



PROPOSED CITY OF DOVER ORDINANCE #2022-26

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

That Chapter 70 – Offenses and Miscellaneous Provisions be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

CHAPTER 70 – OFFENSES AND MISCELLANEOUS PROVISIONS

Section 70-12, Loitering; generally; violation

(a). A person is guilty of loitering when:

- (1) The person stands, sits idling, or loiters upon any pavement, wall, bench, sidewalk, or crosswalk, or stands or sits in a group or congregates with others on any pavement, wall, bench, sidewalk, crosswalk, or doorstep, in any street or way open to the public in this City so as to obstruct or hinder the free and convenient passage of persons walking, riding or driving over or along such pavement, walk, street or way, and fails to make way, remove or pass, after a reasonable request from any person; or
- (2) The person sits or stands 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; or
- (3) The person loiters or remains in or about a state-supported or a non-state-supported school, college, or university building or grounds, not having reason or relationship involving custody of or responsibility for a pupil or any other specific or legitimate reason for being there, unless the person has written permission from the principal; or
- (4) The adult person loiters or remains in a public place for the purpose of engaging or soliciting another person to engage in sexual intercourse or deviate sexual intercourse; or
- (5) The person loiters, congregates with others, 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, especially considering the crime rate in the relevant area. A peace officer shall, prior to any arrest for an offense under this paragraph, afford the accused an opportunity to dispel any alarm which would otherwise be warranted, by requesting an explanation of the person's presence and conduct. No person shall be convicted of an offense under this paragraph if the peace officer did not comply with the preceding sentence, or if it appears that the explanation given by the accused was true and, if believed by the peace officer at the time, would have dispelled the alarm; or

(6) The person obstructs public passages when alone or with other persons and having no legal privilege to do so, the person intentionally or recklessly renders any public passage unreasonably inconvenient or hazardous to use, or the person willfully enters upon or tampers with or obstructs any public utility right-of-way; or

(7) A person enters, remains, or loiters in or around any public structure in a park area, except to use it for the purpose intended; or who camps within a park without authorization; and

(8) The person fails or refuses to move on when lawfully ordered to do so by any police officer, cadet, or another authorized individual.

(b). Enforcement:

(1). Any law-enforcement officer may arrest such loiterer, either with or without warrant, either upon the premises or in immediate flight therefrom, and if with warrant, then at any place.

(2). A violation of this Section shall result in a warning or a fine as set forth in Appendix F – Fees and Fines, except that such violation shall not result in a permanent criminal history record.

BE IT FURTHER ORDAINED:

That Appendix F Fees and Fines, Chapter 70 Miscellaneous Provisions be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

APPENDIX F – FEES AND FINES

Chapter 70 Miscellaneous Provisions

That Appendix F Fees and Fines, Chapter 46 Fire Prevention and Protection Regulations be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

Chapter 70. Offenses and Miscellaneous Provisions	Fees and Fines
Sec. 70-1. Combative fighting	
Subsec. (d)(1) Violations; penalties, fines	Not to exceed \$1,000.00. Separate fines may be issued to the promoter of such an event, participants in such an event, and the owner of the premises of such an event
Sec. 70-2. Weapons generally	

(e)(1) Penalties; fines	Not less than \$500.00, nor more than \$1,000.00
Sec. 70-7. Registered sexual offenders	
Subsec. (f) Penalties	\$500.00 for any offense; each day shall constitute a separate offense
Subsec. 70-8. Disorderly premises	Not to exceed \$1,000.00 for any offense.
Sec. 70-10 Violations and Penalties	
Each day that a nuisance violation continues may be considered a new violation. If not paid, fines may be subject to a lien on property of the owner.	
1 st offense is at the discretion of the Code Enforcement Officer	Either a warning or a \$100 fine
2 nd offense	\$200 fine
3 rd and subsequent offenses	Minimum fine of \$300, not to exceed \$1,000 per incident
Section 70-12, Loitering, generally; violation	
Subsec. (a) A person is guilty of loitering when:	Warning or a \$25 fine for 1st offense; \$100 for subsequent violations
Loitering on the property of a school, college, or university; violation.	Warning or a \$50 fine for 1st offense; \$200 for subsequent violations

BE IT FURTHER ORDAINED:

That Chapter 74 – Parks and Recreation, Article 1, Sec. 74-11. - Loitering 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~~

~~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.~~

ADOPTED: *

SYNOPSIS

This Ordinance amends Chapter 70 – Offences and Miscellaneous Provisions by establishing a city ordinance and provisions allowing for local enforcement and penalties for loitering as an alternative to reliance on existing State law. It mirrors State law provisions that have been adjudicated in courts. It is intended to support community policing initiatives, rely on the liberal use of warnings to influence behavior, address minor offenses locally, improve the quality of life in affected neighborhoods and improve the foundation for economic development.

(SPONSORS: TAYLOR AND ANDERSON)

Actions History:

November 29, 2022 - Introduced at Safety, Advisory, and Transportation Committee