

11 the actual market value at the time of purchase; and, provided
 12 further, that the commissioner of insurance shall have full discretion
 13 in determining the method of calculating values according to the
 14 foregoing rule.

Approved April 11, A. D. 1921.

CHAPTER 199

INSPECTION OF RESTAURANTS

H. F. 570.

AN ACT providing for the regulation, licensing and sanitary inspection of restaurants, cafes, cafeterias, dining rooms, lunch wagons, lunch counters and all places where prepared food or meals are furnished to the public.

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

1 SECTION 1. "Restaurant" defined. Every building or structure
 2 kept, used, advertised as or held out to the public to be a restaurant,
 3 cafe, cafeteria, dining hall, lunch counter, lunch wagon or place
 4 where food is served for pay, to the public, except those used not more
 5 than one day in any week by churches, fraternal societies and civic
 6 organizations, shall for the purposes of this act be defined to be a
 7 restaurant and wherever the word "restaurant" shall occur in this
 8 act it shall be construed to mean and cover every such place as is
 9 described in this section. Provided, however, that this act shall not
 10 apply to churches, lodges or like organizations, which do not regular-
 11 ly as a business, engage in the serving of food.

1 SEC. 2. Application for license. That upon the taking effect of
 2 this act and on or before January 1st of each year thereafter
 3 every person, firm or corporation now engaged in the business of
 4 conducting a restaurant and every person, firm or corporation who
 5 shall thereafter engage in conducting such business shall make ap-
 6 plication to the inspector of hotels for a license to conduct such
 7 business.

1 SEC. 3. Blanks—issuance of license. The inspector of hotels
 2 upon request shall furnish to any person, firm or corporation desiring
 3 to conduct a restaurant an application blank to be filled out by such
 4 person, firm or corporation for a license therefor, and which shall
 5 require such applicant to state the full name and address of the
 6 owner of the building, the lessee, and manager of such restaurant
 7 together with the full description of the building and property to
 8 be used or proposed to be used for such business, the location of the
 9 same, the name under which such business is to be conducted, and
 10 such other information as may be required therein by the inspector
 11 of hotels and such application shall be accompanied by the license
 12 fee provided in section five (5) of this act. Upon the approval of
 13 such application by the inspector of hotels he shall issue a license to
 14 the applicant to conduct a restaurant in this state.

1 **SEC. 4. Operation without license—duration of license.** Each
2 license shall expire on the thirty-first day of December next follow-
3 ing its issuance. No restaurant shall be maintained or conducted in
4 this state after the taking effect of this act without having secured
5 a license therefor as provided in said act and no license shall be
6 transferable, provided, however, that after the making of applica-
7 tion for license as herein provided for, and pending the issuance of
8 such license such restaurant shall be permitted to operate as such
9 until the final refusal of such application by the inspector; pro-
10 vided, also, that no restaurant shall be denied relief in the courts
11 in any action instituted by such restaurant by reason of the fact that
12 a license has not been issued to such restaurant.

1 **SEC. 5. Fee.** The fee for a license to conduct a restaurant in
2 this state shall be three dollars (\$3.00).

1 **SEC. 6. Disposition of fund.** All fees received for license shall
2 forthwith be paid over to the state treasurer and his receipt taken
3 and kept on file in the office of the inspector of hotels. Such fees
4 shall be by the treasurer kept as a part of the hotel inspection fund
5 and only paid out for bills or claims approved by the inspector of
6 hotels and the board of audit, except that when this fund exceeds
7 ten thousand dollars (\$10,000.00) such excess shall be paid into the
8 general fund of the state.

1 **SEC. 7. Duty of inspector.** It shall be the duty of the inspector
2 of hotels and his deputies to see that all the provisions of this act
3 are enforced and complied with, and for such purpose such inspec-
4 tor or deputy shall personally inspect at least once each calendar
5 year every restaurant in the state coming under the provisions of
6 this act, no additional compensation other than that already pro-
7 vided in the law for inspection of hotels as provided in section
8 2514-t, supplemental supplement to the code, 1915, shall be allowed
9 or paid to the inspector of hotels or his deputies for the enforce-
10 ment of this act.

1 **SEC. 8. Inspection on complaint—expenses.** Upon the receipt
2 of a verified complaint signed by one or more patrons of any res-
3 taurant in this state setting forth facts showing that such restaurant
4 is in an insanitary condition or that fire escapes or appliances are
5 not kept and maintained in accordance with the provisions of law,
6 the inspector shall make or cause to be made an inspection or ex-
7 amination of the matters complained of, and, if upon inspection such
8 complaint is found to be justifiable, the actual expense necessarily
9 incurred in conducting such examination shall be charged and col-
10 lected. In case the complaint is found to be without reasonable
11 grounds the actual expense necessarily incurred in making such in-
12 spection shall be chargeable against and collected from the person
13 or persons making the complaint, the expense charged in either case
14 shall be collected by the officer making the inspection, who shall
15 receipt for same to party paying such charge, and such officer shall
16 cause any money so collected to be paid over as license fees.

1 **SEC. 9. Sanitary conditions of premises.** Every restaurant, ex-
2 cept those temporary in location and character, situated in a city
3 or town having a system of sewerage, shall be thoroughly drained,

4 constructed and ventilated according to approved sanitary prin-
 5 ciples; all restaurants shall be kept and maintained in a clean and
 6 sanitary condition and free from any effluvia, gas, or offensive odors
 7 arising from any sewer, drain, privy, or any other source whatso-
 8 ever within the control of the owner, manager, agent or person in
 9 charge thereof. Restaurants, except those temporary in character
 10 and location, in cities or towns not provided with a sewerage system
 11 shall be drained, constructed and ventilated in accordance with ap-
 12 proved sanitary principles, and the drain shall be connected with
 13 an approved cesspool, which cesspool shall be properly cleaned and
 14 disinfected as often as necessary to keep and maintain it in an ap-
 15 proved sanitary condition.

1 **SEC. 10. Sanitary conditions of utensils.** In every restaurant
 2 the kitchen, kitchen utensils, dining room, lunch counter, cellar, ice
 3 boxes, refrigerators, cooking utensils and all places where food is
 4 kept, stored, prepared or served, shall be kept and maintained in a
 5 sanitary condition, and the use of soiled or insanitary tablecloths,
 6 napkins or other tableware is hereby prohibited. And where any
 7 of the above named equipment is found to be in an insanitary condi-
 8 tion it shall be condemned by the inspecting officer and further use
 9 of same shall forthwith be prohibited. There shall be no toilets,
 10 urinals or beds in any room or place where food is kept, stored, pre-
 11 pared or served. In toilet rooms and public wash rooms installed in
 12 restaurants the use of the roller towel, or common towel, and the
 13 common drinking cup is hereby prohibited.

1 **SEC. 11. Report in re inspection.** The deputy inspector shall
 2 make a full and complete report to the inspector of hotels of every
 3 restaurant inspected by them upon blanks furnished for that pur-
 4 pose, which report shall show the condition of the restaurant in-
 5 spected, as to its sanitary condition, the number and condition of
 6 its fire escapes, number of stories high, name of the proprietor, fee
 7 charged for license, and such other information as the inspector of
 8 hotels may determine will be for the betterment of the public health.

1 **SEC. 12. Penalty.** Any inspector or deputy who shall know-
 2 ingly certify falsely regarding any restaurant inspected by him, or
 3 shall issue a license to any person owning, managing, or operating a
 4 restaurant when such person has not complied with the provisions
 5 of this act, shall be guilty of a misdemeanor, and upon conviction
 6 thereof shall be punished by a fine not exceeding five hundred dol-
 7 lars or imprisonment in the county jail not exceeding six months
 8 or by both such fine and imprisonment.

1 **SEC. 13. Notice of violations.** It shall be the duty of the in-
 2 spector upon ascertaining by inspection or otherwise, that any res-
 3 taurant is being carried on contrary to any of the provisions of this
 4 act, to notify the manager, proprietor or owner in writing in what
 5 respect it fails to comply with the law and requiring such person
 6 within a reasonable time, to be fixed by the inspector, to do or cause
 7 to be done the things necessary to make it comply with the law.

1 **SEC. 14. Penalty.** Any owner, manager, agent or person in
 2 charge of a restaurant who shall obstruct, hinder or interfere with an
 3 inspector or his deputy in the proper discharge of his duty, or who

4 shall willfully fail or neglect to comply with any of the provisions
5 of this act, shall be guilty of a misdemeanor and upon conviction
6 thereof, be fined not exceeding one hundred dollars or imprisoned
7 in the county jail not exceeding thirty days and after such convic-
8 tion his license may be revoked by the inspector of hotels.

1 **SEC. 15. Injunction.** It shall be the duty of the inspector upon
2 ascertaining that any owner, manager, agent or person in charge is
3 violating any of the provisions of this act after the expiration of the
4 time fixed in the notice provided in section eleven hereof to make
5 complaint, and may file his petition in any court of competent juris-
6 diction or before any judge of such court in vacation, upon which
7 an injunction may issue with or without bond as may be ordered
8 by the court or judge, restraining the further use of such restaurant
9 until the provisions of this act are fully complied with; but no in-
10 junction shall issue until after the defendant has had at least five
11 days' notice of the application therefor, fixing a time for hearing
12 thereon. It is hereby made the duty of the county attorney in either
13 case to prepare the necessary papers and conduct all prosecutions
14 or litigation connected therewith.

1 **SEC. 16. Repeal.** All acts or parts of acts inconsistent herewith
2 are hereby repealed.

1 **SEC. 17. Publication clause.** This act being deemed of immedi-
2 ate importance, shall take effect and be in full force from date of
3 publication in The Des Moines Capital and in The Des Moines Regis-
4 ter, newspapers published in Des Moines, Iowa.

Approved April 11, A. D. 1921.

I hereby certify that the foregoing act was published in the Des Moines Capital
April 18, 1921, and in the Des Moines Register April 16, 1921.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 200

RESTRICTED DISTRICT ORDINANCES

H. F. 604.

AN ACT to provide for the recording and indexing by county recorders of restricted
districts, building lines, and benefited districts.

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

1 **SECTION 1. Certifying ordinance.** Immediately after the pas-
2 sage by the city council of an ordinance or resolution establishing
3 any restricted district, building lines, fire limits, the city clerk shall
4 certify such ordinance or resolution and plat of said district to the
5 county recorder of the county in which the city is situated.

1 **SEC. 2. Recordation.** Whenever such ordinance or resolution shall
2 have been certified to the county recorder, then he shall record the
3 same in the miscellaneous record or other book provided for special
4 records.