

6 pany, railroad company or railway company, having a special class  
 7 "B" permit; to the premises of any hotel for which a class "B" per-  
 8 mit has been issued, other than that part of such premises regularly  
 9 used by the hotel for the principal purpose of selling beer or food to  
 10 the general public; to the private premises of any bona fide private  
 11 club or association for which a class "B" permit has been issued, hav-  
 12 ing a select and discriminate membership and owned and operated  
 13 by and for the benefit of the members which is under the exclusive  
 14 control of the membership or,".

1 SEC. 2. Section one hundred twenty-four point thirty-one  
 2 (124.31), Code 1954, is hereby further amended by adding thereto  
 3 the following:

4 "Nothing herein contained shall be construed as authorizing the  
 5 selling of any liquor for beverage purposes having an alcoholic content  
 6 greater than four percentum by weight."

1 SEC. 3. This Act being deemed of immediate importance shall  
 2 be in full force and effect after its publication in The Cedar Rapids  
 3 Gazette, a newspaper published at Cedar Rapids, Iowa, and the Daily  
 4 Times Herald, a newspaper published at Carroll, Iowa.

Approved March 24, 1955.

I hereby certify that the foregoing Act, Senate File 227, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, March 28, 1955, and in the Daily Times Herald, Carroll, Iowa, March 28, 1955.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 95

### STREAM AND LAKE POLLUTION

#### S. F. 332

AN ACT to amend chapter one hundred thirty-five (135), Code 1954, relating to stream and lake pollution.

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

1 SECTION 1. Section one hundred thirty-five point eighteen  
 2 (135.18), Code 1954, is hereby amended as follows:

3 1. By inserting after the first comma (,) in line three (3) the  
 4 word "watercourse,".

5 2. By inserting after the word "eliminating" in line six (6) the  
 6 word "pollution".

7 3. By striking everything from said section beginning with the  
 8 word "so" in line six (6) to and including the word "purposes" in  
 9 line fifteen (15).

10 4. By adding to said section the following:

11 "For the purposes of this chapter, pollution means such contami-  
 12 nation, or other alteration of the physical, chemical or biological prop-  
 13 erties, of such waters of the state, or such discharge of such liquid,  
 14 gaseous or solid substances into such waters of the state as will create  
 15 a nuisance or render such waters harmful or detrimental or injurious  
 16 to public health, safety or welfare, or to domestic, commercial, in-

17 dustrial, agricultural, recreational, or other legitimate beneficial uses,  
18 or to livestock, wild animals, birds, fish or other aquatic life.”.

1 SEC. 2. Section one hundred thirty-five point twenty-four  
2 (135.24), Code 1954, is hereby amended by striking out of said sec-  
3 tion every provision thereof following the section number and in-  
4 serting in lieu thereof the following:

5 1. Any person, firm, corporation, municipality\*, or any officer or  
6 agent thereof causing pollution as defined in section one hundred  
7 thirty-five point eighteen (135.18), Code 1954, of this chapter of such  
8 waters of the state or placing or causing to be placed any wastes, in-  
9 cluding sewage, industrial waste, and all liquid, gaseous or solid  
10 substances, in a location where they will probably cause pollution of  
11 such waters of the state may be enjoined from continuing such action.

12 2. It shall be the duty of the attorney general, only on request of  
13 the department, to bring an action for an injunction against any  
14 person, firm, corporation, municipality, or agent thereof violating the  
15 provisions of this section. In any such action any previous finding  
16 of the department after hearing or due notice shall be prima facie  
17 evidence of the fact or facts found therein.

1 SEC. 3. Section one hundred thirty-five point twenty-five (135.25),  
2 Code 1954, is hereby amended as follows:

3 1. By adding to the title thereof and immediately before the word  
4 “penalty” the word “contempt” followed by a colon (:).

5 2. By adding thereto as subsection one (1) the following:

6 “Failure to obey any order issued under the provisions of section one  
7 hundred thirty-five point twenty (135.20) of this chapter made by  
8 the department with reference to matters pertaining to the pollution  
9 of waters shall constitute prima facie evidence of contempt. In such  
10 event the department may certify to the district court of the county  
11 in which such disobedience shall occur, the fact of such failure. The  
12 district court shall then proceed to hear and determine the matter  
13 and, if the order be found to be reasonable and lawful, to punish for  
14 contempt to the same extent as though such failure were in connec-  
15 tion with an order made by the district court which is made punish-  
16 able by contempt.”.

17 3. By inserting immediately before the word “Any”, in line one  
18 (1) of said section the numeral “2”.

19 4. By inserting immediately before the word “section” in line three  
20 (3) the word “this”.

21 5. By striking the numerals “135.24” following the word “section”  
22 in line three (3).

23 6. By inserting immediately before the word “section” in line ten  
24 (10) the word “this”.

25 7. By striking the numerals “135.24” following the word “section”  
26 in line ten (10).

1 SEC. 4. Section one hundred thirty-five point twenty-six (135.26),  
2 Code 1954, is hereby amended as follows:

3 1. By striking out all of subsection one (1) and substituting in lieu  
4 thereof the following:

5 “It shall be unlawful to carry on any of the following activities

\*According to enrolled Act.

6 without first securing a written permit from the department, as is  
 7 required by it, for the disposal of all wastes, including sewage, in-  
 8 dustrial waste and all liquid, gaseous or solid substances, which are  
 9 or may be discharged thereby into the waters of the state.

10 a. The construction, installation or modification of any disposal  
 11 system or part thereof or any extension or addition thereto.

12 b. The construction or installation of any industrial or commercial  
 13 establishment or any extension or modification thereof or addition  
 14 thereto, the operation of which will cause pollution as defined in sec-  
 15 tion 135.18.

16 c. The construction or use of any new outlet for the discharge of  
 17 any wastes directly into the waters of the state. Provided, however,  
 18 that no permit shall be required for any new disposal system or ex-  
 19 tension or addition to any existing disposal system that receives or  
 20 may receive only domestic or sanitary sewage from a building housing  
 21 or occupied by fifteen persons or less.

22 However, no permit shall be issued when the proposed use, when  
 23 added to the existing uses or condition of such waters, will result in  
 24 pollution as defined in section one hundred thirty-five point eighteen  
 25 (135.18), Code 1954.

26 2. By striking from line one (1) of subsection two (2) the word  
 27 "sewerage" and inserting in lieu thereof the words "waste disposal".

28 3. By striking from line five (5) of subsection two (2) the word  
 29 "sewerage" and inserting in lieu thereof the words "waste disposal".

1 SEC. 5. Section one hundred thirty-five point twenty-seven  
 2 (135.27), Code 1954, is hereby amended by striking from line two  
 3 (2) the word "sewerage" and inserting in lieu thereof the words  
 4 "waste disposal".

1 SEC. 6. Section one hundred thirty-five point twenty-eight  
 2 (135.28), Code 1954, is hereby amended as follows:

3 1. By striking from line four (4) of subsection one (1) the word  
 4 "sewerage" and inserting in lieu thereof the words "waste disposal".

5 2. By striking from line five (5) of subsection two (2) the word  
 6 "sewerage" and inserting in lieu thereof the words "waste disposal".

7 3. By adding thereto the following:

8 "The department is empowered to adopt and enforce rules and  
 9 regulations consistent with and not different from the provisions of  
 10 this chapter restricting the polluting content of any waste material  
 11 and polluting substances discharged or sought to be discharged into  
 12 any of the waters of the state."

Approved May 13, 1955.