

A BILL

FOR AN ACT TO AUTHORIZE AND REGULATE THE SALE OF INTOXICATING LIQUORS IN COUNTIES, CITIES AND INCORPORATED TOWNS, UPON THE VOTE OF THE ELECTORS THEREOF.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SECTION 1. That upon the presentation of a petition, signed by one-third of the qualified electors whose names appear on the poll books of the last general election of any city or incorporated town, or city organized under special charter within this state, to the city or town council of said city or incorporated town, or city organized under special charter requesting said city or town council to submit to the legal voters of the city or town so petitioning the question whether or not spirituous, malt and vinous liquors may be sold therein under the rules, regulations and restrictions of this act, if the said city or town council is satisfied that the signers of such petition are *bona fide* residents and legal voters of the city or town named in said petition, it shall be the duty of said city or town council to order a special election in the city or town so petitioning, at which election the question shall be submitted whether or not a license for the sale of spirituous, malt and vinous liquors may be granted.

SEC. 2. That upon a presentation of a petition, signed by one-third of the qualified electors in any township or in any county in the territory outside of all the cities and incorporated towns in any county within the state whose names appear upon the poll books of the last general election, to the board of supervisors of such county, requesting such board of supervisors to submit to the legal voters of any township of such county outside of all cities and incorporated towns therein, the question whether or not spirituous, malt and vinous liquors may be sold therein, under the rules, restrictions and regulations of this act, if the board of supervisors are satisfied that the signers of such petition are *bona fide* residents and legal voters of the township outside of all cities and incorporated towns in such county, named in such petition, it shall be the duty of such board of supervisors to at once order a special election in the township outside of all cities and incorporated town in such county, at which election the question shall be submitted whether or not a license for the sale of spirituous, malt and vinous liquors may be granted.

SEC. 3. The ballots for such election shall submit the question to be voted upon in the manner required by law, and no other question shall be voted upon at the same election.

SEC. 4. All elections under the provisions of this act shall be held at the same place and conducted in the same manner as is prescribed by law for general elections in this state, and all persons entitled to vote at such general election shall be entitled to vote at all elections provided for in this act.

SEC. 5. Such election shall not be held oftener than once in two years, except when right to sell has been defeated at any election, and thereafter, and within six months, upon a presentation to the city council or board of supervisors a petition signed by a majority of all the legal voters voting at the last election, the city council or board of supervisors shall again order an election submitting to the said voters the right to sell intoxicating liquors, as provided by this act.

SEC. 6. Notice of such election shall be given by publication for two consecutive weeks in such newspapers published in such city, town or county as the board of supervisors or council thereof may direct; the last publication to be at least ten days prior to said election.

SEC. 7. The votes at such election in any city or incorporated town shall be canvassed by the council thereof; and the votes in the territory outside of all cities and incorporated towns shall be canvassed by the board of supervisors of the county upon the certified returns of the several wards or precincts voting upon such question. All such canvassing boards shall certify the result of such elections to the county auditor of their respective counties and all expenses of notice and election shall be paid by the municipality or county wherein such election is held.

SEC. 8. In case a majority of all the votes cast at any such election shall be in favor of license, the board of supervisors in and for said county shall grant a license for the sale of spirituous, malt or vinous liquors, upon the presentation of a petition of ten of the resident freeholders of the ward, incorporated town, municipality or township where such spirituous, malt and vinous liquors are proposed to be sold, setting forth that the applicant is of reputable character, good standing, a resident of this state, and praying that a license for the sale of spirituous, malt and vinous liquors may be issued to him, which petition shall be filed in the office of the county auditor at least ten days prior to the date of hearing thereon, which may be made at any regular meeting of the board of supervisors.

SEC. 9. Notice of application for license, stating the name of the applicant, the place where the liquors are proposed to be sold, describing the land or lot and the date of the hearing upon such application shall be given by publication for two consecutive weeks in such weekly newspaper of the county as the county auditor shall direct, the last publication of such notice to be at least ten days prior to the date fixed for hearing on such petition.

SEC. 10. Any person may file a remonstrance against the granting of a license, which remonstrance shall be in writing and filed at least five days before the date of hearing; such remonstrance may be based on any of the following grounds: A violation of any of

4 the provisions of this act within one year preceding; that the applicant is not of reputable
5 character, or that such applicant is not a resident of this state. The proceedings upon the
6 hearing before the board of supervisors shall be governed by the same rules as are pre-
7 scribed in ordinary actions and shall be tried as speedily as possible. If no remonstrance
8 be filed, or if upon hearing the allegations of the remonstrance are not established, it shall
9 be the duty of the board of supervisors to order the license to be granted.

SEC. 11. The fee for license for the sale of spirituous, malt and vinous liquors shall
2 be not less than five hundred dollars per annum and such further or additional sum in
3 cities and towns as shall be determined by the municipality in which the business is to be
4 conducted; *provided*, that the total license fee shall in no case exceed the sum of one thou-
5 sand dollars. In cities and towns the additional amount of such license fee shall be fixed by
6 the city or town council, provided that no change shall be made in the license fee except at
7 the first regular meeting of said city or town council in December, to take effect on the first
8 day of January next following. The said city or town council shall certify to the treasurer
9 of the county the additional amount of license fixed by them. The whole of the license fee
10 shall be paid into the county treasury and where the business is to be conducted within the
11 limits of an incorporated city or town, all except the sum of two hundred and fifty dollars
12 shall be paid by the county treasurer to the treasurer of such city or town, but where the
13 business is conducted outside of the limits of any incorporated city or town, two hundred
14 and fifty dollars of said license fee shall be paid by the county treasurer into the road fund
15 of the township in which said business is located, to be expended in the same manner as
16 other road funds, under the supervision of the township trustees. Such license fee may be
17 paid at the option of the licensee, in quarterly installments, payable in advance at the
18 beginning of each quarter and when paid the same shall be distributed as above provided.
19 All of the license fees not paid out to the city or town treasurer or township road fund
20 shall go to the general county fund.

SEC. 12. No person shall be licensed to sell spirituous, malt or vinous liquors unless
2 he shall first give a bond in the penal sum of \$2,000.00, payable to the county in which ap-
3 plication is made for such license, with at least two good and sufficient sureties, freeholders
4 of the county in which such license is to be granted, to be approved by the board of super-
5 visors, conditioned that he will not violate any of the provisions of this act and that he will
6 pay the full amount of the license fee for each quarter of the year after the date of issuing
7 the license in the manner and at the time herein provided, and will pay all fines, penalties,
8 damages and forfeitures under the provisions of this act.

9 The board of supervisors taking such bonds shall examine each person offered as surety
10 upon such bond under oath, and require him to subscribe and swear to his statement in
11 regard to his pecuniary ability to become such surety. No person who is holden as the

- 12 principal or surety upon one bond given in pursuance of this act shall become the surety
- 13 upon any other bond of like character, and any person injured by the violation of any of
- 14 the provisions of this act may bring suit upon the said bond and recover therefor.

SEC. 13. All licenses issued in pursuance of this act shall be issued by the county

- 2 auditor, on the direction of the board of supervisors, and no license shall be issued until
- 3 the receipt of the county treasurer for the full amount of the license fee for the first quar-
- 4 ter of the period for which the license is granted is filed with such auditor. The license
- 5 shall state the length of time for which it is issued, which shall not extend beyond the last
- 6 day of December after its issue; the place where the liquor is to be sold, describing the lot
- 7 or land, and shall not be transferable to any other person except on the order of the board
- 8 of supervisors. If any licensed person shall fail to pay the quarterly installments of his
- 9 license fee on or before the first day of each quarter the license shall, immediately upon
- 10 such failure become void. Any license granted under this act shall be revoked by the
- 11 board granting the same, upon satisfactory proof that the person holding such license has
- 12 been convicted of a second violation of the provisions of this act.

SEC. 14. Any person licensed under this act who shall knowingly sell or give away any

- 2 spirituous, malt or vinous liquors to any minor, intoxicated person, habitual drunkard or
- 3 insane or idiotic person, or any person who has taken Keely treatment, shall be punished
- 4 by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceed-
- 5 ing thirty days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 15. Any minor or other of the persons named above, who shall for the purpose of

- 2 obtaining liquors from any licensed person falsely represent his age, or condition, shall be
- 3 deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine for
- 4 each and every offense not exceeding one hundred dollars, or by imprisonment in the county
- 5 jail not exceeding thirty days, or both, at the discretion of the court.

SEC. 16. The common council of each city or trustees of each incorporated town in

- 2 which licenses are granted, under the provisions of this act shall have power within their
- 3 respective municipalities to establish and provide for the enforcement in courts of compe-
- 4 tent jurisdiction therein, by proceedings applicable to the punishment of misdemeanors,
- 5 such rules, regulations and ordinances as to them shall seem proper in relation to the clos-
- 6 ing of places where intoxicating liquors are authorized to be sold as a beverage during
- 7 certain hours of the day and during all hours of the Sabbath day, and in relation to limits
- 8 within which such liquors shall not be authorized to be sold, and the wilful violation of any
- 9 of said rules, regulations or ordinances, shall, if found by the board granting such license,
- 10 cause the immediate revocation thereof, and it shall be the duty of such board to inquire
- 11 into and determine all such complaint upon such notice to the accused party as it may pre-
- 12 scribe, and tax the costs thereof to the losing party or the county, in its discretion.

SEC. 17. Nothing in this act shall be construed to prevent persons from selling wine
2 made from grape and fruits grown or raised by them upon land owned or occupied by them
3 in this state in quantities of not less than one gallon, without procuring a license for such
4 sale; *provided*, that no wine shall be sold to be drunk on the premises.

SEC. 18. All acts or parts of acts of the laws of the state of Iowa in conflict hereby
2 repealed, but nothing in this act contained shall be construed to affect any of the statutes
3 of this state against the keeping of nuisances, nor any of the civil or criminal remedies now
4 provided by law for the abatement of such nuisances, nor the punishment of those keeping
5 the same in all cases where persons are engaged in the sale of intoxicating liquors without a
6 license as provided by this act.

SEC. 19. This act being deemed of immediate importance, shall take effect and be in
2 force from and after the publication in the Des Moines Leader and the Iowa State Register,
3 newspapers published at Des Moines, Iowa.