

manner as shall interfere with pedestrian or vehicular traffic, interfere with or obstruct other members of the public, or cause a breach of the peace; to further prohibit any person found loitering as defined from refusing a police officer's reasonable order to move on; to require identification under certain circumstances; to define the terms "Loiter," "Public Place," and "Place Open to the Public"; providing a misdemeanor for any violation of said Chapter; providing that a police officer may issue a "Notice of Violation" in lieu of arresting a violator in order to enforce said Chapter; and providing a maximum penalty for conviction of any violation.

BE IT ENACTED BY THE COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND, that—

*Section 1.* There is hereby added a new Chapter designated Chapter 92A, titled "Loitering," to the Montgomery County Code 1965, to follow immediately after Chapter 92 thereof, to read as follows:

92A-1. *Definitions.*

*Loiter.* Loiter means to stand around or remain, or to park or remain parked in a motor vehicle at a public place or place open to the public and to engage in any conduct prohibited under this law. Loiter also means to collect, gather, congregate or be a member of a group or a crowd of people, who are gathered together in any public place or place open to the public and to engage in any conduct prohibited under this law.

*Public Place.* Public place means any public street, road, or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot, or any vacant lot.

*Place Open to the Public.* Place open to the public means any place open to the public or any place to which the public is invited, and in, on, or around any privately owned place of business, private parking lot, or private institution, including places of worship, cemetery, or any place of amusement and entertainment whether or not a charge of admission or entry thereto is made. It includes the elevator, lobby, halls, corridors and areas open to the public of any store, office, or apartment building.

92A-2. *Prohibited Conduct.*

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

(1) To interfere with, impede or hinder the free passage of pedestrian or vehicular traffic, or

(2) To interfere with, obstruct, harass, curse, or threaten or do physical harm to another member or members of the public, or

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

(b) It shall be unlawful for any person to loiter as defined in Sec. 92A-1 at a public place or place open to the public and to fail to obey the direction 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.

92A-3. *Identification.*

It shall be unlawful for any person at a public place or place open to the public to refuse to identify himself by name and address at the request