

“In addition to any right of abatement of any public or private nuisance, they shall have the right to prohibit the same by ordinance and to punish by fine or imprisonment for the violation thereof.”

SEC. 2. **Applicable to cities under special charter.** Section six hundred ninety-six (696) of the code is hereby made applicable to cities acting under special charter.

Approved April 19 A. D. 1913.

## CHAPTER 61.

### REGULATION AND INSPECTION OF PLUMBING.

H. F. 646.

AN ACT granting to cities of all classes and towns power to license and regulate plumbers: to determine the qualifications and provide for the examination thereof: to prescribe rules and regulations for the installation of plumbing and the inspection thereof and to provide for the removal of plumbing installed in violation of the manner prescribed and to impose penalties for a violation of ordinances enacted under this act and to amend section seven hundred (700) of the supplement to the code, 1907.

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

SECTION 1. **License—board of examiners—penalty.** Cities and towns, including cities acting under commission form of government and cities acting under special charter shall have power to regulate and license plumbers: to create a board of examiners to determine the qualifications thereof: to prescribe rules and regulations for the installation of plumbing work and materials: to provide for the inspection of such work, materials and manner of installation: to compel the removal of plumbing installed in violation of the manner prescribed and to impose penalties within the limits of section six hundred eighty (680) of the code for a violation of the ordinances enacted hereunder.

SEC. 2. **Amended as to plumbers.** Section seven hundred of the supplement to the code, 1907 is hereby amended by striking the word “plumbers” from the ninth (9) line of said section.

Approved April 16 A. D. 1913.

## CHAPTER 62.

### GRANTING OF LICENSES TO TRANSIENT MERCHANTS.

S. F. 333.

AN ACT providing for the license of certain classes of temporary or transient merchants doing business in cities or incorporated towns, defining the same and the manner of issuing licenses, regulating and advertising and representation of such merchants and providing for penalties for the violation thereof: [Additional to chapter four (4) title five (V) of the code relating to general powers of cities and towns.]

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

SECTION 1. **License required.** That hereafter it shall be unlawful for any temporary or transient merchant to engage in, do or transact any business as such within any city or incorporated town without first having obtained a license as hereinafter provided.

**SEC. 2. License—how secured—fee—non-transferable.** Any temporary or transient merchant desiring to engage in, do or transact business in any county in this state, shall file an application for license for that purpose with the auditor of the county in which he desires to do business, which application shall state his name, his proposed place of business, the kind of business proposed to be conducted and the length of time for which he desires to conduct such business. Such temporary or transient merchant shall pay to the treasurer of such county a license fee of two hundred dollars and the treasurer of such county shall issue to such person duplicate receipts therefor; such temporary or transient merchant shall thereupon file the treasurer's receipt for such payment, together with the bond and appointment of agent for service of notice of suit as hereinafter provided, with the auditor of such county, who shall thereupon issue to such temporary or transient merchant a license to do business at the place described in the application and the kind of business to be done shall be described in such license. No license shall be good for more than one person, unless such person shall be the member of a co-partnership, nor for more than one place of business, and shall be good for a period of one year from the date of its issuance. The auditor shall keep a record of such licenses in a book which shall at all times be open to public inspection.

**SEC. 3. Bond—county auditor authorized agent for service of notice.** Before a license shall issue as herein provided, the applicant shall execute and deliver to the county auditor a good and sufficient bond in the amount of one thousand dollars with surety or sureties to be approved by the county auditor. Said bond shall run to the county auditor as obligee and shall be for the protection of all persons, firm or corporation who may have claims against the obligor arising out of said business and any such person, firm or corporation may sue thereon in his or in its own name. At the time of delivering such bond to the county auditor, the obligor shall also deliver to the county auditor a duly executed instrument making the county auditor the agent of the obligor for the purpose of being served with original notice of suit on said bond.

**SEC. 4. Fraudulent advertising prohibited—penalty.** It shall be unlawful for any temporary or transient merchant to advertise, represent or hold out any goods, wares, or merchandise, as being sold as an insurance, bankrupt, railway wreck, insolvent, assignee, trustee, executor, administrator, receiver, syndicate, wholesale, manufacturer or closing out sale, or as a sale of any goods, wares or merchandise damaged by smoke, fire, water or otherwise, unless such temporary merchant shall file with the county auditor an affidavit showing all the facts relating to the reasons for and character of such sale so to be advertised or represented, and showing that the goods, wares and merchandise of such sale are in fact in accordance with such advertisements and representations; such affidavit shall include a statement of the names of the persons from whom the goods, wares and merchandise so to be advertised or represented, were obtained, and the date of the delivery of said goods to the applicant and the place from which said goods, wares and merchandise were last taken, and all details necessary exactly to locate and fully to itemize all goods, wares and merchandise so to be advertised and represented. If such affidavit shall fail to show that such goods, wares and merchandise of such sale are in accordance with the proposed advertisements or representations as shown in such affidavit, or fails to disclose the facts as herein required, or if the county auditor learns that the said affidavit is untrue in any particular, then the county auditor shall refuse such applicant a license for such sale. Should a license be issued to such applicant it shall state that such person is authorized and licensed to sell such goods, wares and merchandise, and adver-

tise, represent and hold out the same as being sold as such insurance bankrupt, railway wreck, insolvent, assignee, trustee, executor, administrator, receiver, syndicate, wholesale, manufacturer or closing out sale of any goods, wares and merchandise, or as being damaged by smoke, fire, water, or otherwise, or in any similar manner present any other fact, as shown by such affidavit. Such affidavit shall be sworn to by the applicant before a person authorized to administer oaths. If the applicant be a partnership it shall be sworn to by a member of such partnership, or if the applicant be a corporation it shall be sworn to by one of the officers of such corporation. Every person making a false statement of any fact in such affidavit shall be deemed guilty of perjury and shall be punished for such offense as provided by the laws of Iowa.

**SEC. 5. Terms defined.** The words "temporary or transient merchant" for the purposes of this act shall include all persons, firms and corporations, both as principal and agent, who engage in, do or transact any temporary or transient business, either in one locality or more or by traveling from one or more places in this state, selling goods, wares or merchandise and who for the purpose of carrying on such business hire, lease or occupy a building, structure or car, for the exhibition and sale of such goods, wares or merchandise.

**SEC. 6. Evidence.** Provided, further, that whenever it appears that any such stock of goods, wares and merchandise has been brought into any county in this state by a person, firm or corporation who has not previously conducted a merchandise business therein, and it is claimed that such stock is to be closed out at reduced prices, such facts shall be prima facie evidence that the person, firm or corporation so offering such goods for sale is a transient merchant as defined in this act.

**SEC. 7. Complaint—bond—affidavit—permanent merchant defined.** If complaint be made to the county auditor that any person, firm or corporation doing business in any city or incorporated town within the county is a transient merchant and such person, firm or corporation shall claim to be a permanent merchant, the county auditor shall require of such person, firm or corporation, and he or it shall furnish, a bond in the sum of one thousand dollars, with surety or sureties to be approved by the county auditor. Such bond shall run to the county auditor as obligee and it shall secure the payment of the license in the event that such person, firm or corporation does not continue in the business which he or it is conducting in such city or incorporated town for a period of one year from the time when such business was started; said bond shall also be for the protection of all persons, firms or corporations having claim or claims against the obligor arising out of said business as provided in section three hereof. At the time of delivering such bond to the county auditor the obligor shall also deliver to the county auditor a duly executed instrument making the county auditor the agent of the obligor for the purpose of being served with original notice of suit on said bond. Such merchant so complained against shall also furnish to the county auditor the affidavit required in section four hereof before advertising or holding out any goods, wares or merchandise as being sold as an insurance, bankrupt, railway wreck, insolvent, assignee, trustee, executor, administrator, receiver, syndicate, wholesale, manufacturer or closing out sale, or as a sale of any goods, wares or merchandise damaged by smoke, fire, water or otherwise. But after such merchant has been conducting the particular business in which he or it is engaged in such city or incorporated town for a period of one year, such merchant shall be held to be a permanent merchant and the provisions of this act shall no longer be applicable to such merchant.

SEC. 8. **Exceptions.** The provisions of this act shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business or to sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy, or other public officers selling goods, wares, and merchandise according to law, nor to any person selling farm and garden products.

SEC. 9. **Authority defined.** Nothing in this act contained shall be construed as prohibiting or in any way limiting or interfering with the right of any city or incorporated town to regulate or license the carrying on within such municipality the business of a transient merchant as in this act defined, in any case where authority has been or shall hereafter be conferred upon it so to do, but the requirements of this act shall be in addition thereto.

SEC. 10. **Fees paid into general fund.** All license fees collected under this act shall be paid into the general revenue fund of the county.

SEC. 11. **Penalty—double tax.** Any person violating the provisions of this act or conducting any such business after the expiration of the license shall be guilty of a misdemeanor, whether he be the owner of goods, wares and merchandise sold or carried by him or not, and on conviction thereof shall forfeit and pay into the county treasury, in addition to the penalty imposed therefor, double the amount of the tax for one year, as fixed in section 2 hereof.

Approved April 18 A. D. 1913.

## CHAPTER 63.

### REGULATIONS FOR ERECTION OF BUILDINGS.

H. F. 456.

AN ACT authorizing cities and towns including those acting under special charter and cities under the commission form of government to adopt a building code and to provide penalties for violation thereof. [Additional to chapter four (4), title five (V) of the code relating to general powers of cities and towns.]

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

SECTION 1. **Building code—penalty.** Cities and towns, including cities under special charter and cities under the commission form of government, shall have the power to adopt by ordinance, a building code, providing for the districting of such cities into one or more districts, establishing reasonable rules and regulations for the erection, reconstruction and inspection of buildings of all kinds within their limits and for a fee for such inspection and providing penalties for violation thereof.

Approved April 8 A. D. 1913.