

35. LOITERING

(December 2005)

I. POLICY

As defined below, loitering is illegal in the County.

This section does not prohibit picketing or orderly demonstrations by labor unions or members of the public.

II. CHECKLIST (N/A)

III. DEFINITIONS

Loitering: Loitering occurs when an individual:

- ❑ Remains (either on foot or in a vehicle) on a public or privately owned street, sidewalk, or pathway, obstructing the free passage of a pedestrian or vehicle after a police officer has notified the individual the action is unlawful and has requested that the individual move
- ❑ Refuses or fails to leave a private business, commercial establishment, or parking lot posted with “No Loitering” signs; applies if the business or establishment is closed for business and the owner, their agent, or a police officer has requested that the individual leave
Exception: When the individual has written permission from the owner, lessee, or operator to be present, or is window-shopping at a time of the day or night considered reasonable for such activity
- ❑ Refuses or fails to leave a private business or commercial establishment that is open for business, or a parking lot of the business or establishment, after having been requested to do so by the owner or their agent

- ❑ Refuses or fails to leave a public building, public grounds, or a public recreational area (or parking lots of same) after being requested to do so by a police officer or a regularly employed guard, watchman, or other authorized employee of the agency responsible for the building, grounds, or recreational area (or parking lots of same) if the individual has no apparent lawful business or purpose to pursue at that place
- ❑ Returns, for no apparent lawful business or purpose, to the same public or private property from which the individual was asked to leave within the previous 24 hours
(County Code, Section 14-139.03)

IV. FORMS

- ❑ Maryland Uniform Criminal Citation (Form #DC/CR 45)
- ❑ Arrest Report/J-1 (PGC Form #3245)

V. PROCEDURES

1. Enforcement

(County Code Section 14-139.03)

No individual shall be charged with loitering unless the arresting officer has first warned the individual of the violation and the individual failed or refused to stop loitering.

The Loitering Ordinance is enforceable any time of day or night, subject to the restrictions in this section. Individuals may be charged with loitering via a Criminal Citation or a full-custody arrest.

VI. GOVERNING LEGISLATION & REFERENCE

VOLUME II, CHAPTER 35. LOITERING

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.1, 1.2.6, 1.2.7

Governing Legislation:

- County Code, Section 14-139.03