

1 **..Title**

2 **Drug-Loitering Free Zones - Repeal** – For the purpose of repealing certain provisions of the
3 Annapolis City Code concerning loitering in Drug-Loitering Free Zones.

4 **..Body**

5 **CITY COUNCIL OF THE**
6 **City of Annapolis**

7
8 **Ordinance 49-20**

9
10 **Introduced by: Alderman Arnett**

11 **Co-sponsored by: Alderman Gay, Mayor Buckley,**
12 **Alderman Savidge**

13 **Referred to**

14 **Public Safety Committee**

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16
17 **AN ORDINANCE** concerning

18
19 **Drug-Loitering Free Zones - Repeal**

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21 **FOR** the purpose of repealing certain provisions of the Annapolis City Code concerning loitering
22 in Drug-Loitering Free Zones.

23
24 **BY** repealing the following portion of the Code of the City of Annapolis, 2021 Edition
25 11.12.067
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28 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
29 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

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31 **Title 11 – PUBLIC PEACE, MORALS AND WELFARE**

32 **Chapter 11.12 - PUBLIC PEACE AND ORDER**

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34 ~~**Section 11.12.067 – Loitering in drug-loitering free zones.**~~

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36 ~~A. In this section the following words have the meanings indicated:~~

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38 1. ~~"Drug-loitering free zone" means an area of the City so designated pursuant to Subsection~~
39 ~~B of this section.~~
40 2. ~~"Drug-related activity" means any activity prohibited by any of the provisions of Article~~
41 ~~27, "Crimes and Punishments", subtitle, Health-Controlled Dangerous Substances of the~~
42 ~~Annotated Code of Maryland, as amended from time to time, relating to the manufacture,~~
43 ~~distribution, sale, possession or administration of substances listed therein or any~~
44 ~~substantially similar provision of Federal law.~~
45 3. ~~"Known unlawful drug user, possessor, seller, or buyer" means a person whom the~~
46 ~~arresting officer knows to have been convicted, within the immediately prior seven year~~

1 ~~period, of drug-related activity. A person whom the arresting officer knows to be~~
2 ~~currently serving a term of probation after verdict for drug-related activity shall also be~~
3 ~~considered a "known unlawful drug user, possessor, seller or buyer."~~

4 ~~4. "Public place" means any publicly owned street, sidewalk, walkway, bridge, alley, plaza,~~
5 ~~park, recreation center, drug free zone or school. In addition, "public place" shall include~~
6 ~~any: place of public accommodation or convenience; public housing property; public~~
7 ~~access areas in residential apartment structures; privately or publicly owned parking lots;~~
8 ~~right-of-way whether or not dedicated for public use; the common areas and the general~~
9 ~~common elements of leased residential property, single family homes, multifamily~~
10 ~~dwelling units and condominiums; the entrance, parking lot, sidewalk or playground of a~~
11 ~~private school. Any motor vehicle located in or on a "public place" as defined herein,~~
12 ~~shall itself be considered a public place for purposes of this section.~~

13 ~~B. The City Council may designate any area within the City a drug loitering free zone according~~
14 ~~to the following procedures:~~

15 ~~1. An application to designate the following areas a drug loitering free zone may be filed~~
16 ~~with the City Clerk by the following persons:~~

17 ~~a. A neighborhood association may apply to have its neighborhood designated a drug-~~
18 ~~loitering free zone;~~

19 ~~b. Any City resident may apply to have the area located within five hundred feet of real~~
20 ~~property owned or leased by the resident designated a drug loitering free zone;~~

21 ~~c. The owner or any resident of a multi-unit residential structure may apply to have the~~
22 ~~property on which the structure is located designated a drug loitering free zone;~~

23 ~~d. The owner of any commercial property may apply to have the property designated a~~
24 ~~drug loitering free zone.~~

25 ~~2. If data provided by the Chief of Police confirms that three or more arrests for drug-related~~
26 ~~activity have occurred in the area identified in the application during the twenty-four~~
27 ~~month period immediately preceding the date of the application, the City Clerk shall~~
28 ~~forward the application to the City Council for action.~~

29 ~~3. The City Council shall, by resolution, designate the area identified in any application~~
30 ~~referred to it under this section a drug loitering free zone. The resolution shall identify~~
31 ~~the drug loitering free zone with specificity.~~

32 ~~4. Any area so designated shall be posted by the City with signs identifying it as a drug-~~
33 ~~loitering free zone.~~

34 ~~5. Any such designation shall terminate twenty-four months after the date on which the~~
35 ~~resolution is adopted unless the resolution is renewed pursuant to the procedures set forth~~
36 ~~in this subsection.~~

37 ~~C. It is unlawful for any person meeting any one of the three criteria set forth in Subsection D of~~
38 ~~this section who is loitering in a public place located within a posted drug loitering free zone,~~
39 ~~to disobey the order of a police officer to move on.~~

40 ~~D. An officer shall not order a person to move on under Subsection C of this section unless one~~
41 ~~of the following circumstances shall exist:~~

42 ~~1. The person is behaving in a manner indicating that the person is remaining at or in a~~
43 ~~public place located within a drug loitering free zone for the purpose of engaging in drug-~~
44 ~~related activity as demonstrated by any of the following acts: repeatedly approaching~~
45 ~~vehicles or making hand signals associated with drug-related activity to the drivers and/or~~
46 ~~passengers of vehicles; while in a vehicle, repeatedly calling or making hand signals~~

1 associated with drug-related activity to individuals outside of the vehicle; distributing
2 small objects to other persons; exchanging currency for small objects; warning others of
3 the arrival or presence of a police officer; concealing himself or herself or any small
4 object from view; or engaging in a pattern of any other conduct normally associated by
5 law enforcement agencies with the illegal distribution, purchase or possession of drugs;
6 or

7 ~~2. The police officer has received reliable information from a reliable source indicating that~~
8 ~~the person is engaging in drug-related activity in a drug loitering free zone; or~~

9 ~~3. The person is a known unlawful drug user, possessor, seller or buyer and is currently~~
10 ~~subject to a judicial order prohibiting his/her presence in a high drug activity geographic~~
11 ~~area.~~

12 ~~E. Any person who violates the provisions of this section is guilty of a misdemeanor, and upon~~
13 ~~conviction, shall be subject to imprisonment or a fine, or both as established by resolution of~~
14 ~~the City Council.~~

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17 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
18 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.

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21 **Explanation:**

22 UPPERCASE indicates matter added to existing law.

23 ~~Strikethrough~~ indicates matter stricken from existing law.

24 Underlining indicates amendments.
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