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Bill No. 143—73

AN   EMERGENCY ORDINANCE to repeal Section 6—114.1 of
the Anne Arundel County   Code   (1967   Edition   and
Supplements),   Title   6,   "Crimes and Misdemeanors",
Subtitle 1, "Generally", and to enact new Section 6—114.1
in lieu thereof, to stand in the place of the section so
repealed, to create and define the criminal offense of
loitering, to establish pre—arrest guidelines for notice
to persons violating the provisions of this Ordinance, to
create penalties for violation thereof, and matters
generally related thereto.

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF
ANNE ARUNDEL COUNTY, MARYLAND, That Section 6—114.1 of
the Anne Arundel County Code   (1967   Edition   and
Supplements),   Title   6,   "Crimes and Misdemeanors",
Subtitle 1, "Generally", be, and it is hereby repealed,
and new Section 6—114.1 be, and it is hereby enacted, in
lieu thereof, to stand in the place of the section so
repealed, and to read as follows:

SECTION 6—114.1.

(A)   A PERSON IS LOITERING WHEN HE:

(1)   REMAINS ON ANY PUBLIC STREET, SIDEWALK
OR PATHWAY (INCLUDING THOSE PRIVATELY OWNED BUT USED BY
THE PUBLIC IN GENERAL) SO AS TO OBSTRUCT THE FREE PASSAGE
OF ANY PEDESTRIAN OR VEHICLE AFTER A REGULAR OR SPECIAL
POLICE OFFICER, (EITHER IN UNIFORM OR WHO IDENTIFIES
HIMSELF BY CREDENTIALS), HAS NOTIFIED SUCH PERSON THE
ACTION IS UNLAWFUL AND HAS REQUESTED HIM TO MOVE ON.

(2)   REFUSES OR FAILS TO LEAVE ANY PRIVATE
BUSINESS OR COMMERCIAL ESTABLISHMENT OR PARKING LOT
THEREON WHEN THE SAME IS NOT OPEN FOR BUSINESS AFTER
HAVING BEEN REQUESTED TO DO SO BY A REGULAR OR SPECIAL
OFFICER (EITHER IN UNIFORM OR WHO IDENTIFIES HIMSELF BY
CREDENTIALS), IF THE SURROUNDING CIRCUMSTANCES ARE SUCH
AS TO INDICATE TO A REASONABLE MAN THAT SUCH PERSON HAS
NO APPARENT LAWFUL BUSINESS OR PURPOSE TO PURSUE AT SUCH
PLACE; PROVIDED, HOWEVER, THAT THERE IS NO VIOLATION OF
THIS SUBSECTION BY ANY PERSON WHO:

(I)   HAS WRITTEN PERMISSION FROM THE
OWNER, LESSEE OR OPERATOR TO BE PRESENT, OR

(II) IS   WINDOW   SHOPPING   UNDER
CONDITIONS AND AT SUCH TIME OF THE DAY OR NIGHT WHICH A