

CHAPTER 61

SERVICE TRADES. ORDINANCES PROVIDING FAIR COMPETITION

H. F. 173

AN ACT declaring a state and national emergency to exist affecting the service trades within the state of Iowa; declaring the necessity for ordinances providing for fair competition among service trades; declaring this act an emergency measure; authorizing councils of cities, including special charter cities, and towns within their respective jurisdictions to enact or repeal such ordinances providing for fair competition among those trades wherein services are rendered to the public without the sale of merchandise as such except as a mere incident to such service; providing for application to the governing body of cities, including special charter cities, and towns for the establishment of ordinances providing for fair competition, and providing a penalty for violation of provisions of ordinances so adopted.

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

1 SECTION 1. A state and national emergency productive of wide-
2 spread unemployment and disorganization of trade which burdens
3 commerce and affects the public welfare, is hereby declared to exist,
4 causing an emergency which injuriously affects the morale and stand-
5 ard of living and threatens to affect the industrial peace and safety
6 and health of the people of the state of Iowa. Among the trades
7 particularly affected are those in which services are rendered upon a
8 person or persons without necessarily involving the sale of merchan-
9 dise. In such trades there is ruinous price cutting, widespread un-
10 employment and economic distress, and for the purpose of ameliorat-
11 ing such conditions, it is necessary and desirable to authorize the
12 adoption of ordinances providing for fair competition applicable to
13 such trades in the various cities and towns of the state, as provided
14 in this act.

1 SEC. 2. This act applies only to those trades where personal services
2 are rendered upon a person or persons without the sale of merchandise
3 as such, which are herein referred to as service trades. The fact
4 that title to personal property may pass as an incident to rendering
5 such service or services, does not prevent the trade in which this
6 happens from being a service trade provided, however, that no pro-
7 visions in this act shall apply to any trade school.

1 SEC. 3. In all cities or towns under twenty-five hundred (2500)
2 population, the owners, operators, or managers of not less than sixty-
3 five (65) per cent, and in all cities or towns of twenty-five hundred
4 (2500) population or over, the owners, operators, or managers of not
5 less than seventy (70) per cent of the business establishments in any
6 such service trade in any city or town may apply to the governing
7 body of such city or town for the enactment of an ordinance providing
8 for fair competition for such trade within such city or town. The
9 councils of the cities and towns shall have jurisdiction within such
10 cities and towns to carry out within their respective jurisdictions the
11 provisions of this act.

1 SEC. 4. The provisions of this act shall be applicable to special
2 charter cities.

1 SEC. 5. The violation of any provision of any ordinance adopted
2 under the provision of this act shall constitute a misdemeanor. Each

3 and every day's continuance of such violation shall constitute a sepa-
4 rate offense, and each offense is punishable by a fine of not more than
5 one hundred (100) dollars or imprisonment for not more than thirty
6 (30) days.

1 SEC. 6. The application for an ordinance providing for fair competi-
2 tion shall state the number of business establishments in the city or
3 town engaged in the trade petitioning for such ordinance, and sig-
4 nature of only one person respectively signing on behalf of a business
5 establishment, shall be counted in determining the percentage of
6 establishments making application. The application shall set forth
7 the provisions of the requested ordinance. Such ordinance may contain
8 any other fair trade practice provisions which are not unlawful.

1 SEC. 7. At any meeting after receiving such application, the gov-
2 erning body of a city or town may reject or approve, in whole or in
3 part, the application for such ordinance. The rejection of an applica-
4 tion shall not prejudice the filing of a new application. The governing
5 body may enact, in whole or in part, the provisions of such ordinance.
6 and thereafter such adopted ordinance shall regulate as to matter
7 contained therein the conduct of every person engaged in such service
8 trade within its jurisdiction. The governing body of a city or town
9 may repeal in whole or in part such ordinance as provided for in this
10 section.

1 SEC. 8. If any section, sentence, clause or part of this act is for any
2 reason held to be unconstitutional, such decision shall not affect the
3 validity of the remaining portions of this act. The legislature hereby
4 declares that it would have passed this act and each section, sentence,
5 clause, or part hereof, irrespective of the fact that one or more sec-
6 tions, sentences, clauses, or parts thereof may be declared unconsti-
7 tutional.

1 SEC. 9. This act is hereby declared to be an emergency measure
2 necessary for the immediate preservation of public health, peace,
3 safety, and economic security within the state.

1 SEC. 10. This act being deemed of immediate importance shall
2 be in force and effect from and after its publication in the Clinton
3 Herald, a newspaper published at Clinton, Iowa, and the Sioux City
4 Tribune, a newspaper published at Sioux City, Iowa.

House File 173. Approved May 1, 1935.

I hereby certify that the foregoing act was published in the Clinton Herald, May
8, 1935, and the Sioux City Tribune, May 10, 1935.

MRS. ALEX MILLER, *Secretary of State.*