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## **Chapter 50**

### **Loitering; Curfew**

#### § 50-1. Loitering – Prohibited Conduct.

##### A. Definitions.

As used in this Section, the following words and phrases have the meaning indicated.

1. Loiter — means to stand around or to 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 conduct prohibited under this Section. “Loiter” also means to collect, to gather, to congregate or to be a member of a group or crowd of people who are gathered in any public place or place open to the public, and to engage in any conduct prohibited under this Section.

2. 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, cemeteries or any places of amusement and entertainment whether or not a charge of admission or entry thereto is made. “Places open to the public” includes, but is not limited to, elevators, lobbies, halls, corridors and areas open to the public of any store, office or apartment building.

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

B. It shall be unlawful for any person to loiter at, on or in a public place or any place open to the public in such manner so as to:

1. Interfere with, impede or hinder the free passage of pedestrian or vehicular traffic;

2. Interfere with, obstruct, harass, curse or threaten physical harm to any member or members of the public; or

3. By words, acts or other conduct lead one to conclude that it is clear that there is a reasonable likelihood a breach of the peace or disorderly conduct shall result.

C. Nothing in this Section shall be construed to prohibit orderly picketing or other lawful assembly.

D. 1. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor.

2. No person shall be charged with a violation of this Section unless and until the arresting officer has first warned the person of the violation and such person has refused or failed to stop such violation.

#### § 50-2. Curfew.

##### A. Definitions.

As used in this Section, the following terms shall have the meanings indicated:

1. Bonafide Organization — any agency of federal, state or local government, or any nonprofit organization properly filed with the State of Maryland Department of Assessments and Taxation or recognized as a 501c(3) organization by the Internal Revenue Service.

2. Establishment — any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

3. Minor — any person under the age of 18 years.

4. Operator — any individual, firm, association, partnership or corporation operating, managing or conducting any establishment; and whenever used in any clause prescribing a penalty, the term "operator," as applied to associations or partnerships, shall include the members or partners thereof and, as applied to corporations, shall include the officers thereof.

5. Parent — any natural or adoptive parent of a minor, a legal guardian or any person 18 years of age or over legally responsible for the care and custody of a minor.

6. Public Place — any public street, highway, road, alley, park, playground, wharf, dock, public building or vacant lot, as well as church, church ground, library and other such privately owned property used for public purposes.

7. Remain — to loiter, lounge, idle, wander, stroll, sit, or play in or upon.

B. Unlawful Conduct of Minors; exemptions.

1. No minor shall remain in or upon any public place or any establishment between the hours of 11:00 p.m. Friday and 6:00 a.m. Saturday, nor between the hours of 11:00 p.m. Saturday and 6:00 a.m. Sunday, official Maryland time, nor between the hours of 10:00 p.m. and 6:00 a.m. of the following day on any other day of the week.

2. The provisions of this Section shall not apply to any minor accompanied by a parent, adult relative or other person over the age of 18 years, nor to a minor upon an errand directed by such minor's parent, nor to a minor attending a cultural, scholastic, athletic or recreational activity supervised by a bona fide organization, nor to any minor who is engaged in gainful, lawful employment during the curfew hours.

C. No parent shall knowingly permit any minor not exempted under Subsection B. of this Section to remain in or upon any public place or any establishment between the hours of 11:00 p.m. Friday and 6:00 a.m. Saturday, or between the hours of 11:00 p.m. Saturday and 6:00 a.m. Sunday, official Maryland time, or between the hours of 10:00 p.m. and 6:00 a.m. of the following day on any other day of the week.

D. No operator of an establishment or his agents or employees shall knowingly permit any minor to remain upon the premises of said establishment between the hours of 11:00 p.m. Friday and 6:00 a.m. Saturday, or between the hours of 11:00 p.m. Saturday and 6:00 a.m. Sunday, official Maryland time, or between the hours of 10:00 p.m. and 6:00 a.m. of the following day on any other day of the week.

E. 1. Any police officer who finds a minor violating any provisions of this Section shall obtain information from such minor as to his name, address, age and the name of his parent or parents. The minor shall thereupon be instructed to proceed to his home forthwith. The information obtained from the minor shall be reported to the police department, which

shall cause a written notice to be mailed to the parent or parents of the minor, advising of the violation of this Section.

2. Any parent who shall violate any provision of this Section after having received notice of a prior violation occurring within the preceding 12 months shall be deemed to have committed a Municipal Infraction, the penalty for which shall be \$25 for each offense and \$50 for each repeat offense.

3. Notice is presumed to be received by a parent if it is deposited in a depository for mailing United States mail, properly addressed and with the proper first-class postage paid. Such mailing may be shown by the records of the sending agency made in the regular course of its business.

4. Any minor found guilty of violating any provision of this Section shall be found guilty of a misdemeanor and may be reported to juvenile services.

5. Violation of this Section by the operator of an establishment and any agents or employees of any operator is declared to be an infraction, the penalty for which shall be \$25 for each initial offense and \$50 for each repeat offense.

6. Each violation of the provisions of this Section shall constitute a separate offense.

*Adopted June 6, 2011 as Ordinance No. 142-11. The date of any amendment will appear below the amended paragraph in brackets ( [ ] ).*