

Mountain Iron – General Offenses

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

131. DRUGS

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CHAPTER 130: GENERAL OFFENSES

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GENERAL PROVISIONS

§ 130.01 DISORDERLY CONDUCT AND VAGRANCY.

(A) M.S. § 609.725, as it may be amended from time to time, known as disorderly conduct is adopted by reference.

(Prior Code, § 54.01)

(B) M.S. § 609.725, as it may be amended from time to time, known as vagrancy is adopted by reference.

(Prior Code, § 54.02)

§ 130.02 NUDITY ON THE PREMISES OF LICENSED ESTABLISHMENTS PROHIBITED.

(A) The City Council finds that it is in the best interests of the public health, safety, and general welfare of the people of the city that nudity is prohibited as provided in this section on the premises of any establishment licensed under this chapter. This is to protect and assist the owners, operators, and employees of the establishment, as well as patrons and the public in general, from harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The Council especially intends to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct, including prostitution, sexual assault, and disorderly conduct. The Council also finds that the prohibition of nudity on the premises of any establishment licensed under this chapter, as set forth in this section, reflects the prevailing community standards of the city.

(B) It is unlawful for any licensee to permit or allow any person or persons on the licensed premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material. It is unlawful for any person to be on the licensed premises when the person does not have his or her buttocks, anus, breasts, and genitals covered with a non-transparent material.

(C) A violation of this section is a misdemeanor punishable as provided by law, and is justification for revocation or suspension of any liquor, wine, or 3.2% malt liquor license or the imposition of a civil penalty under the provisions of § 130.99(A).

Penalty, see § 130.99

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FIREARMS

§ 130.20 DISCHARGE PROHIBITED.

Except as provided in this subchapter, no person shall fire or discharge any gun, pistol or firearm of any description within the city limits except in the lawful defense of person, family, or property or in necessary enforcement of law.

(Prior Code, § 51.01) Penalty, see § 10.99

§ 130.21 POSSESSION AND CONCEALMENT OF FIREARMS.

Except as provided in this subchapter, and M.S. §§ 624.711 to 624.716, as they may be amended from time to time, regulating the carrying or possession of a firearm under certain conditions, no person shall have in his or her possession any gun, pistol, or firearm of any description within the limits of the city unless such pistol, gun or firearm is dismantled, broken apart or carried in a case in such a manner that it cannot be discharged; nor shall any person carry or conceal any pistol or firearm upon his or her person.

(Prior Code, § 51.02)

§ 130.22 EXCEPTIONS.

The terms of this subchapter shall not prohibit the possession or discharge of guns, pistols or firearms by duly authorized peace officers or military authorities.

(Prior Code, § 51.03)

§ 130.23 FIRING RANGES.

The terms of this subchapter shall not prohibit possession or discharge of firearms upon a rifle or firing range, indoor or outdoor, provided such a range is properly equipped and supervised to insure reasonable safety as determined by the City Council.

(Prior Code, § 51.04)

§ 130.24 POSSESSION OF FIREARMS WITHIN THE HOME.

Nothing in this chapter shall be construed to embrace the possession of firearms within the home or the discharge of the same when done in the lawful defense of person, property or family.

(Prior Code, § 51.05)

§ 130.25 USE FOR HUNTING.

Discharge of firearms in hunting wild game in accordance with the laws of the State of Minnesota is allowed in those portions of the city which are not within one-fourth mile of a platted area.

(Prior Code, § 51.06)

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§ 130.26 RECKLESS ACTS.

No person shall do any of the following within the limits of the city:

(A) Recklessly handle or use a gun, other dangerous weapon or explosive so as to endanger the safety of another;

(B) Intentionally point a gun of any kind, capable of injuring or killing a human being, whether loaded or unloaded, at or toward another.
(Prior Code, § 51.07)

§ 130.27 POSSESSION BY MINORS.

No minor under the age of 14 years of age shall handle or have in his or her possession or under his or her control, except while accompanied by or under the immediate charge of his or her parent or legal guardian, any firearm, gun or air gun of any kind.
(Prior Code, § 51.08)

§ 130.28 FURNISHING TO MINORS.

No person within the city limits shall:

(A) Furnish a minor under 18 years of age with any firearm, air gun, ammunition or explosives without the written consent of the minors parent or legal guardian or the Chief of Police;

(B) As a parent or legal guardian, permit a child under 14 years of age to handle or use outside of the parent's or legal guardian's presence a firearm or air gun or any kind of ammunition or explosive.
(Prior Code, § 51.09) Penalty, see § 10.99

§ 130.29 SILENCERS.

No person within the city limits shall sell or have in his or her possession any device designed to silence or muffle the discharge of a firearm.
(Prior Code, § 51.10)

SEXUALLY ORIENTED BUSINESSES

§ 130.40 PURPOSE.

The purpose of this chapter is to prescribe licensing requirements for sexually oriented businesses to protect the public health, safety, and welfare and to prevent criminal activity and the spread of sexually-transmitted diseases.

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§ 130.41 FINDINGS.

The City Council makes the following findings regarding the effect sexually oriented businesses have on the character of the city's neighborhoods. In making these findings, the City Council accepts the recommendations and conclusions of the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses* dated June 6, 1989, a copy of which is referenced and included in Appendix II of this chapter. This chapter shall have no force and effect until the City Council accepts these recommendations by resolution of a majority of its members, using the model resolution contained in Appendix I of this chapter.

(A) Sexually oriented businesses can contribute to an increase in criminal activity in the area in which such businesses are located, increasing the demands on city crime-prevention programs and law enforcement services.

(B) Sexually oriented businesses can be used as fronts for prostitution and other criminal activity. The experience of other cities indicates that proper management and operation of such businesses can minimize this risk.

(C) Sexually oriented businesses can increase the risk of exposure to communicable diseases, including Acquired Immune Deficiency Syndrome (AIDS), for which there is currently no cure. Experiences of other cities indicate that such businesses can facilitate the spread of communicable diseases by virtue of the design and use of the premises, endangering not only the patrons of such establishments but also the general public.

(D) Sexually oriented businesses can cause or contribute to public health problems by the presence of live adult entertainment in conjunction with food and/or drink on the same premises.

(E) A licensing and regulatory scheme as prescribed in this chapter can facilitate the enforcement of the city's "anti-blight" regulations, as set forth below, and can aid in monitoring sexually oriented businesses for adverse secondary effects on the community.

(F) The risk of criminal activity and/or public health problems can be minimized through a licensing and regulatory scheme as prescribed in this chapter.

§ 130.42 DEFINITIONS.

The following words and terms have the following meanings when used in this chapter.

SEXUALLY ORIENTED BUSINESS. Shall include the following:

(1) A business that meets any of the following criteria, measured on a daily, weekly, monthly, or yearly basis:

(a) Has more than 25% of its inventory, stock-in-trade, or publicly displayed merchandise in sexually oriented materials;

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(b) Devotes more than 25% of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to sexually oriented materials; or

(c) Derives more than 25% of its gross revenues from sexually oriented materials; or

(2) A business that engages for any length of time in a sexually oriented use as defined in this section or any other use that has an emphasis on specified sexual activities or specified anatomical areas.

SEXUALLY ORIENTED MATERIALS. Visual, printed, or aural materials, and other objects or devices, that:

(1) Contain, depict, simulate or describe specified sexual activities or specified anatomical areas; or

(2) Are marketed for use in conjunction with, or are primarily used only with or during specified sexual activities; or

(3) Are designed for sexual stimulation.

SEXUALLY ORIENTED USE. Any of the following activities and businesses, even if the activity exists for only a short-time:

(1) ***ADULT BODY PAINTING STUDIO.*** An establishment or business that provides the service of applying paint, ink, or other substance, whether transparent or non-transparent, to the body of a patron when the person is nude.

(2) ***ADULT BOOKSTORE.*** An establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape, movies, or motion picture film if it meets the criteria established in the definition of ***SEXUALLY ORIENTED BUSINESS***, as defined in this section.

(3) ***ADULT CABARET.*** A business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on:

(a) The depiction of nudity, specified sexual activities or specified anatomical areas; or

(b) The presentation, display, or depiction of matter that seeks to evoke, arouse, or excite sexual or erotic feelings or desire.

(4) ***ADULT COMPANIONSHIP ESTABLISHMENT.*** A business or establishment that provides the service of engaging in or listening to conversation, talk, or

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discussion distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(5) ***ADULT CONVERSATION/RAP PARLOR.*** A business or establishment that provides the services of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(6) ***ADULT HEALTH/SPORT CLUB.*** A health/sport club that is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(7) ***ADULT HOTEL OR MOTEL.*** A hotel or motel that presents material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(8) ***ADULT MASSAGE PARLOR/HEALTH CLUB.*** A massage parlor or health club that provides massage services distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(9) ***ADULT MINI-MOTION PICTURE THEATER.*** A business or establishment with a capacity of less than 50 persons that, as a prevailing practice, presents on-premises viewing of movies, motion pictures, or other material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(10) ***ADULT MODELING STUDIO.*** A business or establishment that provides live models who, with the intent of providing sexual stimulation or sexual gratification, engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted.

(11) ***ADULT MOTION PICTURE ARCADE.*** Any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are used to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

(12) ***ADULT MOTION PICTURE THEATER.*** A motion picture theater with a capacity of 50 or more persons that, as a prevailing practice, presents material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons.

(13) ***ADULT NOVELTY BUSINESS.*** An establishment or business that has a variety of items for sale if it meets the criteria established in division (1) of the definition of ***SEXUALLY ORIENTED BUSINESS*** defined in this section.

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(14) **ADULT SAUNA.** A sauna that excludes minors by reason of age, and that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(15) **ADULT STEAM ROOM/BATHHOUSE FACILITY.** A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, if the building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

SPECIFIED ANATOMICAL AREAS. Shall include the following:

- (1) Less than completely and opaquely covered human genitals, pubic area, buttocks, anus, or female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a state of sexual arousal, whether or not completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Shall include the following:

- (1) Actual or simulated: sexual intercourse; oral copulation; anal intercourse; oral-anal copulation; bestiality; direct physical stimulation of unclothed genitals; flagellation or torture in the context of a sexual relationship; the use of excretory functions in the context of a sexual relationship; anilingus; coprophagy; coprophilia; cunnilingus; fellatio; necrophilia; pedophilia; piquerism or zooerastia;
- (2) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence;
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;
- (4) Fondling or touching of nude human genitals, pubic regions, buttocks, or female breasts;
- (5) Situations involving a person or persons, any of whom are nude, who are clad in undergarments or in sexually revealing costumes and engaged in the flagellation, torture, fettering, binding or other physical restraint of any person;
- (6) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation or vaginal or anal irrigation.

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§ 130.43 EXCEPTIONS.

This chapter does not regulate the following:

- (A) Material with significant literary content or social commentary;
- (B) A business where sexually oriented materials are sold, bartered, distributed, leased, furnished, or otherwise provided for off-site use or entertainment, if the sexually oriented material on each item is blocked from view by an opaque cover as required under M.S. § 617.293, as it may be amended from time to time, and each item is in an area accessible only by an employee of the business;
- (C) A person or organization exempted under M.S. § 617.295, as it may be amended from time to time;
- (D) Activity regulated under M.S. § 617.251 as it may be amended from time to time;
- (E) Displaying works of art showing specified anatomical areas, so long as no sexually oriented materials are for sale, and the business does not have a liquor license; and
- (F) Movies rated G, PG, PG-13, NC-17 or R.

§ 130.44 LICENSE REQUIRED.

No person may own or operate a sexually oriented business within the city unless the person is currently licensed under this chapter.

Penalty, see § 130.99

§ 130.45 PERSONS INELIGIBLE.

No license may be issued to a person who:

- (A) Is not a citizen of the United States or a resident alien;
- (B) Is a minor at the time the application is filed;
- (C) Has been convicted of a crime directly related to the licensed occupation and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the owner, operator or manager of a sexually oriented business under M.S. § 364.03, Subd. 3, as it may be amended from time to time, or a person not of good moral character and repute;
- (D) Holds a liquor license under Minnesota Basic Code Chapter 114.
- (E) In the judgment of the licensing authority, is not the real party in interest or beneficial owner of the business operated under the license;

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(F) Has had a license for a sexually oriented business or similar business revoked anywhere within five years of the license application; or

(G) In the case of an individual, is not a resident of the state; in the case of a partnership, the managing partner is not a resident of the state; or in the case of a corporation, the manager is not a resident of the state. The required residency must be established by the time the license is issued and maintained throughout the existence of the license and all renewals. The time for establishing residency may, for good cause, be extended by the licensing authority.
Penalty, see § 130.99

§ 130.46 PLACES INELIGIBLE.

No license may be issued for:

(A) A place or a business ineligible for a license under city ordinance or state law;

(B) Operation in a zoning district where the business is not allowed pursuant to §§ 130.65 to 130.70;

(C) A place or business that is currently licensed as a tattoo establishment, pawnshop, massage business or establishment that sells alcoholic beverages; or

(D) Operation on a premises on which taxes, assessments or other financial claims of the city or other government agency are delinquent and unpaid, unless the non-payment is not under the control of the applicant.
Penalty, see § 130.99

§ 130.47 LICENSE APPLICATION.

(A) The application for a sexually oriented business license under this chapter must be made on a form supplied by the city and must provide the following information:

(1) The business in connection with which the proposed license will operate;

(2) The location of the business premises;

(3) The legal description of the premises to be licensed, including a map of the area for which the license is sought, showing dimensions, locations of buildings, street access and parking facilities;

(4) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid;

(5) Whether the applicant is the owner and operator of the business and if not, who is;

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(6) Whether the applicant has ever used or been known by a name other than his or her true name, and if so, what was the name or names, and information concerning dates and places where used;

(7) Whether the applicant is married or single. If married, the true name, place and date of birth and street address of applicant's spouse;

(8) Street address at which the applicant and spouse have lived during the preceding ten years;

(9) Kind, name and location of every business or occupation the applicant and spouse have been engaged in during the preceding ten years;

(10) Names and addresses of the applicant's and spouse's employers and partners, if any, for the preceding ten years;

(11) Whether the applicant or spouse has ever been convicted of a violation of a state law or local ordinance, other than a non-alcohol related traffic offense. If so, the applicant must furnish information as to the time, place and offense for which convictions were had;

(12) Whether the applicant or spouse has ever been engaged as an employee or in operating a sexually oriented business, massage business, or other business of a similar nature. If so, the applicant must furnish information as to the time, place and length of time;

(13) Whether the applicant has ever been in military service. If so, the applicant must, upon request, exhibit all discharges;

(14) If the applicant is a partnership, the name and address of all partners and all information concerning each partner as is required of a single applicant as above. A managing partner or partners must be designated. The interest of each partner or partners in the business must be submitted with the application and, if the partnership is required to file a certificate as to trade name under the provisions of M.S. Chapter 333, as it may be amended from time to time, a copy of the certificate must be attached to the application;

(15) If the applicant is a corporation or other organization, the applicant must submit the following:

(a) Name, and if incorporated, the state of incorporation;

(b) Names and addresses of all officers;

(c) The name of the manager or proprietor or other agent in charge of, or to be in charge of the premises to be licensed, giving all information about said person as is required in the case of a single applicant; and

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(d) A list of all persons who, single or together with their spouse, own or control an interest in said corporation or association in excess of 5% or who are officers of said corporation or association, together with their addresses and all information as is required for a single applicant.

(16) The amount of the investment that the applicant has in the business, land, building, premises, fixtures, furniture or stock-in-trade, and proof of the source of the money;

(17) A list of responsible persons, including the names of owners, managers and assistant managers, who may be notified or contacted by state or city employees in case of emergency. These persons must be residents of the state.

(18) Whether the applicant holds a current license for a sexually oriented business or similar business from another governmental unit;

(19) Whether the applicant has ever been denied a license for a sexually oriented business or similar business from another governmental unit; and

(20) Other information that the city deems appropriate.

(B) No person may make a false statement or material omission in a license application or investigation. A false statement or material omission is grounds for denial, suspension or revocation of a license.

(C) Each licensee has the continuing duty to properly notify the Director of Community Development of a change in the information or facts required to be furnished on the application for a license. This duty continues throughout the period of the license. Failure to comply with this section will constitute cause for revocation or suspension of the license.

(D) The application for the renewal of an existing license must be made at least 90 days prior to the date of the expiration of the license and must be made on the form which the city provides.

Penalty, see § 130.99

§ 130.48 FEES.

(A) An applicant for a license must pay to the city the investigation fee as set from time to time by Council resolution, as may be amended from time to time. This fee will be for the purpose of conducting a preliminary background and financial investigation of the applicant. If the city believes that the public interest so warrants, it may require a similar investigation at the time of renewal of a license. If an investigation is ordered at the time of license renewal, the applicant must pay the fee specified above, except that the fee will be the smaller of the stated dollar amount or the actual cost of the investigation. There will be no refund of the investigation fee after the investigation has begun.

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(B) The annual fees for a license are as set from time to time by Council resolution, as it may be amended from time to time.

(C) Each license expires on December 31 of the year in which it is issued. Fees for licenses issued during the license year will be prorated according to the number of months remaining in the year. For this purpose an unexpired fraction of a month will be counted as a whole month having elapsed.

(D) No refund of a fee will be made except as authorized by ordinance.

§ 130.49 GRANTING OF LICENSES.

(A) No license may be issued until the Police Department, or the county Sheriff, if the city has no Police Department, has conducted an investigation of the representations set forth in the application, the applicant's moral character, and the applicant's financial status. All applicants must cooperate this investigation.

(B) No license, except for a renewed license, may be issued for a sexually oriented business until the Council has held a public hearing. Notice of the hearing must be made for a zoning ordinance amendment affecting district boundaries. The Council must grant the license unless the applicant or the location does not meet the requirements of the city code, the application was incomplete, or the application contained false information or a material omission. If the application is denied, the city must notify the applicant with the reason(s) stated for denial. Notification must be sent certified, United States mail, return receipt requested, to the address provided on the license application. If the Council fails to act on the application within 45 days after receipt of a complete application, the application will be deemed approved. An applicant wishing to appeal the action of the City Council may seek a writ of certiorari before the Minnesota Court of Appeals.

(C) (1) The City Council may issue a license before an investigation, notice and public hearing for an applicant who:

(a) Had a license within the previous five years for the establishment that is specified in the application and that is continuing to operate under a license;

(b) Wishes to resume operation of the business without sufficient time, through no fault of his or her own, to meet the normal procedural requirements;

(c) Had no criminal license convictions, or license suspensions or revocations during the prior licensed period; and

(d) Otherwise qualifies and meets the requirements for a license.

(2) In this situation, the City Council may immediately issue an interim license to the applicant for a period of no longer than 90 days. The applicant must then proceed through the specified requirements for an investigation, notice, and public hearing. At the public

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hearing the Council will decide whether the license should continue in effect or be revoked. The applicant has no greater right to continuation of the license than he or she would have had to issuance of a new license following the normal procedure without the interim license.

(D) A license will be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without application in the same manner as an application for a new license. Transfer of 25% or more of the stock of a corporation or of a controlling interest of it, whichever is less, will be deemed a transfer of the license. If the licensee is a corporation that is wholly owned by another corporation, the same provisions about the transfer of a stock or a controlling interest will apply to that parent corporation, any second parent corporation that wholly owns the parent corporation, and all other similarly situated parent corporations up through the chain of ownership. Transfer of this amount of stock without prior Council approval is a ground for revocation or suspension of the license. In addition, each day the licensee operates under the license after a transfer has taken place without obtaining Council approval will be a separate violation of this chapter.

(E) In the case of the death of a licensee, the personal representative of a licensee may continue operation of the business for not more than 90 days after the licensee's death.

§ 130.50 CONDITIONS OF LICENSE.

(A) A license is subject to the conditions in this section, all other provisions of this chapter, and of other applicable regulations, ordinances or state laws.

(B) A licensee is responsible for the conduct of his or her place of business and the conditions of order in it. The act of an employee of the licensed premises is deemed the act of the licensee as well, and the licensee is liable for all penalties provided by this chapter equally with the employee, except criminal penalties.

(C) The license must be posted in a conspicuous place in the premises for which it is used.

Penalty, see § 130.99

§ 130.51 RESTRICTIONS AND REGULATIONS.

A sexually oriented business is subject to the following restrictions and regulations:

(A) No owner, manager or employee may allow sexually oriented materials or entertainment to be visible or perceivable in any manner, including aurally, at any time from outside of the business.

(B) No owner, manager or employee may allow a person under the age of 18 to enter the business.

(C) No owner, manager or employee may allow a person under the age of 18 to have access to sexually oriented materials, whether by sight, purchase, touch or other means.

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(D) No owner or manager may employ a person under the age of 18 on the licensed premises.

(E) No owner, manager, or employee may have been convicted of a sex crime, as identified in M.S. §§ 609.293 to 609.352, 609.746 to 609.749, 609.79 or 518B.01, as they may be amended from time to time, or related statute dealing with sexual assault, sexual conduct, harassment, obscenity, or domestic abuse within the past five years.

(F) No business may exceed 10,000 square feet in gross floor area.

(G) No owner, manager or employee may allow a patron, employee, or other person on the premises to physically contact, in public view, a specified anatomical area of himself or herself or of another person, except that a live performer may touch himself or herself.

(H) A live performer must remain at all times a minimum distance of ten feet from members of the audience, and must perform on a platform intended for that purpose, that must be raised at least two feet from the level of the floor on which the audience is located. No performer may solicit or accept money, a tip, or other item from a member of the audience.

(I) No business may have booths, stalls, partitioned portions of a room, or individual rooms, except as follows:

(1) Restrooms are allowed as long as they are no larger than reasonably necessary to serve the purposes of a restroom, no other activities are provided or allowed in the rooms, and there are no chairs, benches, or reclining surfaces in the rooms; and

(2) Storage rooms and private offices are allowed, if the storage rooms and offices are used solely for running the business and no person other than the owner, manager and employees is allowed in them.

(J) A licensee must not be open for business to the public:

(1) Between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday; and

(2) Between 1:00 a.m. and 12:00 noon on Sundays.
Penalty, see § 130.99

§ 130.52 SUSPENSIONS AND REVOCATIONS OF LICENSE.

(A) *Delinquent taxes.* The City Council may suspend or revoke a license issued under this chapter for operation on a premises on which real estate taxes, assessments or other financial claims of the city or of the state are due, delinquent, or unpaid, unless the non-payment is not under the control of the licensee. If an action has been commenced under M.S. Chapter 278, as it may be amended from time to time, questioning the amount or validity of taxes, the Council may on application by the licensee waive strict compliance with this provision; no waiver may be

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granted, however, for taxes, or a portion of them, that remain unpaid for a period exceeding one year after becoming due, unless the one-year period is extended through no fault of the licensee.

(B) *Violations.*

(1) The Council may either suspend for up to 60 days or revoke a license for a violation upon a finding that the licensee or an agent or employee of the licensee has failed to comply with an applicable statute, regulation or ordinance relating to the subject matter of this chapter or violated the statutes in division (B)(2) of this section. No suspension or revocation will take effect until the licensee has been afforded an opportunity for a hearing pursuant to M.S. §§ 14.57 to 14.69, as they may be amended from time to time, with the exception of the suspension provided for in division (B)(2) of this section.

(2) Conviction of a sex crime, as identified in M.S. §§ 609.293 to 609.352, 609.746 to 609.749, 609.79 or 518B.01, as they may be amended from time to time, or related statute dealing with sexual assault, sexual conduct, harassment, obscenity or domestic abuse by the licensee will result in the immediate suspension pending a hearing on revocation of a license issued under this chapter.

ANTI-BLIGHT REGULATIONS

§ 130.65 PURPOSE.

The purpose of this chapter is to control, through zoning regulations, certain land uses that have a direct and detrimental effect on the character of the city's residential and commercial neighborhoods. The City Council specifically recognizes the sanctity and fundamental nature of free speech and does not intend to regulate or ban speech based on content.

§ 130.66 FINDINGS.

The City Council makes the following findings regarding the effect sexually-oriented businesses have on the character of the city's neighborhoods. In making these findings, the City Council accepts the recommendations and conclusions of the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, dated June 6, 1989, a copy of which is adopted by reference and included in Appendix II of this chapter. This subchapter shall have no force and effect until the City Council accepts these recommendations by resolution of a majority of its members, using the model resolution contained in Appendix I of this chapter.

(A) Sexually oriented businesses have an impact on the neighborhoods surrounding them which is distinct from the impact caused by other uses.

(B) Residential and commercial neighborhoods located within close proximity to sexually oriented businesses experience the following negative impacts:

(1) Increased crime rates, particularly in sex-related crimes such as rapes, prostitution, indecent exposure and other lewd and lascivious behavior;

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(2) Property values which are either diminished or fail to appreciate at the rate of other comparable properties not located in proximity to sexually oriented businesses;

(3) Increased transiency and decreased stability of ownership;

(4) Deteriorated neighborhood appearance from litter and graffiti;

(5) Sex-related harassment of residents and customers by motorists and pedestrians;

(6) A perception that the area is “unsafe”; and

(7) Difficulty in attracting and retaining customers, employees, and desirable tenants.

(C) The adverse impacts which sexually oriented businesses have on surrounding areas diminish as the distance from the sexually oriented business increases.

(D) The adverse impacts of sexually oriented businesses are exacerbated when the uses are located near each other.

(E) The presence of liquor establishments in the immediate vicinity of sexually oriented businesses also compounds the adverse impacts on the neighborhood.

(F) Sexually oriented businesses can exert a dehumanizing influence on persons attending places of worship, children attending day care centers or schools, and people using public parks and libraries.

(G) Sexually oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can impair the character and quality of the residential housing in the area where they are located, thereby exacerbating the shortage of affordable and habitable housing for city residents.

(H) The concentration of sexually oriented businesses in one area can have a substantially detrimental effect on that area and on the overall quality of urban life. A cycle of decay can result from the influx and concentration of sexually oriented businesses. The presence of such businesses is perceived by others as an indication that the area is deteriorating and the result can be devastating: other businesses move out of the vicinity and residents flee from the area. The resulting decline in real estate values erodes the city’s tax base and contributes to overall urban blight.

(I) Land-use regulations are appropriate to minimize the detrimental effects that sexually oriented businesses have on adjacent land uses.

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§ 130.67 DEFINITIONS.

The following words and terms shall have the following meanings when used in this section, except as provided otherwise in § 130.68:

SEXUALLY ORIENTED BUSINESS. Shall include the following:

(1) A business that meets any of the following criteria, measured on a daily, weekly, monthly, or yearly basis:

(a) Has more than 25% of its inventory, stock-in-trade, or publicly displayed merchandise in sexually oriented materials;

(b) Devotes more than 25% of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to sexually oriented materials; or

(c) Derives more than 25% of its gross revenues from sexually oriented materials; or

(2) A business that engages for any length of time in a sexually oriented use as defined in this section, or any other use that has an emphasis on specified sexual activities or specified anatomical areas.

SEXUALLY-ORIENTED MATERIALS. Visual, printed, or aural materials, and other objects or devices, which:

(1) Contain, depict, simulate, or describe specified sexual activities or specified anatomical areas;

(2) Are marketed for use in conjunction with, or are primarily used only with or during, specified sexual activities; or

(3) Are designed for sexual stimulation.

SEXUALLY-ORIENTED USE. Includes any of the following activities and businesses, even if the activity exists for only a short-time:

(1) ***ADULT BODY PAINTING STUDIO.*** An establishment or business that provides the service of applying paint, ink or other substance, whether transparent or non-transparent, to the body of a patron when the person is nude.

(2) ***ADULT BOOKSTORE.*** An establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape, movies, or motion picture film if it meets the criteria established in the definition of ***SEXUALLY ORIENTED BUSINESS***, as defined in this section.

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(3) ***ADULT CABARET.*** A business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on:

(a) The depiction of nudity, specified sexual activities or specified anatomical areas; or

(b) The presentation, display, or depiction of matter that seeks to evoke, arouse, or excite sexual or erotic feelings or desire.

(4) ***ADULT COMPANIONSHIP ESTABLISHMENT.*** A business or establishment that provides the service of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(5) ***ADULT CONVERSATION/RAP PARLOR.*** A business or establishment that provides the services of engaging in or listening to conversation, talk or discussion distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(6) ***ADULT HEALTH/SPORT CLUB.*** A health/sport club that is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(7) ***ADULT HOTEL OR MOTEL.*** A hotel or motel that presents material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(8) ***MASSAGE PARLOR/HEALTH CLUB.*** A massage parlor or health club that provides massage services distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(9) ***ADULT MINI-MOTION PICTURE THEATER.*** A business or establishment with a capacity of less than 50 persons that as a prevailing practice presents on-premises viewing of movies, motion pictures, or other material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(10) ***ADULT MODELING STUDIO.*** A business or establishment that provides live models who, with the intent of providing sexual stimulation or sexual gratification, engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted.

(11) ***ADULT MOTION PICTURE ARCADE.*** Any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are used to show images to five or fewer persons per machine at any one time, and where

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the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

(12) ***ADULT MOTION PICTURE THEATER.*** A motion picture theater with a capacity of 50 or more persons that as a prevailing practice presents material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons.

(13) ***ADULT NOVELTY BUSINESS.*** An establishment or business that has a variety of items for sale if it meets the criteria established in the definition of ***SEXUALLY ORIENTED BUSINESS***, as defined in this section.

(14) ***ADULT SAUNA.*** A sauna that excludes minors by reason of age, and that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation or reducing, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(15) ***ADULT STEAM ROOM/BATHHOUSE FACILITY.*** A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation or reducing, if the building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

SPECIFIED ANATOMICAL AREAS. Shall include the following:

(1) Less than completely and opaquely covered human genitals, pubic area, buttock, anus, or female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a state of sexual arousal, whether or not completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Shall include the following:

(1) Actual or simulated: sexual intercourse; oral copulation; anal intercourse; oral-anal copulation; bestiality; direct physical stimulation of unclothed genitals; flagellation or torture in the context of a sexual relationship; the use of excretory functions in the context of a sexual relationship; anilingus; coprophagy; coprophilia; cunnilingus; fellatio; necrophilia; pedophilia; piquerism or zoerastia;

(2) Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence;

(3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;

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(4) Fondling or touching of nude human genitals, pubic regions, buttocks, or female breasts;

(5) Situations involving a person or persons, any of whom are nude, who are clad in undergarments or in sexually revealing costumes and engaged in the flagellation, torture, fettering, binding or other physical restraint of any person;

(6) Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or

(7) Human excretion, urination, menstruation, or vaginal or anal irrigation.

§ 130.68 EXCEPTIONS.

This section does not regulate the following:

(A) Any material with significant literary content or social commentary;

(B) A business where sexually oriented materials are sold, bartered, distributed, leased, furnished, or otherwise provided for off-site use or entertainment, if (1) the sexually oriented material on each item is blocked from view by an opaque cover as required under M.S. § 617.293, as it may be amended from time to time, and (2) each item is in an area accessible only by an employee of the business;

(C) Any person or organization exempted under M.S. § 617.295, as it may be amended from time to time;

(D) Any activity regulated under M.S. § 617.251, as it may be amended from time to time;

(E) Displaying works of art showing specified anatomical areas, so long as no sexually oriented materials are for sale and the business does not have a liquor license; and

(F) Movies rated G, PG, PG-13, NC-17 or R.

§ 130.69 LOCATION OF SEXUALLY ORIENTED BUSINESSES.

(A) A sexually-oriented business may locate only in the C-2 and I zones.

(B) No person may operate a sexually oriented business on property, any part of which is within the area circumscribed by a circle that has a radius of 250 feet from any of the uses listed below. Distances must be measured by following a straight line, without regard to intervening structures or objects, between the closest points on the boundary lines of the property parcels where the two uses are located. This distance requirement applies to the following uses:

(1) Property used or zoned for residential uses;

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- (2) A day care facility, school, library, park, playground, state or federal wildlife area or preserve, religious institution or other public recreational facility;
- (3) Premises licensed under city code Chapter 114; and
- (4) Another sexually-oriented business.

§ 130.70 SIGN RESTRICTIONS FOR SEXUALLY ORIENTED BUSINESSES.

In order to protect children from exposure to lurid signs and materials, to avoid the appearance that the windows are boarded up and that the property is deteriorating, and to preserve the value of property surrounding sexually oriented businesses, the following sign regulations apply to all sexually oriented businesses:

(A) All signs must be flat wall signs. No signs may be freestanding, located on the roof or contain any flashing lights, moving elements or electronically or mechanically changing messages.

(B) No merchandise, photos or pictures of the products or entertainment on the premises may be displayed in or immediately behind window areas or any other area, if they can be viewed from outside the portion of the building in which the business is located.

(C) Window areas must not be covered or made opaque in any way. No signs may be placed in a window. A sign no larger than one square foot must be placed on the main entrance door and must state, "adults only." The letters of this message must be a minimum of two inches high. The only other information on this sign may be the hours of operation.

§ 130.99 PENALTY.

(A) The Council shall impose a civil penalty of up to \$2,000 for each violation of M.S. Chapter 340A, as it may be amended from time to time, and of this chapter. Conviction of a violation in a court of law is not required in order for the Council to impose the civil penalty. A hearing under the Administrative Procedures Act, M.S. §§ 14.57 to 14.70, as it may be amended from time to time, is not required before the penalty is imposed, but the Council shall hold a hearing on the proposed violation and the proposed penalty and hear any person who wishes to speak. Non-payment of the penalty is grounds for suspension or revocation of the license. The following is the minimum schedule of presumptive civil penalties which must be imposed in addition to any suspension unless the licenses is revoked:

- (1) For the first violation within any three-year period, \$500.
- (2) For the second violation within any three-year period, \$1,000.
- (3) For the third and subsequent violations within any three-year period, \$2,000.

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(B) Except as otherwise provided by state law, a person violating a provision of §§ 130.40 to 130.52 is subject to the penalties established in § 10.99. A fine or sentence imposed does not affect the right of the city to suspend or revoke the license of the licensee as the Council deems appropriate.

(C) A violation of §§ 130.65 through 130.70 is a misdemeanor under Minnesota law and is subject to the penalties and provisions of § 10.99.

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APPENDIX I

RESOLUTION ADOPTING THE FINDINGS OF THE *REPORT OF THE ATTORNEY GENERAL'S WORKING GROUP ON THE REGULATION OF SEXUALLY ORIENTED BUSINESSES*

WHEREAS because of its small size, the city lacks the resources to investigate and research the impact sexually oriented businesses would have on the character of the city's neighborhoods; and

WHEREAS the city intends to rely on the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, dated June 6, 1989, which is included as Appendix II to Chapter 119 of the Minnesota Basic Code, as a basis for regulating sexually oriented businesses in this city; and

WHEREAS the members of the City Council have reviewed this Report;

NOW THEREFORE, the City Council of this City hereby accepts the recommendations and conclusions of this Report and adopts the recommendations and conclusions by reference of the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, dated June 6, 1989; and by passage of this resolution implements the provisions of Minnesota Basic Code Chapters 119 and 153.

Note: If this resolution is being adopted only to implement the provisions of Minnesota Basic Code § 150.05, then the words "and by passage of this resolution implements the provisions of Minnesota Basic Code Chapters 119 and 153" in the last paragraph above should be deleted from the resolution.

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APPENDIX II

***REPORT OF THE ATTORNEY GENERAL'S WORKING GROUP ON THE REGULATION
OF SEXUALLY ORIENTED BUSINESSES***

This report is adopted by reference and a copy is on file for public view in the office of the City Administrator.

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CHAPTER 131: DRUGS

§ 131.01 STATEMENT OF INTENT AND PURPOSE

New substances are being created which are being used for recreational purposes and as an alternative to otherwise regulated controlled substances banned at the State and Federal levels.

Many of these substances can be designed to produce a desired pharmacological effect and have the potential for abuse similar to or greater than that of controlled substances.

City authorities have encountered these substances in products being sold and used in the City limits; and the uncontrolled importation, manufacture, distribution, possession, and use of these substances have a substantial and detrimental impact on the health and safety of the residents and visitors of the City of Mountain Iron.

These substances can be created more rapidly than they can be identified and controlled by action of the Federal and State Legislature; and, these substances are sold in many different forms including loose, leafy, granular, powder, crystalline, tablet, and/or liquid forms.,

Such products are known under many names in order to avoid detection and identification, and are labeled as incense, herbal incense, herbal potpourri, psychoactive herbal incense, herbal blends, bath salts, psychoactive bath salts, bath additives, synthetic marijuana, synthetic drug, synthetic hallucinogens, and other names and purchased by consumers for the purpose of ingestion notwithstanding any markings on the packaging to the contrary.

Such products may be as or more dangerous to humans than controlled substances according to the Drug Enforcement Administration (DEA) due to the unapproved, unknown, and ever-changing nature of the chemical compounds they contain.

It is therefore the will of the Mountain Iron City Council to provide for a prohibition on the sale, possession, transfer, manufacture, and use of these substances as defined by these ordinances and to provide for the enforcement thereof and in the best interest of the public's health, safety, and general welfare.

131.03 PROHIBITIONS

- A. A person is guilty of a violation of this ordinance if they sell, possess, transfer, or manufacture any substance or product containing any quantity of synthetic or alternative drug as defined under this ordinance. (03-13, December 16, 2013)
- B. All substances made unlawful by this ordinance shall constitute contraband, subject to immediate seizure by law enforcement and shall be destroyed upon a conviction for a violation of this ordinance. (03-13, December 16, 2013)
- C. The substances defined in this ordinance shall not include medications or substances for which the possessing party holds a valid prescription or beer, wine, or intoxicating liquors as defined by local, State, and Federal laws. (03-13, December 16, 2013)

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- D. Products commercially available and sold which have common, proven, and lawful uses under local, State, and Federal law shall not be deemed unlawful by this ordinance. Such examples are prescription and over the counter medications, health supplements where the ingredients are listed on the packaging, food and drink products, etc. (03-13, December 16, 2013)
- E. In addition to the definitions provided in this ordinance, the following additional factors shall be considered in making the determination if a substance is unlawful under this ordinance: (03-13, December 16, 2013)
 - 1. Scope of legitimate uses of the product.
 - 2. Physical and testimonial evidence provided by officers and prosecutors regarding known uses of the product.
 - 3. Statements made by persons selling, possessing, and using the product.
 - 4. Availability of the product to include types and number of area businesses selling it.
 - 5. The ratio of the price of the product compared to the quantity sold.
 - 6. The proximity of the product in relation to devices used to ingest or consume controlled substances.

131.05 DEFINITIONS

- A. Sale/Transfer: to offer for sale, to advertise for sale, to sell, to distribute, to furnish, to transfer, to barter, or to exchange to any person or entity with or without an exchange of compensation or service. (03-13, December 16, 2013)
- B. Possession: to possess on one's own person or possession by a person exercising dominion or control over the immediate area where contraband is found whether in a vehicle, vessel, container, dwelling, building, or other structure, whether upon public or private property. (03-13, December 16, 2013)
- C. Manufacture: to complete, blend, formulate, package, repackage, or develop by any means any substance made unlawful by this ordinance. (03-13, December 16, 2013)
- D. Synthetic / Alternative Drug means: Any of the following:
 - 1. Any substance containing a synthetic cannabinoid, stimulant, psychedelic, depressant, or hallucinogenic; or(03-13, December 16, 2013)
 - 2. Salvia Divinorum or any substance known by this name or any version of this name; or(03-13, December 16, 2013)
 - 3. Substances described as herbal blends, botanical blends, botanical sachet, herbal sachet, herbal potpourri, herbal incense, spice, salts, or any blend or combination of these, regardless of it the substance is marketed as "not for human consumption" which if ingested causes intoxication, euphoria, giddiness, paralysis, irrational behavior, or in any manner changes, distorts, or disturbs the auditory, visual, or mental process; or(03-13, December 16, 2013)
 - 4. Any substance defined in subsequent portions of this ordinance; or(03-13, December 16, 2013)

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5. Any substance which has a stimulant, depressant, psychedelic, psychotropic, or hallucinogenic effect on the body that is substantially similar to or greater than that of any controlled substance or unlawful drug; or(03-13, December 16, 2013)
6. Any substance marked or packaged under any name listed in Appendix A of this ordinance. (03-13, December 16, 2013)

E. Synthetic Stimulant means:

1. A product that contains a synthetic chemical compound that elicits psychoactive or psychotropic stimulant effects, especially where those products are in a powder, crystal, or granular form, including but not limited to the following: (03-13, December 16, 2013)
 - a. 3,4-Methylenedioxymethcathinone (Methylone)
 - b. 3,4-Methyenedioxypyrovalerone (MDPV)
 - c. 4-Methylmethcathinone (Mephedrone)
 - d. 4-Methoxymethcathinone (Methedrone)
 - e. 4-Fluoromethcathinone (Flephedrone)
 - f. 3-Fluoromethcathinone (3-FMC)
 - g. Naphthylpyrovalerone
 - h. 2-amino-1-phenyl-1-propanone (Cathinone)
2. Synthetic Stimulants, despite their labeling, are commonly identified by being sold in small packets, tubs, and vials, packaged under various retail names, often identified as bath salts, plant food, fertilizer, insect repellent, etc, and are usually powder or granular in form, sold without a listing of ingredients, and sold with disclaimers warning against ingestion and stating they are free of controlled substances. By virtue of this ordinance, such products are unlawful. (03-13, December 16, 2013)
3. Synthetic Stimulants, often referred to as “Bath Salts” are commonly marketed under various commercial trade names, which change often, and contain a common disclaimer that the products are “not safe for human consumption”, “novelty item”, or similar disclaimer. Refer to Appendix A for a listing of commercial names commonly used to advertise and portray these substances.
4. Synthetic Stimulants, as defined in this ordinance, shall exclude normal, typical bath salts and bath additives which do not contain synthetic chemical compounds listed herein that elicit psychoactive or psychotropic stimulant effects. Standard bath salts primarily contain magnesium sulfate (Epsom salts), sodium chloride (table salt), sodium bicarbonate (baking soda), sodium hexametaphosphate (Calgon), amorphous/glassy sodium metaphosphate, sodium sesquicarbonate, and borax. (03-13, December 16, 2013)

F. Synthetic Marijuana / Synthetic Cannabanoids / Herbal Smoking Product means:

1. A natural or man-made substance that elicits psychoactive or psychotropic euphoric effects, or, a natural or man-made compound that functions similar to the

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active ingredient in Marijuana (tetrahydrocannabinol “THC”) including, but not limited to any quantity of a synthetic material, compound, mixture, preparation, substance, and their analogs (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist, regardless of whether the substance is marketed for the purpose of being consumed, including any of the following: (03-13, December 16, 2013)

- a. 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.
 - b. 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.
 - c. 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.
 - d. 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.
 - e. 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.
 - f. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497)
 - g. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog)
 - h. 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678)
 - i. 1-butyl-3-(1-naphthoyl)indole (JWH-073)
 - j. 1-hexyl-3-(1-naphthoyl)indole (JWH-019)
 - k. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200)
 - l. 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250)
 - m. 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081)
 - n. 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122)
 - o. 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398)
 - p. 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201)
 - q. 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694)
 - r. 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4)
 - s. 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8)
 - t. 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203)
2. Herbal Smoking Products, despite their labeling, are commonly identified by being sold in small packets containing natural or man-made substances, packaged under various retail names, identified as herbal potpourri, herbal sachet, herbal aromatherapy, etc., sold without a listing of ingredients, and sold with disclaimers

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- warning against ingestion and stating they are free of controlled substances. By virtue of this ordinance, such products are unlawful. (03-13, December 16, 2013)
3. Synthetic Marijuana / Synthetic Cannabanoids / Herbal Smoking Product are commonly marketed under various commercial trade names, which change often, and contain a common disclaimer that the products are “not safe for human consumption”, “novelty item”, or similar disclaimer. Refer to Appendix A for a listing of commercial names commonly used to advertise and portray these substances. (03-13, December 16, 2013)
 4. Synthetic Marijuana / Synthetic Cannabanoids / Herbal Smoking Product shall exclude typical, standard incense and potpourri that is sold as incense sticks, oils, or cones that is commonly used for their aromatic qualities and do not contain any synthetic chemical compounds, do not provide a prohibition against ingestion, and do not elicit psychoactive or psychotropic euphoric effects. (03-13, December 16, 2013)

G. Synthetic Psychedelics / Hallucinogens means:

1. A substance that mimics the effects of any Federally or State controlled substance, including but not limited to, any natural or man-made substance, compound, mixture, preparation, or is laced with a synthetic chemical compound that elicits a psychedelic/hallucinogenic effect including but not limited to the following: (03-13, December 16, 2013)
 - a. 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E)
 - b. 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)
 - c. 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)
 - d. 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)
 - e. 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)
 - f. 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)
 - g. 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)
 - h. 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)
 - i. 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)
2. Synthetic Psychedelics / Hallucinogens, despite their labeling, are commonly identified by being sold in small packets, tubs, or vials and are often in tablet, capsule, and liquid form and packaged under various retail names, sold without a listing of ingredients, and often sold with disclaimers warning against ingestion and stating they are free of controlled substances. By virtue of this ordinance, such products are unlawful. (03-13, December 16, 2013)
3. Synthetic Psychedelics / Hallucinogens are commonly marketed under various commercial trade names, which change often, and contain a common disclaimer that the products are “not safe for human consumption”, “novelty item”, or similar disclaimer. They may also be marked in a consumable pill form under various names. Refer to Appendix A for a listing of commercial names commonly used to advertise and portray these substances. (03-13, December 16, 2013)

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- H. Salvia Divinorum / Salvinorum means: all parts of the plant presently classified botanically as salvia divinorum whether growing or not, the seeds thereof, any extract from any part of the plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or extracts. (03-13, December 16, 2013)

131.07 ENFORCEMENT AND PENALTY.

The City of Mountain Iron deems synthetic and alternative drugs dangerous and detrimental to the citizens, guests and fabric of the community of Mountain Iron. It bans the sale, possession, transfer and or manufacturing of synthetic drugs or alternative drugs. Penalties shall be accordance with Section 10.99 of the Mountain Iron City Code. (03-13, December 16, 2013)

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Appendix A

Substances described in this ordinance and distributed under the commercial/retail names contained in this Appendix shall be deemed to be unlawful and a synthetic drug, especially if they are packaged in a manner that indicates the product is “not for human consumption” or if it fails to disclose the products ingredients. Products commercially sold under similar or like names which have common, proven and lawful uses and which list their ingredients and directions for use shall not be deemed unlawful under this ordinance.

Numbers: 8-Ball, 251, 2C-1

- A:** Afgan Black, Am-Hi-Co (All Types), Aphrodisia, Atomic Bomb, Aztec Gold, Aztec Midnight Wind Tezcatlipoca
- B:** Back Draft, Bad 2 The Bone, Banana Cream Nuke, Bath Salt, Bayou Blaster, Bigdaddy, Black Diamond, Black Magic Salvia, Black Mamba, Bliss (All Types), Blizzard, Blue Silk, Blueberry Hayze, Blueberry Haze, Bombay Blue, Bonzai, Bromo-Dragonfly, Buzz
- C:** C3, C4, C4 Herbal Incense, Caneff, Charge Plus, Cherry Bomb, Chill X, Chronic Spice, Cill Out, Citrus, Cloud 9, Colorado Chronic
- D:** Da Block, Dark Night Ii, Demon, Devil Eye, Dex, Diamond Spirit, Doves, Dragon Spice, D-Rail, Dream, Dynatmite N-R-G
- E:** Earthquake, Eruption Spice, Euphoria, Exotic Ultra, Exses, Ex-Ses Platinum (All Types), Ex-Ses Gold Plus, Extreme Spice
- F:** Fake Weed, Fertilizer, Fire Bird Ultimate Strength Cinnamon, Forest Humus, Freedom, Fully Loaded, Funky Monkey XXXX
- G:** G Four, G Greenies Caramel Crunch, Genie (All Types), Glass Cleaner, Genie, Gold Spirit Spice, Green Monkey Chronic Salvia, Greenies Strawberry, Grow
- H:** Head Rush Ultra, Heaven Improved, Heavenscent Suave, Herbal Ecstasy, Hioctane, Humboldt Gold, Hurricane, Hush, Hyper X Ultra
- I:** Ice Bud, Ivory (All Types)
- J:** Jamaican Gold, Joker
- K:** K Royal, K1 (All Types), K2 (All Types), K3 (All Types), K4 (All Types), Kind Spice, Kw Orisha Max, Kush
- L:** Legal Eagle (All Types), Legal Phunk, Love Potion 69, Legal (All Types), Legan Ecstasy, Legal Meth, Love Strawberry, Lunar Diamond, Lunar Wave

Mountain Iron – General Offenses

- M:** Magic Dragon Platinum, Magic Gold, Magic Silver, Magic Spice, Maya Blue, Mega Bomb, Melloman, Mellow Madness 1a, Methoxetamine, Mid-Atlantic Exemplar (All Types), Midnight Chill, Mind Bliss, Mngb Almond/Vanilla, Mngb (All Types), Moe Joe Fire, Mojo (All Types), Mr. Smiley's, Mtn-787, Mystery
- N:** Natural Ecstasy, Natural Lsd, Naughty Nights, Neutronium, New Improved K3 (All Types), New K3 (All Types), New-Kron Bomb, Nitro, Number One Choice (All Types)
- O:** Ocean Blue, Ocean Burst (All Types)
- P:** P.E.P. Potpourri (All Types), Paradise, Pink Lotus, Pink Tiger, Pixie Dust, Plant Food, Posh, Potpourri (All Types), Pow, Pulse, Pump It Powder, Pure Ivory, Purple Wave
- Q:** Quick Silver
- R:** Radioactive, Rasta Citrus Spice, Rebel Spice, Recharge (All Types), Red, Red Bird, Red Dove, Red Doves
- S:** S1. Swerve, Samurai Spirit, Sativah, Scarface, Scope (All Types), Sence, Serenity (All Types), Sex Intense, Sextacy (All Types), Shamantrance, Shanti Spice (All Types), Silent Black, Skink, Smoke, Smoke Plus, Snow Leopard, Solar Star Gold, Space (All Types), Spacetrips, Speed Freak, Spice (All Types), Spicery (All Types), Spicey Xxx (All Types), Spicylicious, Spice 99 (All Types), Spike 99 (All Types), Spike (All Types), Stardust, Starry Night, Stinger, Summer Skyy, Super Kush, Super Summit, Swagger Grape, Syn (All Types)
- T:** Texas Gold, Time Warp, Tnt, Tribal Warrior (All Types), Tranquility
- U:** Ultra Cloud 10, Unknown Cigarette, Utopia (All Types)
- V:** V8, Vanilla Sky, Voo Doo (All Types)
- W:** White (All Types), Who Dat (All Types), Wicked X, Wild Opium, Winder Boost, Window Cleaner, Wood Stock
- X:** Xtc, X-Tracy Ultra
- Y:** Yucantan Fire, Yucatan Fire
- Z:** Zombie World, Zoom