



PROPOSED ORDINANCE #2021-26

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That a new Chapter 28 - Dawdling be created as follows:

Sec. 28-1. - Purpose.

The purpose of this Ordinance is to provide a safe environment for the People of the City of Dover, Delaware by addressing serious quality of life issues.

Sec. 28-2. - Violations.

- (a) It shall be unlawful for any person to stand or sit on any street or sidewalk in such a manner as to obstruct the free passage of other persons using said street or sidewalk. It shall be further unlawful to sit or stand in front of any store or shop entrance or display window in such a manner as to obstruct the free passage of persons entering or leaving said store or shop or to block the view of said display windows. It shall also be unlawful for any person, between the hours of 11:00 p.m. and 5:00 a.m. to linger in a public parking lot in a parked car, stand around, distribute substances, play loud music or public address without permission or otherwise remain in a public parking lot for an unreasonable period of time between 11:00 p. m. and 5:00 a. m., unless engaged in activity related to a valid business purpose, vehicle rescue or the safety of any person . No violation shall be deemed to have occurred unless and until a city police officer shall have requested the persons involved to move on.

Failure to comply with such a request by an officer shall then constitute a violation.

- (b) A person shall also be deemed to have committed a violation of this ordinance if he/she loiters or dawdles or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon the appearance of a policeman or refuses to identify himself or herself, aggressive panhandling, or harassment of individuals. Unless flight by the actor or other circumstances make it impracticable, a police officer shall, prior to any arrest for an offense under his section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or it if appears at trial that the explanation given by the actor is true, and if believed by the peace officer at the time, would have dispelled the alarm.

Sec. 28-3. - Penalties.

The penalties for violations of either Sec. 28-2. - Violations (a) or (b) shall be in accordance with Appendix F - Fees and Fines. Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

Sec. 28-4. - Repealing Provision.

This ordinance is not intended to replace nor conflict with any provisions with Delaware Code. This ordinance shall replace any city loitering provision in the City of Dover Municipal code.

Sec. 28-5. - Severability.

Each of the provisions of this ordinance is severable, and if any provision shall be declared to be invalid, the remaining provisions shall not be affected but shall remain in full force and effect.

BE IT FURTHER ORDAINED:

That Chapter 62 - Law Enforcement, Article II - Police Department, Section 62-38 - Police Cadet Program of the Dover Code be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

Sec. 62-38. Police cadet program.

(a) Created; purpose. Due to the continuing safety and security concerns expressed by merchants, patrons, and residents, city council has authorized the police cadet program to maintain a more visible presence in the City of Dover. The city manager and police chief shall expand or contract the number of police cadets at their mutual discretion. The objectives of the police cadet program are to:

- (1) Allow merchants to build a rapport with the police cadets, allowing the police cadets to understand their needs.
- (2) Provide additional patrols to curb loitering, **dawdling**, alcohol violations and pan handlers.
- (3) Provide additional patrols to curb noise ordinance violations (loud music from vehicles).
- (4) Provide additional patrols to curb harassment complaints.
- (5) Provide additional patrols in the Dover Public Library.
- (6) Allow the police department to screen and vet the police cadets for future employment as Dover Police Officers.
- (7) Provide a feeling of safety to the downtown patrons, the downtown merchants, and the residents of the City of Dover.

(b) Appointment. The chief of police shall assign the authorized number of duly qualified

individuals to the police cadet program. The cadets shall be civilian employees of the police department and shall not be considered law-enforcement officers within the meaning of 11 Del. C. Ch. 92 - Law-Enforcement Officers' Bill of Rights.

(c) Authority. The police cadets shall have the authority to issue summonses for violations of any ordinance of the City of Dover. The police cadets shall not have the authority to enforce the Delaware Code or make arrests for violations of the Delaware Code.

(d) Oath. Every police cadet, before entering upon his or her duties, shall take an oath to faithfully perform his or her duties.

(Code 1968, § 2-34; Code 1981, § 18-6; Ord. No. 2015-09, 6-8-2015)

BE IT FURTHER ORDAINED:

That Chapter 74 - Parks and Recreation, Article I - In General, Section 74-11 - Loitering of the Dover Code be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikethrough as follows:

Sec. 74-11. ~~Loitering~~ **Reserved.**

~~No person shall enter, remain or loiter in or around any comfort station or other public structure in a park area, except to use such facility for the purpose for which it is intended.~~

~~(Ord. of 12-8-1975, § 2(21-8.14(d), 21-13(a)); Code 1981, § 15-11)~~

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines be amended by inserting a new Chapter 28 - Dawdling, as follows:

Chapter 28. Dawdling	Fees and Fines
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 28-3 - Penalties	
Violations of either Sec. 28-2. - Violations (a) or (b)	Not less than \$50.00 and not more than \$150.00 for subsequent offenses.

ADOPTED: *

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SYNOPSIS

This ordinance addresses quality of life issues by protecting the ability of customers to enter and exit public accommodations such as businesses, prevent public parking lots from becoming late night nuisances, and allowing the ability to clear out suspected substances distributors by providing a civil violation alternative.

(Sponsors: Anderson and Taylor)

Actions History

10/26/2021 - Scheduled for Introduction - Council Committee of the Whole/Safety Advisory and Transportation Committee