

**CHAPTER 10
SUB-ANALYSIS**

PUBLIC PROTECTION, CRIMES AND OFFENSES

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CHAPTER 10

PUBLIC PROTECTION, CRIMES AND OFFENSES

SECTION 10.01. STORAGE, DEPOSIT AND DISPOSAL OF REFUSE.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Refuse" - Includes all organic material resulting from the manufacture, preparation or serving of food or food products, and spoiled, decayed or waste foods from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags, and discarded clothing, tree or lawn clippings, leaves, weeds and other waste products, except human waste or waste resulting from building construction or demolition.

B. "Residential Dwelling" - Any single building consisting of one through four dwelling units with individual kitchen facilities for each.

C. "Multiple Dwelling" - Any building used for residential purposes consisting of more than four dwelling units with individual kitchen facilities for each.

D. "Commercial Establishment" - Any premises where a commercial or industrial enterprise of any kind is carried on, and shall include restaurants, clubs, churches, and schools where food is prepared or served.

Subd. 2. Storage.

A. It is unlawful for any person to store refuse on residential dwelling premises for more than one week. All such storage shall be in five to thirty gallon metal or plastic containers with tight-fitting covers, which shall be maintained in a clean and sanitary condition; provided, that tree leaves, weeds and grass clippings may be stored in plastic bags and tree limbs must be stored in bundles weighing no more than seventy-five pounds and no longer than four feet.

B. It is unlawful for any person to store refuse on multiple dwelling premises for more than one week. Such storage shall be in containers as for residential dwelling premises, except that so-called "dumpsters" with close-fitting covers may be substituted.

C. It is unlawful for any person to store refuse on commercial establishment premises for more than forty-eight hours. Such storage shall be in containers as for residential dwelling premises, except that so-called "dumpsters" with close-fitting covers may be substituted.

D. It is unlawful to store organic refuse unless it is drained and wrapped.

Subd. 3. Deposit. It is unlawful for any person to deposit refuse from any source, rubbish, offal, or the body of a dead animal, in any place other than a sanitary landfill.

Subd. 4. Fire Danger. It is unlawful for any person to store, deposit or dispose of any refuse which is in flames or heated to the point where it could cause danger of fire in other refuse.

Subd. 5. Disposal. The Council may, by resolution, adopt, and from time to time amend, adjust and revise such rules, regulations, rates and charges as it deems necessary or proper for the operation and management of the sanitary landfill. It may give notice of any such action as it deems necessary.

SEC. 10.02. TOILET INSTALLATION REQUIRED. It is the duty of every owner or occupant of any property within the City, having a dwelling house or business building situated thereon, which property is abutting a street in which there are City water and sewer mains, to install a toilet in such dwelling or business building and make connection thereof with such water and sewer mains. The City shall serve written notice upon said owner or occupant requiring the installation of toilet facilities upon premises described in said notice, and connection thereof with the sewer and water mains, all of which shall be done within thirty days after service of such written notice. Whenever any owner or occupant shall default in compliance with such written notice the Council may by resolution direct that a toilet be installed and connection made with the water and sewer mains and that the actual cost of such installation be paid in the first instance out of the General Revenue Fund, and assessed against the property so benefited. After such installation and connection is completed by order of the Council, the City shall serve a written notice of intention to make an assessment therefor. If such assessment is not paid within ten days the City shall certify the amount thereof to the County Auditor in the same manner as with other special assessments, provided that the Council may by resolution provide that the assessment be spread over a term of five (5) years upon written request by the owner of the property.

Source: City Code
Effective Date: 3-1-88

(Sections 10.03 through 10.09, inclusive, reserved for future expansion.)

SEC. 10.10. DANGEROUS WEAPONS AND ARTICLES.

Subd. 1. Acts Prohibited. It is unlawful for any person to:

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

B. Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or,

C. Manufacture or sell for any unlawful purpose an, weapon known as a slung-shot or sand club; or,

D. Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically; or,

E. Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or,

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Permit, as a parent or guardian, any child under fourteen years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or,

H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

I. Possess, sell, transfer, or have in possession for sale or transfer, any weapon commonly known as a throwing star or nun chuck. For the purposes of this Subparagraph, (1) a "throwing star" means a circular metallic device with any number of points projecting from the edge, and (2) a "nun chuck" means a pair of wood sticks or metallic rods separated by chain links attached to one end of each such stick or rod.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

Subd. 3. Discharge of Firearms and Explosives. It is unlawful for any person to fire or discharge any cannon, gun, pistol or other firearm, firecracker, sky rocket or other fireworks, air gun, air rifle, or other similar device commonly referred to as a B-B gun.

Subd. 4. Exception. Nothing in Subdivision 3 of this Section shall apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council, or to a peace officer in the discharge of his duty, or to a person in the lawful defense of his person or family. This Section shall not apply to the discharge of firearms in a range authorized in writing by the Council.

Subd. 5. Possession and Sale of Fireworks. It is unlawful for any person to sell, possess or have in possession for the purpose of sale, except as allowed in Subdivision 4 of this Section, any firecrackers, sky rockets or other fireworks.

Subd. 6. Exposure of Unused Container. It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box, or other container, sufficiently large to retain any child and with doors which fasten automatically when closed, to expose the same accessible to children, without removing the doors, lids, hinges or latches.

Subd. 7. Use of Bow and Arrow. It is unlawful for any person to shoot a bow and arrow except in the Physical Education Program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the Chief of Police, or a bow and arrow range authorized by the Council.

SEC. 10.11. ANIMAL LICENSING AND REGULATION.

Subd. 1. Definition. For the purpose of this Section:

A. "Owner" means a person who owns an animal hereby regulated.

B. "Own" means to have a property interest in, or to, harbor, feed, board, keep, or possess.

C. "Dangerous Animal" means an animal which has caused damage to property or injury to a person, or which animal, by its actions, exhibits a propensity for causing imminent danger to persons.

D. "Dog" means both male and female and includes any animal of the dog kind.

E. "Animal" means a dog or a cat.

F. "Cat" means both male and female and includes any animal of the feline kind.

Subd. 2. Running at Large Prohibited. It is unlawful for the owner of any animal to permit such animal to run at large. Any animal shall be deemed to be running at large with the permission of the owner unless it is on a durable leash secured to an object which it cannot move or on the premises of the owner, or on a leash and under the control of an accompanying person of suitable age and discretion, or effectively confined within a motor vehicle, building or enclosure. Animals can be unleashed for purposes of exercising the animal 200 feet from a residential area unless otherwise prohibited by law. Prohibited areas will be posted. (Amended 6/15/08)

Subd. 3. Animal License Required and Number Restricted. It is unlawful for any owner of an animal over six months of age, to fail to obtain a proper City license therefor. The number of animals permitted shall not exceed three (3) per dwelling unit, or four (4) per multi-dwelling structure, whichever is the lesser. This Subdivision shall not apply to a kennel licensed under the City Code.

Subd. 4. License Issuance, Term and Renewal. All animal licenses shall be issued only upon presentation of a certificate issued by a veterinarian, licensed to practice veterinary medicine in the State of Minnesota, showing rabies immunization of the animal for at least the term of the license. All animal licenses shall expire on December 31. Application for license renewal, accompanied by a veterinarian's certificate, shall be made at least thirty (30) days prior to expiration of the license.

Subd. 5. Adoption of Fees. All fees for the licensing, impounding and maintenance of animals, including penalties for late application, may be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may from time to time be amended by the Council by resolution. A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the City Clerk and open to inspection during regular business hours.

Subd. 6. Tag Required. All licensed animals shall wear a collar and have a tag firmly affixed thereto evidencing a current license and vaccinations. Tags shall include the name and current address and telephone number of the owner of the animal. A duplicate for a lost tag may be issued by the City upon presentation of the receipt showing the payment of the duplicate license fee. Tags shall not be transferable and no refund shall be made on any license fee because of leaving the City or death of the animal before the expiration of the license. (Amended 6/15/08)

Subd. 7. Animal Pound. Any animal found in the City without a license tag, running at large, or otherwise in violation of this Section, shall be placed in the Animal Pound, and an accurate record of the time of such placement shall be kept on each animal. Every animal so placed in the Animal Pound shall be held for redemption by the owner for at least five regular business days. A "regular business day" is one during which the Pound is open for business to the public for at least four hours between 8:00 o'clock A.M. and 7:00 o'clock P.M. Impoundment records shall be preserved for at least six months and shall show (1) the description of the animal by specie, breed, sex, approximate age, and other distinguishing traits; (2) the location at which the animal was seized; (3) the date of seizure; (4) the name and address of the person from whom any animal three months of age or over was received; and, (5) the name and address of the person to whom any animal three months of age or over was transferred. If unclaimed, such animal shall be humanely destroyed and the carcass disposed of. Provided also that any impounded animal, after the five-day holding-period, may be released to an agency of the Minnesota Humane Society for adoption upon written certification that if the adopting individual is a resident of the City, he will apply for and obtain a City license. (Amended 12/13/88)

Subd. 8. Notice of Impounding. Upon the impounding of any animal, the owner shall be notified by the most expedient means, or if the owner is unknown, written notice shall be posted for five days at the City Hall describing the animal and the place and time of taking.

Subd. 9. Release From Animal Pound. Animals shall be released to their owners, as follows:

A. If such animal is owned by a resident of the City, after purchase of a license, if unlicensed, and payment of the impounding fee and maintenance.

B. If such animal is owned by a person not a resident of the City, after immunization of any such animal for rabies, and payment of the impounding fee, maintenance, and immunization fee.

Subd. 10. Seizure by a Citizen. It is lawful for any person to seize and impound an animal so found running at large and shall within six hours thereafter notify the poundmaster of said animal in the City Pound. If the name of the owner of such animal so seized is known to the person who first takes such animal into custody, he or she shall inform the Poundmaster of the name of the owner, and the address if known.

Subd. 11. Immobilization of Animals. For the purpose of enforcement of this Section any peace officer, or person whose duty is animal control, may use a so called tranquilizer gun or other instrument for the purpose of immobilizing and catching an animal.

Subd. 12. Other Unlawful Acts. It is unlawful for the owner of any animal to (1) fail to have the license tag issued by the City firmly attached to a collar worn at all times by the licensed animal, or (2) own a dangerous animal, or (3) interfere with any police officer, or other City employee, in the performance of his duty to enforce this Section, or (4) fail to keep his/her dog from barking, howling or whining, or (5) fail to keep his/her cat from emitting loud or unusual noise, or (6) fail to have the owner's name, current address and telephone number on the animal collar, or (7) fail to pick up animal waste in or on all Virginia properties including those areas 200 feet outside of residential areas deemed as off-leash exercise areas, or (8) fail to have an adequate number of dog bags on his/her person at all times. (Amended 6/15/08)

Subd. 13. Summary Destruction. If an animal is diseased, vicious, dangerous, rabid or exposed to rabies and such animal cannot be impounded after a reasonable effort or cannot be impounded without serious risk to the person attempting to impound, such animal may be destroyed in a humane manner. Impoundment records as provided for in this Section shall be kept as to any animal summarily destroyed.

Subd. 14. Rabies Control - Generally.

A. Every animal which bites a person shall be promptly reported to the Chief of Police or Poundmaster and shall thereupon be securely quarantined at the direction of the Chief of Police or Poundmaster for a period of fourteen (14) days, and shall not be released from such quarantine except by written permission of the City. In the discretion of the Chief of Police, such quarantine may be on the premises of the owner or at the veterinary hospital of his choice. If the animal is quarantined on the premises of the owner, the City shall have access to the animal at any reasonable time for study and observation of rabies symptoms. In the case of a stray animal or in the case of an animal whose ownership is not known, such quarantine shall be at the animal pound, or at the discretion of the Chief of Police the animal may be confined in a veterinary hospital designated by him.

B. The owners, upon demand made by the Poundmaster or by any other City employee empowered by the Council to enforce this Section, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for the purpose of supervised quarantine. The expenses of the quarantine shall be borne by the owner and the animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in this Section and upon compliance with licensing provisions set forth in this Section.

C. When an animal under quarantine and diagnosed as being rabid or suspected by a licensed veterinarian as being rabid dies or is killed, the City shall immediately send the head of such animal and rabies data report to the State Health Department for pathological examination and shall notify all persons concerned of the results of such examination.

D. The City shall issue such proclamation and take such action when rabies is suspected or exists as is required by Minnesota Statutes.

Subd. 15. Reports of Bite Cases. It is the duty of every physician, or other practitioner, to report to the Chief of Police the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

Subd. 16. Responsibility of Veterinarians. It is the duty of every licensed veterinarian to report to the Chief of Police his diagnosis of an animal observed by him as a rabies suspect.

Subd. 17. Police Dogs, Seeing-Eye Dogs. The provisions of this Section shall not apply to the ownership or use of seeing eye dogs by blind persons, or dogs used in police activities of the City, such as canine corps or tracking dogs used by or with the permission of the Police Department.

Subd. 18. Animals in Heat. Except for controlled breeding purposes, every female animal in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female animal cannot come in contact with other animals.

Subd. 19. Animal Control Officer. Any animal control officer employed by the Mesabi Humane Society shall have the authority to write tickets for all violations under this ordinance. A fine schedule shall be a graduated schedule established by the City Council as follows: \$25.00 for the first violation; \$50.00 for the second violation; \$75.00 for the third violation and any violation beyond a third violation shall be charged as a misdemeanor and subject to the sanctions of the District Court. (Added 6/15/08)

SEC. 10.12. ANIMALS AND FOWL - KEEPING, TRANSPORTING, TREATMENT, HOUSING.

Subd. 1. Definitions. As used in this Section, the following definitions shall apply.

A. "Farm Animals" - Cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens and honey bees.

B. "Animals" - Includes farm animals and all other animals, reptiles and feathered birds or fowl except dogs, cats, gerbils, hamsters and caged household birds.

Subd. 2. Keeping. It is unlawful for any person to keep or harbor any animal, not in transit, except (1) animals kept as part of a show licensed under the City Code, or, (2) animals used in a parade for which a permit has been issued, or, (3) animals kept in a laboratory for scientific or experimental purposes, or, (4) animals kept in an animal hospital or clinic for treatment by a licensed veterinarian.

Subd. 3. Animals in Transit. It is unlawful for any person to transport animals unless they are (1) confined within a vehicle, cage or other means of conveyance, or, (2) farm animals being transported in a portion of the City zoned for agricultural purposes, or, (3) restrained by means of bridles, halters, ropes or other means of individual restraint.

Subd. 4. Treatment. It is unlawful for any person to treat any animal as herein defined, or any other animal, in a cruel or inhumane manner.

Subd. 5. Housing. It is unlawful for any person to keep any animal as herein defined, or any other animal, in any structure infested by rodents, vermin, flies or insects, or inadequate for protection against the elements. A dog's house shall meet the requirements outlined in Minnesota Statutes Section 343.40, Subdivision 2 regarding doghouses. During the months June to September an area of total shade must be provided throughout the day. The dog house shall not be considered as an adequate source of shade. (Amended 8/23/94)

Subd. 6. Trespasses. It is unlawful for any person to herd, drive or ride any animal over and upon any grass, turf, boulevard, City park, cemetery, garden or lot without specific permission therefor from the owner.

SEC. 10.13. ANIMAL WASTE.

Subd. 1. Definitions. For the purpose of this Section:

A. "Owner" means any person who harbors, feeds, boards, possesses, keeps or has custody of an animal.

B. "Animal" means a dog, cat or other animal.

Subd. 2. Unlawful Acts. It is a petty misdemeanor for any owner to:

A. Suffer or permit an animal to defecate upon public property, or the private property of another, without immediately removing the excrement and disposing of it in a sanitary manner.

B. Suffer or permit an animal to be upon public property, or the private property of another, unless such animal is in the custody of a person of suitable age and discretion having in his possession equipment and supplies for excrement removal.

C. Permit animal excrement to accumulate for a period in excess of seven (7) days on premises occupied by him without removal and sanitary disposal.

SEC. 10.14. CURFEW.

Subd. 1. Findings and Purpose.

A. In recent years, there has been a significant increase in juvenile victimization and crime. At the same time, the crimes committed by and against juveniles have become more violent. A significant percentage of juvenile crime occurs during curfew hours.

B. Because of their lack of maturity and experience, juveniles are particularly susceptible to becoming victims of older perpetrators. The younger a person is, the more likely he or she is to be a victim of crime.

- C. While parents have the primary responsibility to provide for the safety and welfare of juveniles, the City also has a substantial interest in the safety and welfare of juveniles. Moreover, the City has an interest in preventing juvenile crime, promoting parental supervision, and providing for the well-being of the general public.
- D. A City-wide curfew will reduce juvenile victimization and crime and will advance public safety, health, and general welfare.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Juvenile" means a person under the age of eighteen (18) years. The term does not include persons under 18 who are married or have been legally emancipated.

B. "Parent" means birth parents, adoptive parents, and step-parents.

C. "Guardian" means an adult appointed by a Minnesota District Court Order.

D. "Responsible Adult" means a person eighteen (18) years or older specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.

E. "Public Place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

F. "Emergency" means a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.

G. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any body part or organ.

H. "Establishment" means any privately-owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment, or refreshment.

I. "Proprietor" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

J. "Fail to Supervise" A parent, guardian or responsible adult commits the offense of failing to supervise a juvenile or tending to cause the delinquency of a juvenile, if the parent, guardian or responsible adult:

1. Is the parent, guardian, or responsible adult, which adult person resides within the corporate limits of the City; and,

2. Fails to provide appropriate and responsible supervision of the juvenile; or who aids, contributes or becomes responsible for the neglect, abuse or delinquency of the juvenile. For purposes of this section, a person is responsible for the delinquency of a juvenile or has failed to provide appropriate and reasonable supervision when:

- a. The juvenile has committed three or more delinquent acts within a two-calendar-year period, which events have been referred to the juvenile court, or
- b. The person fails to undertake counseling requirements ordered by a juvenile court having jurisdiction over the juvenile, or
- c. The person fails to take meaningful and reasonable disciplinary or remedial action in response to prior delinquent acts of the juvenile, or
- d. The act or failure to act by the person demonstrates a willful lack of commitment to prevent future delinquent acts by the juvenile;

3. Solicits, requests, commands, encourages or intentionally aids or acts with the juvenile in violation of any federal, state or local law; or

4. Aids, contributes to, or becomes legally responsible for the neglect, abuse or delinquency of the juvenile; or

5. Willfully abuses, neglects or abandons the juvenile in any manner likely to cause the juvenile unnecessary suffering or serious injury to his/her health or morals; or

6. Provides, encourages or permits the juvenile to possess or consume an alcoholic beverage or a controlled substance, other than in accordance with Minnesota Statute.

Subd. 3. Prohibited Acts.

A. It is unlawful for a juvenile under the age of twelve (12) years to be present in any public place or establishment within the City.

1. Any time between 9:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 A.M. of the following day.

2. Any time between 10:00 P.M. on any Friday or Saturday and 5:00 A.M. of the following day.

B. It is unlawful for a juvenile ages twelve (12), thirteen (13), or fourteen (14) years to be present in any public place or establishment within the City.

1. Any time between 10:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 A.M. of the following day.

2. Any time between 11:00 P.M. on any Friday or Saturday and 5:00 A.M. of the following day.

C. It is unlawful for a juvenile ages fifteen (15), sixteen (16), or seventeen (17) years to be present in any public place or establishment within the City.

1. Any time between 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 A.M. of the following day.

2. Any time between 11:59 P.M. on any Friday or Saturday and 5:00 A.M. on the following day.

D. It is unlawful for any parent or guardian of a juvenile knowingly, or through negligent supervision, to permit the juvenile to be in any public place or establishment within the City during the hours prohibited in this Subdivision.

E. It is unlawful for any proprietor of an establishment within the City to knowingly permit a juvenile to remain in the establishment or on the establishment's property during the hours prohibited in this Subdivision. If the proprietor is not present at the time of the curfew violation, the responding officer shall leave written notice of the violation with an employee of the establishment. A copy of the written notice shall be served upon the establishment's proprietor personally or by certified mail.

F. It is unlawful for the parent, guardian or responsible adult having the care and custody of a juvenile to knowingly permit such juvenile to loiter, idle, wander or stroll, upon, about, or in any of the public streets, avenues, alleys, parks, squares, playgrounds, public lots, public places, public buildings, vacant lots or other unsupervised places between the hours designated as curfew and sunrise of the following morning, except when the juvenile is accompanied by his or her parent, guardian or responsible adult or except where the juvenile is upon an emergency errand or legitimate business directed by his or her parent, guardian or responsible adult. When any juvenile is found violating any of the provisions of this section, a presumption shall arise that the parent, guardian or responsible adult allowed, permitted, assisted, aided, abetted and encouraged such juvenile in such violation.

G. It is unlawful for any parent or guardian of a juvenile to, by word or deed or failure to act, fail to supervise said juvenile, to encourage, contribute toward, cause or tend to cause said juvenile to become a "neglected child", a "delinquent child" or a "habitual truant", a "runaway", a "juvenile petty offender", a "juvenile alcohol offender", or a "juvenile controlled substance offender" as defined by Minnesota Statute 260.015, whether or not a petition for adjudication be sought or sustained in St. Louis County juvenile court.

H. It is unlawful for a parent, after receiving a written warning notice of a curfew violation, to knowingly permit a juvenile to remain upon any City street, alley, right-of-way, or similar place under circumstances not constituting an exception to, or otherwise beyond the scope of, this section.

I. The parent of a juvenile shall have violated this section if, within twelve (12) months after receipt of a written warning, a second curfew violation against the same juvenile is issued.

J. Procedure. If a police officer reasonably believes that a juvenile is on the streets in violation of the curfew ordinance, the officer shall notify the juvenile that he or she is in violation of the ordinance and shall require the juvenile to provide his or her name, address and telephone number and how to contact his or her parent. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, or permit, a police

officer on the street shall use his/her best judgment in determining age. If the police determine that a person is in violation of this ordinance, he shall take the juvenile to the police station or other appropriate holding facility where a parent shall immediately be notified to come for the juvenile whereupon they shall be questioned, and a written warning notice shall be issued to both the juvenile and the parent or parents. However, this does not preclude a police officer, using his discretion, from transporting said juvenile to his home.

Subd. 4. Defenses.

A. It is an affirmative defense for a juvenile to prove that:

1. The juvenile was accompanied by his or her parent, guardian, or other responsible adult.
2. The juvenile was engaged in a lawful employment activity or was going to or returning home from his or her place of employment.
3. The juvenile was involved in an emergency situation.
4. The juvenile was going to, attending, or returning home from an official school, religious, or other recreational activity sponsored and/or supervised by a public entity or a civic organization.
5. The juvenile was on an errand at the direction of a parent or guardian.
6. The juvenile was exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota.
7. The juvenile was engaged in interstate travel.
8. The juvenile was on the public right-of-way boulevard or sidewalk abutting the property containing the juvenile's residence or abutting the neighboring property, structure, or residence.

B. It is an affirmative defense for a proprietor of an establishment to prove that:

1. The proprietor or employee reasonably and in good faith relied upon a juvenile's representations of proof of age. Proof of age may be established by (1) a valid driver's license or identification card issued by Minnesota, another State, or a province of Canada, and including the photograph and date of birth of the licensed person; (2) a valid military identification card issued by the United States Department of Defense; or (3) in the case of a foreign national, from a nation other than Canada, by a valid passport; or other verifiable means, including, but not limited to, school identification cards and birth certificates.
2. The proprietor or employee promptly notified the responsible police agency that a juvenile was present on the premises of the establishment during curfew hours.

C. It is an affirmative defense for a parent, guardian or responsible adult to prove that:

1. The parent, guardian, or responsible adult is a direct victim of that act or conduct which resulted in the juvenile being subject to the jurisdiction of the juvenile court; or

2. The parent, guardian, or responsible adult reported the act or event to appropriate governmental authorities at or near the time the juvenile committed the wrongful or delinquent act or conduct; or

3. The parent, guardian or responsible adult provided reasonable and appropriate supervision to the juvenile, under the totality of the circumstances. In assessing the reasonableness or appropriateness of the person's supervisory actions, the court will consider:

- a. The severity of the offense committed by the juvenile;
- b. The number of prior offenses committed by the juvenile;
- c. The person's knowledge of the juvenile's wrongful conduct or behavior;
- d. The discipline, counseling or other remedial measures taken by the person, after obtaining knowledge of the wrongful behavior of the juvenile; and
- e. Any other action by the person which demonstrates a reasonable commitment and effort to prevent future delinquent or wrongful conduct, behavior or acts by the juvenile.

Subd. 5. Penalty.

A. Violation of Subdivision 3, Subparagraphs A, B or C above will be prosecuted pursuant to Minnesota Statute Section 260.195 and will be subject to the penalties therein.

B. Upon conviction for a violation of Subdivision 3, Subparagraphs D, E, F, G, H or I above, punishment shall be imposed by a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) provided further, the sentencing court may suspend imposition of judgment or sentence upon parole for the successful performance of supervised community public service of not less than twenty (20) hours.

Subd. 6. Review.

The Council shall conduct yearly reviews of this Section to assess the effectiveness of and continuing need for a juvenile curfew. Prior to the annual review, the Chief of Police shall prepare and submit a report to the Council evaluating violations of this Section and juvenile crime and victimization during the preceding year.

(AMENDED 8/8/2016)

SEC. 10.15. DISORDERLY CONDUCT. It is unlawful for any person, in a public or private place, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger or disturb others or provoke any assault or breach of the peace, to do the following: (1) engage in brawling or fighting; or, (2) disturb an assembly or meeting, not unlawful in its character; or, (3) engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others; or, (4) willfully and lewdly expose his person or the private parts thereof, or procure another to so expose himself; and any open or gross lewdness or lascivious behavior, or any act of public indecency; or, (5) whether or not posted with signs so prohibiting, voluntarily enter the waters of any river or public swimming pool at any time when said waters are not properly supervised by trained life-saving personnel in attendance for that purpose, or enter such waters without being garbed in a bathing suit sufficient to cover his person and equal to the standards generally adopted and accepted by the public; or, (6) urinate or defecate in a place other than (a) if on public property then in a plumbing fixture provided for that purpose, or (b) if on the private property of another then in a plumbing fixture provided for that purpose, or (c) if on private property not owned or controlled by another, then within a building; or, (7) cause the making or production of an unnecessary noise by shouting or by any other means or mechanism including the blowing of any automobile or other vehicle horn; or, (8) use a sound amplifier upon streets and public property without prior written permission from the City; or, (9) use a flash or spotlight in a manner so as to annoy or endanger others; or, (10) cause defacement, destruction, or otherwise damage to any premises or any property located thereon; or, (11) strew, scatter, litter, throw, dispose of or deposit any refuse, garbage, or rubbish unto any premises except into receptacles provided for such purpose; or, (12) enter any motor vehicle of another without the consent of the owner or operator; or, (13) fail or refuse to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof, or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of the premises involved nor to any law enforcement or other government official who may be present thereon at that time as part of his official duty, nor shall it include the spouse, children, employee or tenant of such owner or occupier.

SEC. 10.16. BIRD FEEDER REGULATIONS.

Subd. 1. Findings and Purpose. It is found that feeding wild birds out-of-doors during the winter season is a recognized and commendable practice. It is further found that, uncontrolled, the practice of bird feeding can attract large numbers of birds in a concentrated area and droppings on public and private property can thereby become a nuisance and result in a health hazard. Also, the indiscriminate practice of scattering bird feed on the ground or unprotected places can attract wild birds to a place where they are vulnerable to predators. The purposes of this Section are (1) to assure the enjoyment of neighborhood properties by avoiding a nuisance, (2) to protect the health of persons present, and (3) to protect birds from predators.

Subd. 2. Definition and Description. As used in this Section, "bird feeder" means a container used or intended to contain, and dispense bird feed of any kind, out-of-doors. All bird feeders shall be at least five feet above the surrounding ground or structural surface, and supported (1) if from below, by a metal pole or pole of other material completely and continuously covered on all vertical surfaces by metal for at least three feet, and which pole shall have a circular concave metal protector at least twelve inches in diameter, arched downward, or (2) if from above, by a straight, smooth, all-metal hanger at least three feet long. All bird feeders shall be equipped with a cover or roof to protect the contents from natural precipitation. As to all limitations on bird feeder capacity stated in this Section, where there are multiple bird feeders on the same premises, such limitations shall refer to the aggregate of all bird feeders and not to each such facility.

Subd. 3. Unlawful Acts.

A. It is unlawful to place feed intended for birds upon the ground or any other surface or in a container other than a bird feeder as defined and described in this Section.

B. It is unlawful to place a bird feeder on public property, on premises occupied by or used for a commercial or industrial purpose, on premises occupied by another, or on residential property less than twenty feet from any lot line or other ownership boundary.

C. It is unlawful for any owner, or other person in possession of a single-family residential property, to place or maintain thereon a bird feeder(s) having a capacity in excess of 300 cubic inches.

D. It is unlawful for any owner, or other person in possession of a two-family residential property, to place or maintain thereon a bird feeder(s) having a capacity in excess of 350 cubic inches.

E. It is unlawful for any owner, or other person in possession of a multiple family, other than two-family, residential property, to place or maintain a bird feeder(s) having a capacity in excess of 400 cubic inches.

Source: City Code

Effective Date: 3-1-88

SEC. 10.17 OVERUSE OF POLICE SERVICES

Subd. 1. Purpose. It is the intent of the city council by the adoption of this Chapter to impose on and collect a fee from the person or persons in charge of or responsible for nuisance events or activities that generate extraordinary cost to the city over and above the cost of providing normal law enforcement services and police protection citywide.

Subd. 2. Definitions. For the purpose of this Chapter, the terms defined in this Section shall have the meanings ascribed to them:

A. "Nuisance event". An event requiring special security assignment in order to protect the public peace, health, safety and welfare. A nuisance event includes, but is not limited to, the following:

1. Unlawful sale, possession, storage, delivering, giving, manufacture, cultivation or use of controlled substance;
2. Prostitution or prostitution-related activity;
3. Illegal gambling or gambling-related activity;
4. Unlicensed sales of alcoholic beverages or unlawful sales or gifts of alcoholic beverages by an unlicensed person or underage consumption at a specific location;
5. Loud and boisterous conduct, noises and activities that disturb the peace;
6. Events between 11:00 p.m. and sunrise which disturb the peace and tranquility of the neighborhood;
7. Congregating in a tumultuous, noisy or rowdy crowd;
8. Fighting or use of obscene or inflammatory language;
9. Loud music constituting a nuisance or disturbing the peace;
10. Activities causing excessive pedestrian or vehicular traffic and parking problems and congestion;
11. Indecent exposure or lewd conduct.
12. For the purposes of this Article, the term nuisance event shall not include an event of domestic abuse as that term is defined in Minnesota Statutes Section 518B.01 Subdivision 2(a).

B. "Owner". A person or persons shown to be owner or owners of property on the property tax records of St. Louis County, Minnesota.

C. "Personal service." Service by personally handing a copy to the intended recipient or by leaving a copy at the intended recipient's residence or place of business with a person of suitable age and discretion.

D. "Police services fee." A fee imposed for law enforcement services associated with a special security assignment. Such fee may be either a flat fee of \$250 or an additional amount of up to a total of \$1,000 based on, but not limited to, salaries of police officers while responding to or remaining at the nuisance event, the pro rata cost of equipment, the cost of repairing city equipment and property and the cost of any medical treatment of injured police officers.

E. "Responsible person." A person who owns the property where the nuisance event takes place, and/or a person in charge of the premises, and/or a person who organized or served as a host of the nuisance event. If the responsible person is a minor, then the parents or guardians of that minor will also be considered responsible persons.

F. "Special security assignment." The assignment of police officers, services and/or equipment during a second or subsequent response to a nuisance event at a particular location after the service of a written notice to the responsible persons that a police services fee may be imposed for costs incurred by the city for any subsequent police response at such location.

Subd. 3 Initial Police Response To Nuisance Event. When any police officer responds to any nuisance event and determines that there is a threat to the public peace, health, safety or general welfare, the police officer may serve a written notice by mail or personal services to the responsible person or persons that any subsequent police response to that same location or address within a 90 day period shall be deemed a special security assignment and that the responsible person or persons may be liable for a police services fee.

Subd. 4. Subsequent Police Responses; Liability. If, within the period commencing thirty-one (31) days after a written notice is served pursuant to this ordinance, a subsequent police response or responses are necessary to the pursuant to this ordinance, a subsequent police response or responses are necessary to the same location or address within a ninety (90) day period for nuisance or nuisance related activity, a civil penalty may be assess against the building and collected as provided in this ordinance. Nothing in this ordinance shall be interpreted or construed to require the arrest or citation of any person for violations of federal, state or local laws or ordinances. The city reserves it rights to seek reimbursement for costs and damages not recovered by assessment against the building through other legal remedies and procedures. Responsible persons who had previously received a notice of warning shall be jointly and severally liable for a police services fee for a special security assignment. The city reserves its rights to seek reimbursement for actual costs and damages exceeding \$1,000 through other legal remedies or procedures.

Subd. 5. Cost; Collection. The Chief of Police shall notify the City Finance Director in writing of the performance of each special security assignment, of the name and address of the responsible person or persons, the date and time of the incident, the services performed and the amount of the police services fee. If the police services fee is in excess of \$250, the Chief of Police shall provide documentation to support the additional amount. The City Finance Director shall thereafter cause appropriate billings to be made and be responsible for the collection of the police services fee.

Subd. 6. Administrative Appeal. An administrative appeal of a police services fee may be made to the Chief of Police or his/her designee within ten days from the date of mailing of the billing. The request for a hearing shall be in writing and addressed to the chief of police and shall include a copy of the billing and grounds for the appeal. The chief of police or his/her designee may excuse or modify the service fee upon a finding that the responsible person or persons had made a good faith effort to remedy the situation or that the nuisance event was not the fault of the person or persons filing the appeal.

Subd. 7. Applicability of Article. This Article shall not be deemed to authorize the imposition of a police services fee against a landlord for a police response initiated by a call from a tenant for police or emergency assistance in response to domestic abuse or any other conduct.

(Amended 9/24/10)

(Sections 10.18 through 10.29, inclusive, reserved for future expansion.)

SEC. 10.30. STORAGE AND TREATMENT OF ELM WOOD.

Subd. 1. Declaration of Policy. The City has determined that the holder of bark-intact elm wood, in any form, is forbidden. Furthermore, elm bark beetles breed and multiply in firewood, logs, branches and bark-on stumps. Hereafter, all elm wood with bark on shall be termed hazardous wood.

Subd. 2. Procedure; Storage and Removal of Hazardous Wood.

A. The inspection of hazardous wood on public and private properties shall be an on-going activity of the City by and through its Park Commission.

B. All hazardous wood being stored on private or public property within the City shall be stored in plain view and shall be stored outdoors and not within any enclosed structure that prohibits easily accessible inspection.

C. If hazardous wood is found on public or private property, the Park Commission shall give written notice to said property.

D. If hazardous wood is found between March 11 and September 30, said owner of wood shall have five (5) days from the date of notification to completely debark the wood, burn the wood under proper City burning regulations, or deposit the wood in a proper manner at the City Elm Wood Disposal Site.

E. If hazardous wood is found between October 1 and March 10, said owner shall have twenty (20) days to comply with the above mentioned procedures.

F. Failure to comply with these regulations set forth shall result in the removal of the hazardous wood by the City or its contractor and all resulting costs shall be billed directly to the owner or assessed on his taxes.

Source: Ordinance No. 119

Effective Date: 9-29-79

SEC. 10.31. MINNESOTA UNIFORM FIRE CODE.

Subd. 1

Adoption. The 2006 Minnesota Fire Code, as adopted pursuant to Minnesota Statutes 299F.011, hereinafter referred to as MSFC, is hereby adopted as the Fire Code for the City of Virginia, Minnesota. One copy of said code shall be marked CITY OF VIRGINIA OFFICIAL COPY and kept on file in the Office of the City Clerk and open to the inspection and use of the public.

Subd. 2

Storage of Flammable and Explosives Material. No bulk plants for storage of flammable and combustible liquids, or bulk storage of liquefied petroleum gas, not established on the effective date of this section, shall be permitted. No. storage of explosives or blasting agents shall be permitted.

Subd. 3

Recreational Fires. Recreational Fires will be allowed without a permit, but subject to limitations which will be strictly enforced. The following rules will apply:

- A. Burning will be allowed from 9:00 a.m. to 12:00 (midnight) any day of the week, with a maximum of six (6) hours for any fire on any given day of the week.
- B. All fires must be in a fire ring (no more than 3 feet in diameter and a flame height of 3 feet high will be allowed) or border designed from natural rock, cement, brick, tile or block ferrous metal only, and an outdoor wood burning style fireplace of which the area is depressed below ground, on the ground, or on a raised bed.
- C. Only cleaned dry firewood may be burned, with a minimum of 1 inch diameter. No brush, yard, building, household waste or treated wood may be burned.
- D. The fire is constantly attended by an adult person knowledgeable in the use of fire extinguishing equipment and an adult attendant supervises the fire until the fire has been completely extinguished. Any means of controlling the fire must be available at all times (buckets, shovels and garden hoses, for example).
- E. The fire must be located on your own property. If the fire is in an easement area, you must have approval from all involved parties.
- F. Fires are not allowed if winds are in excess of 15 miles per hour. Current weather conditions may be checked on the National Weather Service website. Enter your zip code into search box for current conditions.
- G. Recreational fires shall not be constructed within 25 feet of any structure.
- H. Any Police or Fire Officer may withdraw permission for the fires, due to climatic conditions, extreme dryness, nuisance problems, including offensive odor or smoke in the neighborhood, or violations of the guidelines.
- I. A person violating any recreational fire provisions of City Code Section 10.31 is subject to an administrative fine of \$25.00. A second violation within twelve months of a previous violation is subject to an administrative citation with a penalty of two times the previously imposed penalty. All costs incurred as a result of the burn including, but not limited to, fire suppression, administrative fees, property damage and personal injuries will be the responsibility of the adult in charge or the homeowner.

(Amended 5/25/13)

SEC. 10.32. MAINTENANCE OF PRIVATE PROPERTY.

Subd. 1. It is the primary responsibility of any owner or occupant of any lot or parcel of land to maintain any weeds or grass growing thereon at a height of not more than six inches; to remove all public health or safety hazards therefrom; to install or repair water service lines thereon; and to treat or remove insect-infested or diseased trees thereon.

Subd. 2. If any such owner or occupant fails to assume the primary responsibility described in Subdivision 1 of this Section, and after notice given by the City Clerk has not within seven days of such notice complied, the City may cause such work to be done and the expenses thus incurred shall be a lien upon such real estate. The City Clerk shall certify to the County Auditor of St. Louis County a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

SEC. 10.33. STORAGE OF WOOD.

Subd. 1. Wood Defined. The term "wood" as used in this Section, means wood kept for use as a heating fuel.

Subd. 2. Unlawful Acts. It is unlawful to keep or store wood on private property: (1) for more than thirty days which has not been cut and neatly piled in stacks not exceeding ten feet in length and twelve inches in width; (2) which is infested with, or inhabited by, rats, rodents or other vermin; (3) piled higher than four and one-half feet unless the same has been cut in lengths not exceeding eighteen inches and stacked in a solid circular stack.

SEC. 10.34. ABANDONING A MOTOR VEHICLE. It is unlawful for any person to abandon a motor vehicle on any public or private property without the consent of the person in control of such property. For the purpose of this Section, a "motor vehicle" is as defined in Minnesota Statutes, Chapter 169.

SEC. 10.35. PHRENOLOGISTS, CLAIRVOYANTS, ASTROLOGISTS AND FORTUNE TELLING - PRACTICES PROHIBITED.

Subd. 1. Unlawful Act. It is unlawful for any person to accept a fee, compensation, or thing of value from another in the course of practicing phrenology, clairvoyance, fortune telling or astrology. It is also unlawful for any person to, in any manner or by any device, hold himself out as a phrenologist, clairvoyant, astrologist, or fortune teller, or as having the ability to foretell past, present or future events, happenings or conditions of or to an individual natural person.

Subd. 2. Exception. This Section does not apply to a bona fide historian making a written record of past or present events, whose only compensation will be from the publication and sale of such record to the public, nor does it apply to an occupation specifically licensed, regulated, allowed, or permitted by statute or provisions of the City Code.

Source: City Code
Effective Date: 3-1-88

SEC. 10.36. WEAPONS/FIREARMS PROHIBITED ON CITY PROPERTY (For State law allowing governmental subdivisions to regulate the discharge of firearms, see Minnesota Statutes 471.633(a). The possession of rifles and shotguns is prohibited in a public place, see Minnesota Statutes Section 624.7181.)

Subd. 1 Policy. It is the policy of the City of Virginia to protect the public health, safety and welfare; to protect employees of the City of Virginia from fear of serious injuries or death caused by pistols; to protect City employees by reducing the potential for discharge of firearms at City work sites; and to reduce the potential for discharge of firearms on City property by prohibiting the carrying and possession of pistols on City property where members of the public may be present, in public areas, or at public activities and by prohibiting the carrying and possession of pistols at City work sites.

Subd. 2 Definitions.

A. City Property. Any building or recreation center that is owned, operated or controlled by the City of Virginia, possessed or controlled by a City authority which was created and exists pursuant to a State or Federal law.

B. Pistol. A pistol means a weapon designed to be fired with the use of a single hand and as defined in Minnesota Statutes Section 624.712, Subd. 2, or its successor.

C. Prohibited Acts. No person shall possess a pistol or otherwise be in possession or control of a pistol on City property, nor shall a person carry a pistol on City property, whether or not that person has been issued a permit pursuant to Minnesota Statutes Sections 624.711 through 624.717, and whether or not that person engages in activities for which such permit has been issued. No activities or ceremonies involving pistols shall be held on City property.

D. Exceptions. The prohibitions paragraph C above shall not apply to any member of the Armed Forces of the United States while engaged in the performance of a duty in compliance with a Statute, Regulation, Rule or Order duly promulgated and issued under the authority of the Federal Government; to any member of the militia of the State while engaged in the performance of a duty prescribed by law; not to any licensed peace officer authorized by State Law to possess or carry firearms, nor to a person duly licensed and permitted to possess a pistol who is on duty performing security services as part of his or her employment as a security guard.

The prohibitions of paragraph C above shall not apply to any federal agent who is authorized to carry a pistol nor to any person possessing, transporting or carrying a pistol in commerce in accordance with applicable federal law. (Adopted June 24, 2003)

SEC. 10.37. PUBLIC NUISANCES

Subd. 1 Public Nuisance Prohibition.

A person must not act, or fail to act, in a manner that is or causes a public nuisance. For purpose of this ordinance, a person that does any of the following is guilty of maintaining a public nuisance:

- (A) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or
- (B) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- (C) Does any other act or omission declared by law or this ordinance to be a public nuisance.

Subd. 2 Public Nuisances Affecting Health.

The following are hereby declared to be nuisances affecting health:

- (A) The exposed accumulation of decayed or unwholesome food or vegetable matter;
- (B) All diseased animals running at large;
- (C) All ponds or pools of stagnant water;
- (D) Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;
- (E) Accumulation of manure, refuse, or other debris;
- (F) Privy vaults and garbage cans which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- (G) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- (H) All noxious weeds and other rank growths of vegetation upon public or private property;
- (I) Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities;
- (J) All public exposure of people having a contagious disease; and
- (K) Any offensive trade or business as defined by statute not operating under local license.

Subd. 3 Public Nuisances Affecting Morals and Decency

The following are hereby declared to be nuisances affecting public morals and decency:

- (A) All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law;
- (B) Betting, bookmaking, and all apparatus used in those occupations;
- (C) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;

(D) All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place; and

(E) Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

Subd. 4 Public Nuisances Affecting Peace and Safety.

The following are declared to be nuisances affecting public peace and safety:

(A) All snow and ice that is not removed from public sidewalks within twenty-four (24) hours after the snow or other precipitation causing the condition has ceased to fall;

(B) All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;

(C) All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

(D) Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person;

(E) All unnecessary and annoying vibrations;

(F) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law;

(G) Radio aerials or television antennae erected or maintained in a dangerous manner;

(H) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk; including the use of the public streets for panhandling, vagrancy or other nuisance type offenses;

(I) All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance;

(J) The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to follow across any sidewalk;

(K) Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way;

(L) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

(M) Wastewater cast upon or permitted to flow upon streets or other public properties;

(N) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other materials in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or other safety hazards from such accumulation;

(O) Any well, hole, or similar excavation that is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;

(P) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;

(Q) The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance;

(R) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;

(S) Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one (1) footcandle when abutting any commercial or industrial parcel; and

(T) All other conditions or things that are likely to cause injury to the person or property of another.

Subd. 5 Noise Violations.

(A) Prohibited noises.

The following are declared to be nuisances affecting public health, safety, peace, or welfare:

(1) Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or affects their property's value (this general prohibition is not limited by any specific restrictions provided in this ordinance);

(2) All obnoxious noises, motor vehicle or otherwise, in violation of Minn. R. ch. 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference;

(3) The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise;

(4) The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all-terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;

(5) Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle; and

(6) The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

(B) Hourly restriction of certain operations.

(1) Domestic power equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.

(2) Refuse hauling. No person shall collect or remove garbage or refuse in any residential district, except between the hours of 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(3) Construction activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(4) Radios, music devices, paging systems, and the like. The operation of any device referred to in subdivision (A) (6) between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

(C) Noise impact statements.

The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. The Council shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning changes requested.

Subd. 6. Nuisance Parking and Storage

(A) Declaration of nuisance. The outside parking and storage on residentially zoned property of large numbers of vehicles and vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it: (1) obstructs views on streets and private property, (2) creates cluttered and otherwise unsightly areas, (3) prevents the full use of residential streets for residential parking, (4) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (5) decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, and (6) otherwise adversely affects property values and neighborhood patterns.

(B) Unlawful parking and storage.

(1) A person must not place, store, or allow the placement or storage of ice fishing houses, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than twenty-four (24) hours in the front yard area of residential property unless more than one hundred (100) feet back from the front property line.

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.

(3) A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:

- (a) No more than four (4) vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. The maximum number does not include vehicles of occasional guests who do not reside on the property.
- (b) Vehicles that are parked or stored outside in the front yard areas must be on a paved or graveled parking surface or driveway area.
- (c) Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.

Subd. 7. Inoperable Motor Vehicles.

(A) Declaration of nuisance. Any motor vehicle described in this section shall constitute a hazard to the health and welfare of the residents of the community as such vehicles can harbor noxious diseases, furnish a shelter and breeding ground for vermin, and present physical danger to the safety and well-being of children and citizens. Motor vehicles also contain various fluids which, if released into the environment, can and do cause significant health risks to the community.

(B) Inoperable motor vehicles. It shall be unlawful to keep, park, store, or abandon any motor vehicle that is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation within the state, pursuant to Minn. Stat. § 168B.011, subd. 3, as it may be amended from time to time.

(C) Screening. This section does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road, or alley, and which does not foster complaint from a resident of the city. Privacy fencing is permissible.

Subd. 8. Duties of City Officers.

City officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

Subd. 9. Abatement Procedure.

(A) Procedure. Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the city, the official shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

(B) Notice. Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and notice of motion for summary enforcement hearing shall be served by a peace officer or designated official on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by positing it on the premises.

(C) Emergency procedure; summary enforcement. In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in subdivisions (A) and (B) of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in subdivision (A) of this section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

(D) Immediate abatement. Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

(E) Unlawful parties or gatherings. When law enforcement determines that a gathering is creating such a noise disturbance as prohibited under Section Four, Subdivision D, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

(F) Judicial remedy. Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

Subd. 10 Recovery of Cost.

(A) Personal liability. The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other city official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

(B) Assessment. After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the city clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

Subd. 11 Penalty.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

Subd 12 Severability.

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

(Adopted 10/26/13)

SEC. 10.38 BANNING THE SALE, POSSESSION, TRANSFER OR MANUFACTURE OF SYNTHETIC OR ALTERNATIVE DRUGS

The City Council of the City of Virginia does ordain as follows:

1. **WHEREAS**, 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; and,
2. **WHEREAS**, 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; and,
3. **WHEREAS**, City authorities have encountered these substances in products being sold and used in the City limits; and,
4. **WHEREAS**, 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 Virginia; and,
5. **WHEREAS**, these substances can be created more rapidly than they can be identified and controlled by action of the Federal and State Legislature; and,
6. **WHEREAS**, these substances are sold in many different forms including loose, leafy, granular, powder, crystalline, tablet, and/or liquid forms; and,
7. **WHEREAS**, 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; and,
8. **WHEREAS**, 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; and,
9. **WHEREAS**, it is therefore the will of the Virginia 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.

Prohibitions

Sale, Possession, Transfer, Manufacture of Synthetic or Alternative Drugs

1. 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.
2. 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.
3. 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.
4. 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.

5. 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:
 - A. Scope of legitimate uses of the product.
 - B. Physical and testimonial evidence provided by officers and prosecutors regarding known uses of the product.
 - C. Statements made by persons selling, possessing, and using the product.
 - D. Availability of the product to include types and number of area businesses selling it.
 - E. The ratio of the price of the product compared to the quantity sold.
 - F. The proximity of the product in relation to devices used to ingest or consume controlled substances.

Definitions

1. **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.
2. **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.
3. **Manufacture:** to complete, blend, formulate, package, repackage, or develop by any means any substance made unlawful by this ordinance.
4. **Synthetic/Alternative Drug** means:
 - A. Any of the following:
 1. Any substance containing a synthetic cannabinoid, stimulant, psychedelic, depressant, or hallucinogenic; or,
 2. Salvia Divinorum or any substance known by this name or any version of this name; or,
 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, even though 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,
 4. Any substance defined in subsequent portions of this ordinance; or,
 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,
 6. Any substance marked or packaged under any name listed in Appendix A of this ordinance.
5. **Synthetic Stimulant** means:
 - A. 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:
 1. 3,4-Methylenedioxymethcathinone (Methylone)
 2. 3,4-Methylenedioxypyrovalerone (MDPV)
 3. 4-Methymethcathinone (Mephedrone)
 4. 4-Methoxymethcathinone (Methedrone)
 5. 4-Fluoromethcathinone (Flephedrone)
 6. 3-Fluoromethcathinone (3-FMC)
 7. Naphthylpyrovalerone
 8. 2-amino-1phenyl-1-propanone (Cathinone)

- B. 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.
- C. Synthetic Stimulants, often referred to as “Bath Salts” are commonly marketed under various commercial trade names, which changed 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.
- D. Synthetic Stimulants, as defined in this ordinance, shall exclude normal, typical bath salts and bath additives which do not contain synthetic chemicals 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.

6. **Synthetic Marijuana/ Synthetic Cannabanoids/ Herbal smoking product** means:

- A. 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 active ingredient in Marijuana (tetrahydrocannabinol “THC”) including, but not limited to any quantity of a synthetic material, 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:
 - 1. 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
 - 2. 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
 - 3. 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
 - 4. 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
 - 5. 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 substitution on the phenyl ring to any extent
 - 6. 5-(1, 1-dimethylheptyl)-2-[1R, 3S)-3-hydroxycyclohexyl]-phenol {CP-47, 497}
 - 7. 5-(1, 1 dimethyloctyl)-2-[1R, #S)-3-hydroxycyclohexyl] phenol (cannabicyclohexanol or CP-47, 497 C8-homolog)
 - 8. 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678)
 - 9. 1-pentyl-3-(1-naphthoyl)indole (JWH-073)
 - 10. 1-hexyl-3-(1-naphthoyl)indole (JWH-019)
 - 11. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200)
 - 12. 1-pentyl-3-(2-methoxyphenylacetyl)indole(JWH250)
 - 13. 1-pentyl-3-[1-(4-methyl-1naphthoyl)indole (JWH-081)
 - 14. 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122)

15. 1-pentyl-3-(4-chloro-1-naphthoyl)indole(JWH398)
16. 1-(5-fluoropentyl)-3-(1-naphthoyl)indole(AM2201)
17. 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole(AM694)
18. 1-pentyl-3-[(4-methoxy)-benzoyl]indole(SR-19 and RCS-4)
19. 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8)
20. 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203)

- B. 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 warning against ingestion and stating they are free of controlled substances. By virtue of this ordinance, such products are unlawful.
- C. Synthetic Marijuana/Synthetic Cannabinoids/ 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.
- D. Synthetic Marijuana/ Synthetic Cannabinoids/Herbal Smoking Product shall exclude typical, standard incense and potpourri that is sold as incense sticks, oils, or cones that is commonly used for 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.

7. **Synthetic Psychedelics/ Hallucinogens means:**

- A. 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:
 1. 2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine(2C-E)
 2. 2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C-D)
 3. 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C)
 4. 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I)
 5. 2-[4-Ethylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-2)
 6. 2-[4-Isopropylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-4)
 7. 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H)
 8. 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N)
 9. 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P)
- B. 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.
- C. 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 listing of commercial names commonly used to advertise and portray these substances.

8. **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.

Enforcement and Civil Penalty

Whereas, the City of Virginia deems synthetic and alternative drugs dangerous and detrimental to the citizens, guests, and fabric of the community of Virginia, it bans the sale, possession, transfer and or manufacturing of synthetic drugs or alternative drugs.

➤ **Individuals involved in the sale, transfer or manufacturing:**

A civil penalty of each offense will be \$500 for the first violation; \$1,000 second violation and any violations thereafter shall be charged as a misdemeanor, with up to 90 days in jail, and subject to the sanctions of the District Court.

➤ **Individuals that are in possession:**

A civil penalty of each possession offense will be \$100 for the first offense; \$300; second offense; \$500 third offense; \$800 for fourth and every offense thereafter \$1000.

Severability

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

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 synthetic drugs, 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.

- #- 8-BALL, 251, 2c-1
- A. AFGAN BLACK, AM-HI-CO (ALL TYPES), APHRODISIA, ATOMIC BOMB, AZTEC GOLD, AZTEC MIGHNIGHT WIND TEZCATLIPOC
- 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-DRANGONFLY, BUZZ
- C. C3, C4, C4 HERBAL INCENSE, CANEFF, CHARGE PLUS, CHERRY BOMB, CHILLX, CHRONIC SPICE, CILL OUT, CITRUS, CLOUD 9, COLORADO CHRONIC
- D. DA BLOCK, DARK NIGHT ii, DEMOND, 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 PLATINNUM (ALL TYPES), EX-SES GOLD PLUS, EXTREMEM SPICE
- F. FAKE WEEK, 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, GENI, 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, SW ORISHA MAX, KRUSH
- L. LEGAL EAGLE (ALL TYPES), LEGAL
- M. MAGIC DRAGO 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/VANILA, 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) SENCE, SERENITY (ALL TYPES), SEX INTENSE, SETACY (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)
- S. TEXAS GOLD, TIME WARP, TNT, TRIBAL WARRIOR (ALL TYPES), TRANQUILITY
- T. ULTRA CLOUD 10, UNKNOWN CIGARETTE, UTOPIA (ALL TYPES)
- U. V8, VANILLA SKY, VOO DOO (ALL TYPES)
- V. WHITE (ALL TYPES), WHO DAT (ALL TYPES) WICKED X, WILD OPIUM, WINDER BOOST, WINDOW CLEANER, WOOD STOCK
- W. XTC, X-TRACY ULTRA
- X. YOCANTAN FIRE, YUCANTAN FIRE
- Y. ZOMBIE WORLD, ZOOM
- Z. BLACK DIAMOND
- AA. TRIPLE XXX PLURBOM
- BB. WTF
- CC. ZERO GRAVITY
- DD. HAVE YOU SEEN MOLLY
- EE. BIZZARRO

(Sections 10.39 through 10.98, inclusive, reserved for future expansion.)

SEC. 10.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code

Effective Date: 3-1-88