

A BILL

FOR AN ACT AMENDATORY TO TITLE XI, CHAPTER 6, OF THE CODE OF 1873, RELATING TO THE SALE OF INTOXICATING LIQUORS.

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

SECTION 1. That upon the presentation of a petition, signed by one-fifth of the qualified electors residing in any county whose names appear upon the poll books of the last general election, to the board of supervisors, requesting such board to submit to the voters of such county the question whether or not intoxicating liquors may be sold and manufactured therein, under the rules, restrictions and regulations of this act, if the board are satisfied the signers of such petition are residents and legal voters of such county, it shall be their duty to order a special election, at which the question may be submitted, whether or not a license for the sale and manufacture of intoxicating liquors may be granted, and to provide the form of ballots to be used at such election; *provided*, that not more than one such election shall be held in three years.

SEC. 2. Notice of such election shall be given by publication for three consecutive weeks in the official papers of such city, town or county, the last publication to be at least ten days prior to the date fixed for said election.

SEC. 3. The votes shall be canvassed by said board, who shall certify the result to the clerk of the district court, and all expenses shall be paid out of the general fund of the county.

SEC. 4. If a majority of the votes cast shall be in favor of license, the district court shall grant a license for the sale, or for the sale and manufacture of intoxicating liquors, upon the petition of eight of the resident freeholders of the ward, incorporated town, township or municipality where such liquors are proposed to be sold, or manufactured and sold, setting forth that the applicant is of respectable character, good standing, a resident of this state, and praying that a license for the sale, or manufacture and sale, of intoxicating liquors may be issued to him, which petition shall be filed in the office of the clerk of the district court at least ten days prior to the hearing thereon.

SEC. 5. Notice of the application shall state the name of the applicant, the place where the business is to be conducted and the date of hearing the application, and be published two consecutive weeks in the official newspapers of the county, the last publication being at least

4 ten days before the date of hearing. Any person may file a written remonstrance five days
5 before the hearing on any of the following grounds: That the applicant is an unfit person;
6 that he has previously been convicted of felony, or that he is not a person of reasonably good
7 moral character, or that he is a non-resident of the state of Iowa. The hearing shall be the
8 same as in ordinary actions, triable to the court without a jury, and if no remonstrance is
9 made out, or one made out and not proven, and it appear that the applicant is a fit person,
10 the court shall grant a license as asked.

SEC. 6. The fee for license for the sale, or manufacture and sale, of intoxicating liquors,
2 shall not be less than the sum of five hundred dollars per annum, and such additional sum,
3 in each instance, as the council or trustees of the towns or cities where the place licensed is
4 located may provide, shall be added. The said city or town council, or trustees or board of
5 supervisors, shall certify to the clerk of the district court the additional amount of license
6 fee fixed by either. The whole of the license fee for the sale or manufacture of intoxicating
7 liquors shall be paid into the county treasury, and that portion shall go into the county
8 fund, which is charged generally throughout the county, and that amount added by the
9 council of any town or city shall be paid by the county treasurer to the municipality wherein
10 the liquor is licensed to be sold, or manufactured and sold. Such license fee must be paid in
11 advance, and, at the option of the licensee, be paid in quarterly installments, in advance, at
12 the beginning of each quarter, at which time one fourth of the aggregate amount of the
13 license fee shall be fully paid and applied as hereinbefore provided.

SEC. 7. No person shall be licensed to sell, or manufacture and sell, intoxicating liquors,
2 unless he shall first give a bond in the penal sum of five thousand dollars, payable to the
3 county, with at least two good sureties, freeholders of the county, to be approved by the
4 clerk of the district court, conditioned that he will not violate any of the provisions of this
5 act; that he will not sell adulterated liquors; that he will not permit any gambling, prostitu-
6 tion or lewdness on his premises; that he will pay the full amount of the license fee, and will
7 pay all penalties, fines, damages and forfeitures which may be adjudged against him. The
8 clerk of the district court taking such bond shall examine any person offered as security upon
9 such bond under oath, and require him to subscribe and swear to his statement in regard to
10 his pecuniary ability to become such security. Any bond may be sued upon by any person,
11 or his legal representatives, who may be injured by reason of the licensed person violating
12 any of the provisions of the law. No person who is holden as the principal or surety upon
13 one bond given in pursuance of this act shall become surety upon any other bond of like
14 character.

SEC. 8. All licenses issued shall be issued by the clerk of the district court and shall con-
2 tain the conditions above provided for the bond and such other restrictions as the council of
3 the municipality wherein granted shall provide, and no license shall be issued until the
4 receipt of the county treasurer for the full amount of the license fee for the first quarter of

5 the period for which the license is granted is filed with such clerk. The license shall state
6 the length of time for which it is issued which shall not extend beyond the last day of
7 December after its issue, the place where the liquor is to be sold, or manufactured and sold,
8 and shall not be transferable. If any licensed person shall fail to pay the quarterly install-
9 ments of his license fee on or before the first day of each quarter, his license shall, immediately
10 upon such failure, become void. Any license or permit granted under this act shall be revoked
11 by the court granting it, upon due proof that the person holding it has been convicted of a
12 violation of the provisions of this act or has failed to keep and perform the conditions pro-
13 vided in said license or in the bond given as surety therefor, or has violated any regulations
14 made in pursuance of this act to control the business licensed.

SEC. 9. No person licensed shall sell any adulterated liquor or give away any intoxicat-
2 ing liquor to any minor, intoxicated person, habitual drunkard, insane or idiotic person, or
3 sell any intoxicating liquor to any person on the day of general election, or on the Sabbath
4 day.

SEC. 10. The council of each city, and trustees of each incorporated town and board of
2 supervisors of each county, shall have power to make regulations not inconsistent with the
3 laws of the state relating to the management of the business licensed and provide for punish-
4 ing violations thereof; the regulations of the towns and cities shall be confined to their
5 respective territories and shall not conflict with the regulations made by the board of super-
6 visors. All courts of criminal jurisdiction shall have power to try and punish violations of
7 such regulations.

SEC. 11. Any licensed person, or person selling intoxicating liquors without a license in
2 counties where the license law has been adopted, who shall willfully violate the provisions of
3 his license or of this act, or of any regulations made in pursuance of it, shall, on the first
4 conviction, be punished by a fine not less than one hundred dollars nor more than five hun-
5 dred dollars, or by imprisonment for not less than thirty days nor more than one hundred
6 and fifty days, or by both fine and imprisonment, at the discretion of the court; and on the
7 second conviction he shall be punished by imprisonment in the penitentiary not exceeding
8 one year.

SEC. 12. This act, being deemed of immediate importance, shall take effect and be in
2 force from and after its publication in the Des Moines *Leader*, and the Iowa State *Register*,
3 newspapers published at Des Moines, Iowa.