



Legislation Text

File #: O-49-20, Version: 1

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

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 49-20

**Introduced by: Alderman Arnett
Co-sponsored by: Alderman Gay, Mayor Buckley,
Alderman Savidge**

**Referred to
Public Safety Committee**

AN ORDINANCE concerning

Drug-Loitering Free Zones - Repeal

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

BY repealing the following portion of the Code of the City of Annapolis, 2021 Edition
11.12.067

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

**Title 11 - PUBLIC PEACE, MORALS AND WELFARE
Chapter 11.12 - PUBLIC PEACE AND ORDER**

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

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

- ~~1. "Drug-loitering free zone" means an area of the City so designated pursuant to Subsection B of this section.~~
- ~~2. "Drug-related activity" means any activity prohibited by any of the provisions of Article 27, "Crimes and Punishments", subtitle, Health-Controlled Dangerous Substances of the Annotated Code of Maryland, as amended from time to time, relating to the manufacture, distribution, sale, possession or~~

administration of substances listed therein or any substantially similar provision of Federal law.

3. "Known unlawful drug user, possessor, seller, or buyer" means a person whom the arresting officer knows to have been convicted, within the immediately prior seven year period, of drug-related activity. A person whom the arresting officer knows to be currently serving a term of probation after verdict for drug-related activity shall also be considered a "known unlawful drug user, possessor, seller or buyer."
 4. "Public place" means any publicly owned street, sidewalk, walkway, bridge, alley, plaza, park, recreation center, drug free zone or school. In addition, "public place" shall include any: place of public accommodation or convenience; public housing property; public access areas in residential apartment structures; privately or publicly-owned parking lots; right-of-way whether or not dedicated for public use; the common areas and the general common elements of leased residential property; single-family homes; multifamily dwelling units and condominiums; the entrance, parking lot, sidewalk or playground of a private school. Any motor vehicle located in or on a "public place" as defined herein, shall itself be considered a public place for purposes of this section.
- B. The City Council may designate any area within the City a drug-loitering free zone according to the following procedures:
1. An application to designate the following areas a drug-loitering free zone may be filed with the City Clerk by the following persons:
 - a. A neighborhood association may apply to have its neighborhood designated a drug-loitering free zone;
 - b. Any City resident may apply to have the area located within five hundred feet of real property owned or leased by the resident designated a drug-loitering free zone;
 - c. The owner or any resident of a multi-unit residential structure may apply to have the property on which the structure is located designated a drug-loitering free zone;
 - d. The owner of any commercial property may apply to have the property designated a drug-loitering free zone.
 2. If data provided by the Chief of Police confirms that three or more arrests for drug-related activity have occurred in the area identified in the application during the twenty-four month period immediately preceding the date of the application, the City Clerk shall forward the application to the City Council for action.
 3. The City Council shall, by resolution, designate the area identified in any application referred to it under this section a drug-loitering free zone. The resolution shall identify the drug-loitering free zone with specificity.
 4. Any area so designated shall be posted by the City with signs identifying it as a drug-loitering free zone.
 5. Any such designation shall terminate twenty-four months after the date on which the resolution is adopted unless the resolution is renewed pursuant to the procedures set forth in this subsection.
- C. It is unlawful for any person meeting any one of the three criteria set forth in Subsection D of this section who is loitering in a public place located within a posted drug-loitering free zone, to disobey the order of a police officer to move on.
- D. An officer shall not order a person to move on under Subsection C of this section unless one of the following circumstances shall exist:
1. The person is behaving in a manner indicating that the person is remaining at or in a public place located within a drug-loitering free zone for the purpose of engaging in drug-related activity as demonstrated by any of the following acts: repeatedly approaching vehicles or making hand signals associated with drug-related activity to the drivers and/or passengers of vehicles; while in a vehicle, repeatedly calling or making hand signals associated with drug-related activity to individuals outside of the vehicle; distributing small objects to other persons; exchanging currency for small objects; warning others of the arrival or presence of a police officer; concealing himself or herself or any small object from view; or engaging in a pattern of any other conduct normally associated by law

- ~~enforcement agencies with the illegal distribution, purchase or possession of drugs; or~~
2. The police officer has received reliable information from a reliable source indicating that the person is engaging in drug-related activity in a drug-loitering free zone; or
 3. The person is a known unlawful drug user, possessor, seller or buyer and is currently subject to a judicial order prohibiting his/her presence in a high drug activity geographic area.
- E. Any person who violates the provisions of this section is guilty of a misdemeanor, and upon conviction, shall be subject to imprisonment or a fine, or both as established by resolution of the City Council.

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

Explanation:

UPPERCASE indicates matter added to existing law.

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

Underlining indicates amendments.