  
27 the licensee in accordance with the terms of this  
28 act, his license, and any lawful rules or regulations  
29 for the enforcement thereof.

30 No licensee or employee thereof shall sell or deliver any  
31 wine or spirits to any person who is a minor.

33 Nor shall the licensee permit  
34 any persons reasonably appearing to be minors, to  
35 consume any wine or spirits in his licensed place.

36 No more than one drink or portion of spirits shall  
37 be delivered to any person at a time, nor in any  
38 package, receptacle or container, except the glass  
39 or container containing only the drink about to be  
40 consumed, excepting that wine may be served by the  
41 bottle. No purchaser thereof shall remove such drink  
42 or bottle contents from the licensed premises where  
43 purchased before drinking the same. The licensee  
44 shall conduct the place in a quiet orderly manner.

45 No minor, intoxicated or interdicted person shall  
46 knowingly be permitted to enter, remain, purchase,

47 consume or remove any wine or spirits on or from  
48 the licensed premises.

49 (f) Notwithstanding the provisions of the  
50 preceding subsection, regularly licensed hotels  
51 may permit their rooms to be occupied by minors,  
52 during which occupancy any such room so occupied  
53 shall be excluded from the licensed premises and  
54 it shall be unlawful for the licensee to serve  
55 wine and spirits therein.

56 (g) No gambling and no cards, dice, billiards,  
57 pool tables, pin ball, slot machines, punch boards  
58 or other devices commonly used in games of chance  
59 shall be permitted upon the premises for which the  
60 license is issued.

61 (h) No sale of wine or spirits shall  
62 be made to any person whose husband, wife, child, parent,  
63 brother, sister, or guardian  
64 by written notice to the licensee forbids such sale.  
65 Notice may be given by registered mail; the return  
66 postal receipt or card shall be sufficient proof  
67 that such notice was given.

68 (i) No licensee shall carry on the business  
69 of selling wine or spirits unless his license is  
70 prominently and publicly displayed in the place of  
71 business.

72 (j) No license shall be assigned or transferred.

73 (k) No class "A" license shall be issued for premises  
74 where food is sold or consumed except in regularly licensed  
75 hotels having not less than 15 guest rooms and regularly serving  
76 meals to the public.

77 (l) Booths, screens, partitions or any impediment which  
78 obstructs a full view of the interior of a place operating  
79 under class "A" license are hereby prohibited except as to  
80 dining rooms of hotels operating under such license.

81 (m) No tables or seating facilities shall be kept or  
82 used in any place operating under a class "A" license, except  
83 in dining rooms of hotels operating under such license.

84 (n) Premises to be licensed under class "A" licenses  
85 other than the dining room of hotels operating under such  
86 license, shall afford a clear and unobstructed view into the  
87 interior of the place where wines and spirits are sold at retail  
88 of not less than six feet wide by two feet high, which shall  
89 be not less than four feet above the side walk level.

90 (o) No class "A" license shall be issued where the place  
91 to be licensed is a basement or is above the ground floor  
92 except in hotels operating under such license.

93 (p) No licensee under a class "A" license shall permit  
94 public ingress or egress to the licensed premises except by  
95 a street entrance or from the lobby of a hotel.

1 Sec. 25. It shall be the duty of all peace.  
2 officers to investigate any violations of the provisions  
3 of this act and any member of the commission or any

4 representative or inspector so designated by the  
5 commission shall have the power of peace officers  
6 for the purpose of enforcing this act.

1 Sec. 26. The council shall make a thorough  
2 investigation of any alleged violation for the  
3 purpose of revoking any license if there is reasonable evidence that  
4 thereof shall have violated any of the provisions the holder  
5 of this act or of any ordinances passed pursuant  
6 to the provisions of this act.

1 Sec. 27. Any citizen of a city or town having  
2 information of any violation by the holder of a  
3 license in such city or town may and any peace  
4 officer having such information shall file a complaint  
5 with the District Court in the county in which such  
6 city or town is located. Such complaint shall state  
7 the facts in relation to the alleged violation, shall  
8 be entitled in the name of the State of Iowa by  
9 relation, and shall be sworn to. It shall pray for  
10 an injunction against the violator and for forfeiture  
11 of his bond. A copy of such complaint shall be filed promptly with the  
11a Attorney General of the state who shall thereupon cause an  
11b investigation to be made at once and report the findings  
11c thereof to the District Court of the county where the alleged  
11d violation occurred. When such complaint is filed the  
12 presiding judge or any other judge in vacation shall  
13 forthwith cite the alleged violator to appear in said

14 court and show cause why the injunction should not  
15 be issued and the bond revoked. Such alleged violator  
16 shall be required to appear at such time as the court  
17 or judge shall determine, but the time of such hearing  
18 shall not be unnecessarily delayed and in no event  
19 shall the time of such hearing be fixed for longer  
20 than thirty days from the time of the filing of such  
21 complaint. At the time of issuing the order citing  
22 such alleged violator for hearing the court may if  
23 the facts and circumstances warrant, temporarily  
24 enjoin the alleged violator from carrying on the  
25 licensed business, without requiring a bond, and  
26 direct the peace officer serving the order to take  
27 possession of the alleged violator's license and  
28 return the same to the Clerk of the District Court  
29 pending the outcome of the hearing. The proceedings  
30 shall be in equity and upon such hearing if the  
31 court finds that the licensee has been guilty of a  
32 violation shall declare the same to be a nuisance  
33 and enter an order permanently enjoining the licensee  
34 from engaging in the licensed business, and shall  
35 forfeit the bond of the licensee and shall revoke the license. The  
36 the court shall forthwith certify a copy of said clerk of  
37 decree to the city or town council, who shall  
38 immediately revoke the defendant's license.  
39 An appeal from the ruling of the District Court

40 may be taken to the Supreme Court as in other equitable  
41 proceedings and pending such appeal the said license  
42 shall remain revoked and there shall be no stay of  
43 the order of injunction.

44 The proceedings provided in this section shall  
45 not be any bar to criminal action for violation of  
46 statutes or ordinances; nor shall the provisions of  
47 this section affect the right of a city or town to  
48 proceed against the bond of a licensee for non-payment  
49 of any taxes owing under the provisions of this act.

1 Sec. 28. When the Court enters an order for a  
2 permanent injunction the Court shall also enter a  
3 judgment decreeing a forfeiture of the stock of wine  
4 and spirits in the possession of the licensee and  
5 shall direct the disposition thereof as provided in  
6 section 751.31. In the event of an appeal the  
7 forfeiture shall be stayed pending such appeal.

1 Sec. 29. Cities and towns may by ordinance  
2 adopt such regulations with respect to carrying on  
3 the business of selling wine and spirits at retail  
4 under license as are in the interest of temperance  
5 and the public welfare, and are not inconsistent  
6 with State law.

1 Sec. 30. No valid mortgage, pledge or other  
2 lien of any kind or character may be placed upon  
3 any stock of intoxicating liquor by any licensee,

4 and the voluntary placing of any lien or an  
5 unrevealed transfer of any of the property, fixtures  
6 or equipment of a licensee used by him in connection  
7 with said licensed business shall be grounds for the  
8 immediate revocation of his license.

1 Sec. 31. The provisions of section 124.31, Code 1946,  
2 shall not apply to licensees under this act.

1 Sec. 32. This act shall apply to special charter cities.