

**CITY OF BALTIMORE
COUNCIL BILL 11-0005
(First Reader)**

Introduced by: Councilmembers Henry, Curran
Introduced and read first time: December 8, 2011
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department

A BILL ENTITLED

1 AN ORDINANCE concerning

Loitering – Requests to Move On

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4 FOR the purpose of specifying the distance a person found loitering must move when requested to
5 move on by a police officer or certain others; correcting, conforming, and clarifying related
6 provisions; and generally relating to the enforcement of the laws governing loitering.

7 BY repealing and reordaining

8 Article 19 - Police Ordinances

9 Section(s) 25-1(b), 25-2(a), 25-3(b), 25-4(a), 26-6, 27-3

10 Baltimore City Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
13 Laws of Baltimore City read as follows:

Baltimore City Code

Article 19. Police Ordinances

Subtitle 25. Loitering – General

17 **§ 25-1. Public places.**

18 (b) *Prohibited loitering.*

19 (1) It [shall be] IS unlawful for any person to loiter at, on, or in a public place or place
20 open to the public in such manner:

21 (i) to interfere with, impede, or hinder the free passage of pedestrian or vehicular
22 traffic;

23 (ii) to interfere with, obstruct, harass, curse, or threaten or to do physical harm to
24 another member or members of the public; or

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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(iii) that by words, acts, or other conduct, it is clear that there is a reasonable likelihood a breach of the peace or disorderly conduct shall result.

(2) (I) It [shall be] IS unlawful for any person to loiter at a public place or place open to the public and to fail to obey the [direction] REQUEST of a [uniformed] police officer [or the direction of a properly identified police officer not in uniform] to move on [, when not to obey such direction shall endanger the public peace].

(II) TO COMPLY WITH A REQUEST TO MOVE ON, THE PERSON MUST MOVE AT LEAST 500 FEET FROM THE SPOT WHERE THE PERSON HAD BEEN LOITERING.

§ 25-2. Liquor establishments, drug abuse centers, or amusement arcades.

(a) *Prohibited conduct.*

(1) It is unlawful for any person who is standing or loitering

(I) [(1)] within 100 feet of a Class A, B, B-D7, C, or D retail establishment [which] THAT sells alcoholic beverages, or

(II) [(2)] within 50 yards of a

(A) [(i)] drug abuse rehabilitation and treatment center, or

(B) [(ii)] amusement arcade (as that term is defined in § 1-109 of the Zoning Code of Baltimore City),

in such a manner as to obstruct free passage on or along the street or sidewalk, to disobey [a] THE request [by] OF a police officer to move on.

(2) TO COMPLY WITH A REQUEST TO MOVE ON, THE PERSON MUST MOVE AT LEAST 500 FEET FROM THE SPOT OF HIS OR HER STANDING OR LOITERING.

§ 25-3. Bus and railroad stations.

(b) *Prohibited conduct.*

(1) It [shall be] IS unlawful for any person who is without a business purpose for being there to loiter in any bus station or railroad station in such manner as to interfere with the free and uninterrupted use of the station by passengers and to refuse to leave the premises AND MOVE when requested to do so by a special officer employed by the owner of the terminal.

(2) TO COMPLY WITH A REQUEST TO MOVE ON, THE PERSON MUST MOVE AT LEAST 500 FEET FROM THE BUS STATION OR RAILROAD STATION.

§ 25-4. Schools, day care centers, and family-support centers.

(a) *Prohibited conduct.*

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1 (1) It is unlawful for any person who is without a business purpose for being there to
2 loiter in any public or private school building, group day care center, or community
3 family-support centers, around an entrance [thereof] OF ANY OF THEM, upon the
4 school or center grounds, or upon a public way within 100 yards of the school or
5 center grounds, and to refuse to leave [such] THE premises AND MOVE ON when
6 requested to do so by a school security officer, a center representative, or a police
7 officer.

8 (2) TO COMPLY WITH A REQUEST TO MOVE ON, THE PERSON MUST MOVE AT LEAST
9 500 FEET FROM THE SCHOOL OR CENTER GROUNDS.

10 **Subtitle 26. Loitering – Drug-Free Zones**

11 **§ 26-6. Prohibited conduct.**

12 (a) *In general.*

13 It is unlawful for any person to loiter about or remain at any public way, public place, or
14 place open or legally accessible to the public within a certified drug-free zone[, as herein
15 provided,] for the purpose of engaging in drug-related activity that is prohibited by any
16 of the provisions of [Article 27, Subtitle Health-Controlled Dangerous Substances of
17 the Maryland Code relating to the manufacture, distribution, sale, possession, or
18 administration of substances covered therein] THE MARYLAND CONTROLLED DANGEROUS
19 SUBSTANCES ACT.

20 (b) *Refusal to leave.*

21 (1) A police officer shall first request a person suspected of loitering under this subtitle
22 within a drug-free zone to [leave the premises] MOVE ON.

23 (2) Failure to obey the police officer [shall subject] SUBJECTS the person to arrest.

24 (3) TO COMPLY WITH A REQUEST TO MOVE ON, THE PERSON MUST MOVE AT LEAST
25 500 FEET FROM THE SPOT OF HIS OR HER LOITERING.

26 **Subtitle 27. Loitering – Prostitution**

27 **§ 27-3. Prohibited conduct.**

28 (A) *IN GENERAL.*

29 It shall be unlawful for any person [or persons,] who [are] IS remaining, standing,
30 loitering, or wandering about at any public place or place open or legally accessible to the
31 public in such a manner as to beckon to, or repeatedly stop, or repeatedly attempt to
32 engage passersby in conversation, or repeatedly stop or attempt to stop motor vehicles, or
33 repeatedly interfere with the free passage of other persons, for the purpose or with the
34 intention of either engaging in [and/or] OR promoting prostitution, lewdness, or
35 assignation, to disobey a request by a police officer to move on.

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1 (B) *STANDARD OF COMPLIANCE.*

2 TO COMPLY WITH A REQUEST TO MOVE ON, THE PERSON MUST MOVE AT LEAST 500 FEET
3 FROM THE SPOT OF HIS OR HER REMAINING STANDING, LOITERING, OR WANDERING ABOUT.

4 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
5 are not law and may not be considered to have been enacted as a part of this or any prior
6 Ordinance.

7 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
8 after the date it is enacted.