

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

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§ 130.01 DANGEROUS WEAPONS AND ARTICLES.

(A) *Acts prohibited.* It is unlawful for any person to:

- (1) Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another;
- (2) Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another;
- (3) Manufacture or sell for any unlawful purpose any weapon known as a slung shot or sand club;
- (4) Manufacture, transfer, or possess metal knuckles or a switch blade knife opening automatically;
- (5) Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another;
- (6) Permit, as a parent or guardian, any child under 14 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
- (7) Furnish a minor under 18 years of age with a firearm, air gun, ammunition, or explosive without the written consent of his or her parent or guardian or of the Police Department.

(B) *Exception.* Nothing in division (A) above shall prohibit the possession of the articles therein mentioned if the purpose of the possession is for public exhibition by museums or collectors of art.

(C) *Discharge of explosives.*

(1) It is unlawful for any person to fire or discharge any cannon, firecracker, sky rocket or other fireworks. This division shall not apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council.

(2) No person, except a law enforcement officer in the performance of duty, shall, within a platted residential area of the City of Gilbert, discharge any gun, pistol, pellet gun, air rifle, or firearm of any description. This division shall not apply to a person in the lawful defense of his or her person or family or to the discharge of firearms in a range authorized in writing by the Council.

(3) No person, except a law enforcement officer in the performance of duty, shall within the unplatted area of the City of Gilbert, discharge any gun, pistol, pellet gun, air rifle or firearm of any description within 1,000 feet of any building occupied by a human or used for the purpose of housing animals of any kind, without the consent or permission of the owner of such premises.

(D) *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 division (C)(1) above, any firecrackers, sky rockets, or other fireworks.

(E) *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.

(F) *Use of bow and arrow.* It is unlawful for any person to shoot a bow and arrow in the platted areas of the City of Gilbert or within 500 feet of any structures in the unplatted areas of the City of Gilbert, 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 Police Chief, or a bow and arrow range authorized by the Council.

(1985 Code, § 10.02) (Ord. 2016-02, passed 9-27-2016) Penalty, see § 10.99

§ 130.02 DANGEROUS TRESPASSES AND OTHER ACTS.

It is unlawful for any person to:

(A) Smoke in the presence of explosives, or inflammable materials, or in a building, or area, in which “No Smoking” notices have been prominently posted;

(B) Interfere with or obstruct the prevention or extinguishing of any fire, or disobey the lawful orders of a law enforcement officer or firefighter present at the fire;

(C) Show a false light or signal or interfere with any light, signal, or sign controlling or guiding traffic upon a highway, railway track, or navigable water;

(D) Place an obstruction upon a railroad track;

(E) Expose another or his or her property to an obnoxious or harmful gas, fluid, or substance, with intent to injure, molest, or coerce;

(F) Trespass or permit animals under his or her control to trespass upon a railroad track;

(G) Permit domestic animals or fowls under his or her control to go upon the lands of another within the city;

(H) Interfere unlawfully with any monument, sign, or pointer erected or marked to designate a point of a boundary, line, or a political subdivision, or a tract of land;

(I) Trespass upon the premises of another, and without claim of right refuse to depart therefrom on demand of the lawful possessor;

(J) Occupy or enter the dwelling of another, without claim of right, or consent of the owner, or the consent of one who has the right to give consent, except in an emergency situation;

(K) Enter the premises of another with intent to take or injure any fruit, fruit trees, or vegetables growing thereon without the permission of the owner or occupant; or

(L) Without the permission of the owner tamper with or get into or upon a motor vehicle, or ride in or upon the motor vehicle knowing it was taken and is being driven by another without the permission of the owner.

(1985 Code, § 10.06) Penalty, see § 10.99

§ 130.03 DISORDERLY CONDUCT.

(A) *Generally.* 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.

(B) *Specifically.*

(1) Engage in brawling or fighting;

(2) Disturb an assembly or meeting, not unlawful in its character;

(3) Engage in offensive, obscene, or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others;

(4) Willfully and lewdly expose his or her person or the private parts thereof, or procure another to so expose himself or herself, and any open or gross lewdness or lascivious behavior, or any act of public indecency;

(5) Whether or not posted with signs so prohibiting, voluntarily enter the waters of any river or public swimming pool at any time when the waters are not properly supervised by trained life-saving personnel in attendance for that purpose, or enter the waters without being garbed in a bathing suit sufficient to cover his or her person and equal to the standards generally adopted and accepted by the public;

(6) Urinate or defecate in a place other than:

(a) If on public property then in a plumbing fixture provided for that purpose;

(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;

(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;

(8) Use a sound amplifier upon streets and public property without prior written permission from the city;

(9) Use a flash or spotlight in a manner so as to annoy or endanger others;

(10) Cause defacement, destruction, or otherwise damage to any premises or any property located thereon;

(11) Strew, scatter, litter, throw, dispose of, or deposit any refuse, garbage, or rubbish unto any premises except into receptacles provided for the purpose;

(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 or her official duty, nor shall it include the wife, children, employee or tenant of the owner or occupier.

(1985 Code, § 10.07) Penalty, see § 10.99

§ 130.04 FURNISHING OBSCENE MATERIAL.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FURNISH. To sell, give, rent, loan, or otherwise provide.

MATERIAL. Any printed matter, visual representation, or sound recording, and includes, but is not limited to, books, magazines, motion picture films, pamphlets, newspapers, pictures, photographs, drawings, sculptures, and tape or wire recordings.

NUDITY. Uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.

OBSCENE. Material which in whole or in part depicts or reveals nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, or which includes obscenities or explicit descriptions or narrative accounts of sexual conduct.

OBSCENITIES. Those slang words currently generally rejected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct, or excretory functions or products, either that have no other meaning or that in context are clearly used for their bodily, sexual, or excretory meaning.

SADO-MASOCHISTIC ABUSE. Flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

SEXUAL CONDUCT. Human masturbation, sexual intercourse, or any touching of the genitals, pubic areas, or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

SEXUAL EXCITEMENT. The condition of human male or female genitals or the breasts of the female when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

(B) *Unlawful act.* It is unlawful for any person to furnish another person obscene material.

(C) *Prosecution.* Any prosecution under this section shall include the following elements:

(1) The average person, applying contemporary community standards, would find the material, taken as a whole, appealing to the prurient interest of the audience or reader;

(2) The material describes or depicts, in a patently offensive way, sexual conduct included in the definition of obscene; and

(3) The material, taken as a whole, lacks serious literary, artistic, political, or scientific value. (1985 Code, § 10.14) Penalty, see § 10.99

§ 130.05 CURFEW FOR MINORS.

(A) *Purpose.* The curfew for minors established by this section is maintained for four primary reasons:

- (1) To protect the public from illegal acts of minors committed during the curfew hours;
- (2) To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs;
- (3) To protect minors from criminal activity that occurs during the curfew hours; and
- (4) To help parents control their minor children.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMERGENCY ERRAND. A task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor's household. The term shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or Fire Department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or human-made calamity.

OFFICIAL CITY TIME. The time of day as determined by reference to the master clock used by the Police Department.

PLACES OF AMUSEMENT, ENTERTAINMENT, OR REFRESHMENT. Those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants, and pool halls.

PRIMARY CARE or ***PRIMARY CUSTODY.*** The person who is responsible for providing food, clothing, shelter, and other basic necessities to the minor. The person providing primary care or custody to the minor shall not be another minor.

SCHOOL ACTIVITY. An event which has been placed on a school calendar by public or parochial school authorities as a school-sanctioned event.

(C) *Hours.*

(1) *Minors under the age of 16 years.* No minor under the age of 16 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, or public buildings; nor in or upon places of amusement, entertainment, or refreshment; nor in or upon any vacant lot, between the hours of 10:30 p.m. and 5:00 a.m. the following day, official city time.

(2) *Minors ages 16 years to 18 years.* No minor of the ages of 16 or 17 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, or public buildings; nor in or upon places of amusement, entertainment, or refreshment; nor in or upon any vacant lot between the hours of 12:00 a.m. and 5:00 a.m. the following day, official city time.

(D) *Effect on control by adult responsible for minor.* Nothing in this section shall be construed to give a minor the right to stay out until the curfew hours designated in this section if otherwise directed by a parent, guardian, or other adult person having the primary care and custody of the minor; nor shall this section be construed to diminish or impair the control of the adult person having the primary care or custody of the minor.

(E) *Exceptions.* The provisions of this section shall not apply in the following situations:

(1) To a minor accompanied by his or her parent or guardian, or other adult person having the primary care and custody of the minor;

(2) To a minor who is upon an emergency errand at the direction of his or her parent, guardian, or other adult person having the primary care and custody of the minor;

(3) To a minor who is in any of the places described in this section if in connection with or as required by an employer engaged in a lawful business, trade, profession, or occupation; or to a minor traveling directly to or from the location of the business, trade, profession, or occupation and the minor's residence. Minors who fall within the scope of this exception shall carry written proof of employment and proof of the hours the employer requires the minor's presence at work;

(4) To a minor who is participating in or traveling directly to or from an event which has been officially designated as a school activity by public or parochial school authorities; or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the city, a civic organization, school, religious institution, or similar entity that takes responsibility for the minor and with the permission of the minor's parent, guardian, or other adult person having the primary care and custody of the minor;

(5) To a minor who is passing through the city in the course of interstate travel during the hours of curfew;

(6) To a minor who is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or freedom of religion;

(7) To minors on the sidewalk abutting his or her residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the city's designated law enforcement provider about the minor's presence; and

(8) To a minor who is married or has been married, or is otherwise legally emancipated.

(F) *Duties of person legally responsible for minor.* No parent, guardian, or other adult having the primary care or custody of any minor shall permit any violation of the requirements of this section by the minor.

(G) *Duties of other persons.* No person operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor to enter or remain in his or her place of business during the hours prohibited by this section unless the minor is accompanied by his or her parent, guardian, or other adult person having primary care or custody of the minor, or unless one of the exceptions to this section applies.

(H) *Defense.* It shall be a defense to prosecution under this section that the owner, operator, or employee of an establishment promptly notified the city's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(I) *Affirmative defense.* A law enforcement officer must look into whether a minor has an affirmative defense before making an arrest.

Penalty, see § 10.99

§ 130.06 SALE, POSSESSION, TRANSFER AND/OR MANUFACTURE OF SYNTHETIC OR ALTERNATIVE DRUGS.

(A) *Prohibitions.*

(1) A person is guilty of a violation of this section if they sell, possess, distribute, transfer, or manufacture any substance or product containing any quantity of synthetic or alternative drug as defined under this section.

(2) All substances made unlawful by this section shall constitute contraband, subject to immediate seizure by law enforcement, and shall be destroyed upon a conviction for a violation of this section.

(3) The substances defined in this section 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 section. 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 section, the following additional factors shall be considered in making the determination if a substance is unlawful under this section:

- (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.

(B) *Definitions.*

MANUFACTURE. To complete, blend, formulate, package, repackage, or develop by any means any substance made unlawful by this section.

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.

SALE or 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.

SALVIA DIVINORUM or SALVINORUM. 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.

SYNTHETIC MARIJUANA OR CANNABINOIDS or HERBAL SMOKING PRODUCT.

(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, compound, mixture, preparation, substance, and their analogs (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist, regardless of whether the substance is marketed for the purpose of being consumed, including any of the following:

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 substituted 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,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

8. 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

9. 1-butyl-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 (JWH-250);

13. 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

14. 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);
15. 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);
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 section, such products are unlawful.

(c) **SYNTHETIC MARIJUANA OR CANNABINOIDS** or **HERBAL SMOKING PRODUCTS** 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 Chapter 130, Appendix A for a listing of commercial names commonly used to advertise and portray these substances.

(d) **SYNTHETIC MARIJUANA OR CANNABINOIDS** or **HERBAL SMOKING PRODUCT** shall exclude typical, standard incense and potpourri that are sold as incense sticks, oils, or cones that are commonly used for their aromatic qualities and do not contain any synthetic chemical compounds, do not provide a prohibition against ingestion, and do not elicit psychoactive or psychotropic euphoric effects.

SYNTHETIC OR ALTERNATIVE DRUG. Any of the following:

- (a) Any substance containing a synthetic cannabinoid, stimulant, psychedelic, depressant, or hallucinogenic;
- (b) Salvia divinorum or any substance known by this name or any version of this name;
- (c) Substances described as herbal blends, botanical blends, botanical sachet, herbal sachet, herbal potpourri, herbal incense, spice, salts, or any blend or combination of these, regardless of whether 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;

(d) Any substance defined in subsequent portions of this section;

(e) 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;

(f) Any substance marked or packaged under any name listed in Chapter 130, Appendix A.

***SYNTHETIC PSYCHEDELICS* or *HALLUCINOGENS*.**

(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 that 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* or *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 section, such products are unlawful.

(c) ***SYNTHETIC PSYCHEDELICS*** or ***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 Chapter 130, Appendix A for a listing of commercial names commonly used to advertise and portray these substances.

SYNTHETIC STIMULANT.

(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-Methyenedioxypyrovalerone (MDPV);
3. 4-Methylmethcathinone (Mephedrone);
4. 4-Methoxymethcathinone (Methedrone);
5. 4-Fluoromethcathinone (Flephedrone);
6. 3-Fluoromethcathinone (3-FMC);
7. Naphthylpyrovalerone;
8. 2-amino-1-phenyl-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 section, such products are unlawful.

(c) ***SYNTHETIC STIMULANTS***, often referred to as "bath salts", are commonly marketed under various commercial trade names, which change often, and contain a common disclaimer that the products are "not safe for human consumption", "novelty item", or similar disclaimer. Refer to Chapter 130, Appendix A for a listing of commercial names commonly used to advertise and portray these substances.

(d) ***SYNTHETIC STIMULANTS***, as defined in this section, shall exclude normal, typical bath salts and bath additives which do not contain synthetic chemical compounds listed herein that elicit psychoactive or psychotropic stimulant effects. Standard bath salts primarily contain magnesium sulfate (Epsom salts), sodium chloride (table salt), sodium bicarbonate (baking soda), sodium hexametaphosphate (Calgon), amorphous/glassy sodium metaphosphate, sodium sesquicarbonate, and borax.

(C) *Enforcement and civil penalty.* Whereas the City of Gilbert deems synthetic and alternative drugs dangerous and detrimental to the citizens, guests and fabric of the community of Gilbert, it bans the sale, possession, transfer, distribution and/or manufacturing of synthetic drugs or alternative drugs. A civil penalty for each offense will be \$100 for the first offense; \$300 second offense; \$500 third offense; \$800 for fourth offense; and \$1,000 for every offense thereafter.

(Ord. 13-01, passed 10-22-2013)

Cross-reference:

Commercial names of synthetic or alternative drugs, see Chapter 130, Appendix A

APPENDIX A: COMMERCIAL NAMES OF SYNTHETIC OR ALTERNATIVE DRUGS

Substances described in § 130.06 and distributed under the commercial/retail names contained in this appendix shall be deemed to be unlawful and a synthetic drug, especially if they are packaged in a manner that indicates the product is “not for human consumption” or if it fails to disclose the product’s 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 § 130.06.

#	8-BALL, 251, 2C-1
A	AFGAN BLACK, AM-HI-CO (ALL TYPES), APHRODISIA, ATOMIC BOMB, AZTEC GOLD, AZTEC MIDNIGHT WIND TEZCATLIPOCA
B	BACK DRAFT, BAD 2 THE BONE, BANANA CREAM NUKE, BATH SALT, BAYOU BLASTER, BIGDADDY, BLACK DIAMOND, BLACK MAGIC SALVIA, BLACK MAMBA, BLISS (ALL TYPES), BLIZZARD, BLUEBERRY HAYZE, BLUEBERRY HAZE, BLUE SILK, BOMBAY BLUE, BONZAI, BROMO-DRAGONFLY, BUZZ
C	C3, C4, C4 HERBAL INCENSE, CANEFF, CHARGE PLUS, CHERRY BOMB, CHILL X, CHRONIC SPICE, CILL OUT, CITRUS, CLOUD 9, COLORADO CHRONIC
D	DA BLOCK, DARK NIGHT II, DEMON, DEVIL EYE, DEX, DIAMOND SPIRIT, DOVES, DRAGON SPICE, D-RAIL, DREAM, DYNATMITE N-R-G
E	EARTHQUAKE, ERUPTION SPICE, EUPHORIA, EXOTIC ULTRA, EXSES, EX-SES GOLD PLUS, EX-SES PLATINUM (ALL TYPES), EXTREME SPICE
F	FAKE WEED, FERTILIZER, FIRE BIRD ULTIMATE STRENGTH CINNAMON, FOREST HUMUS, FREEDOM, FULLY LOADED, FUNKY MONKEY XXXX
G	G FOUR, G GREENIES CARAMEL CRUNCH, GENIE (ALL TYPES), GLASS CLEANER, GOLD SPIRIT SPICE, GREEN MONKEY CHRONIC SALVIA, GREENIES STRAWBERRY, GROW
H	HEAD RUSH ULTRA, HEAVEN IMPROVED, HEAVENSSENT SUAVE, HERBAL ECSTASY, HIOCTANE, HUMBOLDT GOLD, HURRICANE, HUSH, HYPER X ULTRA
I	ICE BUD, IVORY (ALL TYPES)

Gilbert - General Offenses

J	JAMAICAN GOLD, JOKER
K	K ROYAL, K1 (ALL TYPES), K2 (ALL TYPES), K3 (ALL TYPES), K4 (ALL TYPES), KIND SPICE, KUSH, KW ORISHA MAX
L	LEGAL EAGLE (ALL TYPES), LEGAL PHUNK, LOVE POTION 69, LEGAL (ALL TYPES), LEGAL METH, LEGAN ECSTASY, LOVE STRAWBERRY, LUNAR DIAMOND, LUNAR WAVE
M	MAGIC DRAGON PLATINUM, MAGIC GOLD, MAGIC SILVER, MAGIC SPICE, MAYA BLUE, MEGA BOMB, MELLOMAN, MELLOW MADNESS 1A, METHOXETAMINE, MID-ATLANTIC EXEMPLAR (ALL TYPES), MIDNIGHT CHILL, MIND BLISS, MNGB ALMOND/VANILLA, MNGB (ALL TYPES), MOE JOE FIRE, MOJO (ALL TYPES), MR. SMILEY'S, MTN-787, MYSTERY
N	NATURAL ECSTASY, NATURAL LSD, NAUGHTY NIGHTS, NEUTRONIUM, NEW IMPROVED K3 (ALL TYPES), NEW K3 (ALL TYPES), NEW-KRON BOMB, NITRO, NUMBER ONE CHOICE (ALL TYPES)
O	OCEAN BLUE, OCEAN BURST (ALL TYPES)
P	PARADISE, P.E.P. POTPOURRI (ALL TYPES), PINK LOTUS, PINK TIGER, PIXIE DUST, PLANT FOOD, POSH, POTPOURRI (ALL TYPES), POW, PULSE, PUMP IT POWDER, PURE IVORY, PURPLE WAVE
Q	QUICK SILVER
R	RADIOACTIVE, RASTA CITRUS SPICE, REBEL SPICE, RECHARGE (ALL TYPES), RED, RED BIRD, RED DOVE, RED DOVES
S	S1. SWERVE, SAMURAI SPIRIT, SATIVAH, SCARFACE, SCOPE (ALL TYPES), SENCE, SERENITY (ALL TYPES), SEX INTENSE, SEXTACY (ALL TYPES), SHAMANTRANCE, SHANTI SPICE (ALL TYPES), SILENT BLACK, SKINK, SMOKE, SMOKE PLUS, SNOW LEOPARD, SOLAR STAR GOLD, SPACE (ALL TYPES), SPACETRIPS, SPEED FREAK, SPICE (ALL TYPES), SPICE 99 (ALL TYPES), SPICERY (ALL TYPES), SPICEY XXX (ALL TYPES), SPICYLICIOUS, SPIKE (ALL TYPES), SPIKE 99 (ALL TYPES), STARDUST, STARRY NIGHT, STINGER, SUMMER SKYY, SUPER KUSH, SUPER SUMMIT, SWAGGER GRAPE, SYN (ALL TYPES)
T	TEXAS GOLD, TIME WARP, TNT, TRANQUILITY, TRIBAL WARRIOR (ALL TYPES)
U	ULTRA CLOUD 10, UNKNOWN CIGARETTE, UTOPIA (ALL TYPES)

V	V8, VANILLA SKY, VOO DOO (ALL TYPES)
W	WHITE (ALL TYPES), WHO DAT (ALL TYPES), WICKED X, WILD OPIUM, WINDER BOOST, WINDOW CLEANER, WOOD STOCK
X	XTC, X-TRACY ULTRA
Y	YUCANTAN FIRE, YUCATAN FIRE
Z	ZOMBIE WORLD, ZOOM

(Ord. 13-01, passed 10-22-2013)

Cross-reference:

Sale, possession, transfer and/or manufacture of synthetic or alternative drugs, see § 130.06

