

**AN ORDINANCE TO AMEND SECTION 16-43 OF THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Governing Authority of DeKalb County is tasked with the protection of the County's health, safety, and general welfare; and

**WHEREAS**, loitering by persons in the immediate vicinity of various types of properties is detrimental to the County's health, safety, and general welfare; and

**WHEREAS**, observed loitering by persons in the vicinity of various property types not currently referenced in code section 16-43 necessitates this amendment in order to further preserve and promote the County's health, safety, and general welfare.

**NOW THEREFORE, BE IT ORDAINED** by the DeKalb County Board of Commissioners that Chapter 16 of the Code of DeKalb County, as Revised in 1988, is hereby amended as follows:

**PART I. ENACTMENT**

*By amending section 16-43 of the Code of DeKalb County, as Revised 1988, to read as follows:*

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**Sec. 16-43. - Loitering—Generally.**

(a) It shall be unlawful for any person after having been directed by an officer or member of the police department to move away therefrom, to remain or loiter in front of any church or other place of public worship during services therein, or in front of any theater, concert hall, ballroom, coffeehouse, tavern, automobile service station or other public place, or to loiter or idle away time around the hotels/motels or extended stay hotels/motels, convenience stores, monitored businesses, or on the sidewalks or public streets or roads of the county.

(b) A person commits the offense of loitering when the person is in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(c) Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

(d) For purposes of interpreting and enforcing this code section, the terms defined in code section 27-9.1.3 should be assigned those meanings. Further, “monitored business” shall be defined as stated in code section 15-573(a).

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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**MICHELLE LONG SPEARS**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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**LORRAINE COCHRAN-JOHNSON**  
Chief Executive Officer  
DeKalb County, Georgia

**ATTEST:**

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**BARBARA H. SANDERS, CCC**  
Clerk to the Board of Commissioners and  
Chief Executive Officer

DeKalb County, Georgia

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM:**

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**CEDRIC HUDSON**  
Director of Planning & Sustainability  
DeKalb County, Georgia

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**MATHEW C. WELCH**  
Interim County Attorney  
DeKalb County, Georgia