FILED
NOV 2 7 1989
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 9-547 / 89-345

CITY OF CEDAR RAPIDS, IOWA,

Plaintiff-Appellee,

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vs.

DANISH BOOK WORLD, INC., and BEVERLY REALTY,

Defendants-Appellants.

Appeal from the Iowa District Court for Linn County, Larry J. Conmey, Judge.

Danish Book World appeals the decision of the district court permanently enjoining it from operating an adult entertainment establishment at its present location. **AFFIRMED.**

David F. McGuire and Mohammad Sheronick, Assistant City Attorneys, Cedar Rapids, for appellee.

Gary L. Robinson and Lorraine K. Snead of Klinger, Robinson, McCuskey & Ford, Cedar Rapids, for appellants.

Considered by Schlegel, P.J., and Sackett and Habhab, JJ.

PER CURIAM

Defendant-appellant Danish Book World, Inc. appeals a trial court order finding it to be an "adult entertainment establishment" and enjoining it from further operation as such. Our scope of review in this equity action is de novo. Iowa R. App. P. 4. We affirm the trial court decision.

During the trial the city presented evidence as to the nature of items sold in defendant Danish Book World's store. The trial court specifically found the store was an "adult entertainment establishment" as defined by Cedar Rapids city ordinance section 32.11(d)2D. Having reviewed the record, we find no reason to disturb the trial court's ruling on this issue.

As an adult entertainment establishment, Danish Book World's operation in its present location is in violation of Cedar Rapids city ordinance section 32.11(d)3B2, which prohibits such establishments from operating within 450 feet of any residential zoning district. The trial court order permanently enjoined Danish from operating an adult entertainment establishment at its present location.

Danish Book World contends the trial court had no authority to issue an injunction under these circumstances. We disagree. Iowa Code section 414.20 (1987) provides authority for a municipality to institute proceedings to prevent any illegal use of property. The city does have the authority to institute a suit in equity

to enjoin use of property in violation of zoning ordinances. See Iowa City v. Muscatine Dev. Co., 258 Iowa 1024, 1033-36, 141 N.W.2d 585, 591-93 (1966). The trial court properly issued the injunction.

The decision of the trial court is affirmed.

AFFIRMED.