

INTERGOVERNMENTAL RELATIONS COMMITTEE

11-026-0

ORDINANCE NO. _____

AN ORDINANCE ADDING A NEW SECTION 34-26 TO THE DULUTH CITY CODE, 1959, AS AMENDED, REGULATING LOITERING IN PUBLIC PLACES WITH THE INTENT TO ENGAGE IN PROSTITUTION OR THE SALE OF ILLEGAL DRUGS.

BY COUNCILOR ANDERSON:

The city of Duluth does ordain:

Section 1. That the Duluth City Code, 1959, as amended, is hereby amended by adding a new Section 34-26 as follows:

Sec. 34-26. Loitering.

(a) No person shall loiter on the streets or in a public place or in a place open to the public with the intent to solicit for purposes of prostitution, illegal narcotic sale, distribution, purchase or possession, or any other act prohibited by law;

(b) No person shall be present in a motor vehicle stopped, parked or operated on the street, in a public place or in a place open to the public with the intent to solicit for the purposes of prostitution, illegal narcotic sale, distribution, purchase or possession, or any other act prohibited by law;

(c) Among the circumstances which may be considered in determining whether a person intends to loiter for purposes of engaging in prostitution are whether a person;

(1) Repeatedly beckons to, stops or attempts to stop, or engage passers by in conversation;

(2) Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture;

(3) Is a known prostitute or procurer of prostitutes;

or

(4) Inquires whether a potential patron, procurer or a prostitute is a police officer or searches for articles that would identify a police officer or requests the touching or exposing of

male or female genitals or breasts to prove that the person is not a police officer;

(d) Among the circumstances which may be considered in determining whether a person intends to loiter for the purpose of engaging in distributing illegal narcotics are whether a person:

(1) Repeatedly beckons to, stops or attempts to stop, or engages passers by in conversations;

(2) Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or other bodily gesture;

(3) Acts as a look-out;

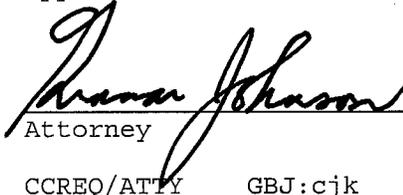
(4) Transfers small objects or packages of currency or any other thing of value in a furtive fashion which would lead an observer to believe or ascertain that a drug transaction has or is about to occur;

(5) Carries small objects or packages in one's mouth and transfers such objects or packages to another person for currency or any other thing of value, or swallows or attempts to swallow the objects or packages if approached by a law enforcement officer;

A prima facie case may be established by a law enforcement officer's observations of the offender's behavior, and the seizure or recovery of illegal drugs shall not be a prerequisite to establishment of a prima facie case.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:



Attorney

CCREQ/ATTY GBJ:cjk 6/13/2011

STATEMENT OF PURPOSE: This ordinance adds a new Section 34-26 to the Duluth City Code, 1959, as amended, which regulates loitering in public places with the intent to engage in prostitution or the sale of illegal drugs.