

## CHAPTER 1117

### PUBLIC SAFETY NUISANCES AT ADULT ESTABLISHMENTS — PENALTIES

H.F. 2531

**AN ACT** relating to public safety nuisances at adult establishments that provide nude or topless dancing or operate any other adult-oriented business, and making penalties applicable.

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

Section 1. **NEW SECTION. 657.12 Adult establishments.**

1. As used in [this section](#), “adult establishment” means any business that provides nude or topless dancing or operates any other adult-oriented business.

2. A public safety nuisance exists when it is established by clear and convincing evidence that an owner, manager, employee, contemporaneous patron, or guest of an adult establishment commits any of the following acts either on the premises or in any parking lots or areas, including but not limited to public rights of way, adjacent to the premises:

a. Unlawfully discharges a firearm or uses an offensive weapon, as defined in [section 724.1](#), regardless of whether it inflicts injury or death.

b. Assaults another person with a dangerous weapon as defined in [section 702.7](#) resulting in injury or death.

c. Engages in a riot as defined in [section 723.1](#) on three or more dates within a twelve-month period to which the police respond and disperse a crowd. The participants need not be the same persons for each incident.

3. When the county attorney or city attorney for the county or city where the premises is located believes a serious threat to the public safety exists, the county attorney, city attorney, or any other attorney on behalf of the county attorney or city attorney may file a suit in equity in the district court without bond seeking abatement of the public safety nuisance arising from an adult establishment.

4. a. Upon filing a suit pursuant to [subsection 3](#), the petitioner may seek a temporary injunction. As part of any temporary injunction issued, and upon a showing of reasonable cause that a public safety nuisance exists, the court shall limit the business hours of the adult establishment to be between the hours of 12:00 p.m. and 10:00 p.m. and prohibit the consumption of alcoholic beverages on the property.

b. [This subsection](#) shall not be construed to prohibit the court from ordering any other restrictions that the court deems appropriate including complete closure during the pendency of the action.

5. Upon finding a public safety nuisance exists, after trial, the court may enter judgment declaring the existence of the nuisance and ordering such remedial action to abate the nuisance as the court determines reasonable. The abatement order may take the form of an injunction. The duration of such abatement order may be up to two years. Remedial action may include but is not limited to temporary or complete closure, change in business practice or operation, or posting of a bond. If a bond is ordered and posted, the bond shall be subject to forfeiture, in whole or in part, for any further actions contrary to the abatement order.

Approved May 1, 2024