

Title 9

PUBLIC PEACE, MORALS AND SAFETY

Chapters:

- 9.10 General Provisions**
- 9.24 Fireworks**
- 9.28 Obstructions to Streets and Sidewalks**
- 9.30 Camping**
- 9.38 Offenses Against Public Order**
- 9.39 Eluding a Peace Officer**
- 9.42 Offenses Against Public Administration**
- 9.60 Injuring Utilities**
- 9.62 Offenses Against Property**
- 9.80 Curfew for Juveniles**
- 9.86 Misconduct Involving Weapons**
- 9.88 Discharging Firearms**
- 9.90 Controlled Substances**

Chapter 9.10

GENERAL PROVISIONS

Sections:

- 9.10.010 Applicability.
- 9.10.020 Penalties for violations.
- 9.10.030 Disposition of fines.
- 9.10.040 Form and records.
- 9.10.050 *Repealed.*
- 9.10.060 Disposition and record.
- 9.10.070 *Repealed.*
- 9.10.080 *Repealed.*
- 9.10.090 *Repealed.*
- 9.10.100 Records.
- 9.10.110 Definitions.

9.10.010 Applicability.

The provisions of this chapter shall apply to the entirety of this title. [Ord. 263 § 5, 1988.]

9.10.020 Penalties for violations.

Violations of this title are infractions punishable by the fine established in CMC 1.16.040 if the offense is listed in that fine schedule or by a fine of up to \$300.00 if the offense is not listed in the CMC 1.16.040 fine schedule. [Ord. 672 § 4, 2015; Ord. 450 § 4, 1998; Ord. 416 § 4, 1995; Ord. 263 § 5, 1988.]

9.10.030 Disposition of fines.

All fines shall be paid into the city treasury. [Ord. 672 § 4, 2015; Ord. 263 § 5, 1988.]

9.10.040 Form and records.

The chief of police shall procure and provide books of citation forms which comply with the requirements of Minor Offense Rule 3 in the Alaska Rules of Court, identify the offender and the offense, and meet the needs of public safety and the administration of justice. [Ord. 672 § 4, 2015; Ord. 263 § 5, 1988.]

9.10.050 Procedure of issuance.

Repealed by Ord. 672. [Ord. 263 § 5, 1988.]

9.10.060 Disposition and record.

A. Every officer upon issuing a citation to an alleged violator of any provision of this title shall

deposit the original of the citation with the chief of police.

B. Upon the filing of such original citation, said citation may be disposed of only by trial before the district court magistrate, by other official action by the court, by action of the chief of police where appropriate and necessary, by payment of a fine imposed by the court and any required surcharge, or by payment to the police department of the fine and surcharge specified on the citation.

C. It is unlawful and official misconduct for any member of the department or for any other officer or public employee to dispose of, alter or deface a citation or any copy thereof, or the record of the issuance or disposition of any citation, complaint, or warrant in a manner other than as required by law. [Ord. 672 § 4, 2015; Ord. 416 § 4, 1995; Ord. 263 § 5, 1988.]

9.10.070 Citation deemed complaint.

Repealed by Ord. 672. [Ord. 263 § 5, 1988.]

9.10.080 Failure to obey.

Repealed by Ord. 672. [Ord. 263 § 5, 1988.]

9.10.090 Warrant issuance.

Repealed by Ord. 672. [Ord. 263 § 5, 1988.]

9.10.100 Records.

A. The chief of police shall keep or cause to be kept a record of every complaint or citation issued and its final disposition.

B. The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the magistrate which are delivered to the department for service and of the final disposition of all such warrants. [Ord. 263 § 5, 1988.]

9.10.110 Definitions.

A. The term “department,” when used in this title, means the Craig police department.

B. The definitions contained in AS Title 11 (Criminal Code) are adopted as if fully set forth herein, for application to those portions of this title which have been taken from AS Title 11. [Ord. 263 § 5, 1988.]

Chapter 9.24**FIREWORKS**

Sections:

- 9.24.010 Prohibited generally.
 9.24.020 Council permission required.
 9.24.030 Violation – Penalties.

For statutory provisions regarding state regulation of fireworks, see AS Chapter 18.72; for provisions authorizing municipal regulation of sale and use of fireworks, see AS 29.48.035(a)(13).

9.24.010 Prohibited generally.

Except as otherwise provided in this chapter, it is unlawful for any person, persons, firm, company or corporation to possess, sell, use, fire or explode any firecrackers, torpedoes, skyrockets, Roman candles or any other kind or character of fireworks whatsoever within the city. [Ord. 70 § 1, 1959.]

9.24.020 Council permission required.

It is lawful for any committee appointed by the council or representing any bona fide organization to possess, use and display exhibition fireworks in the city when expressly authorized by the council so to do, and not otherwise. [Ord. 70 § 2, 1959.]

9.24.030 Violation – Penalties.

Any person violating any of the provisions of this chapter is guilty of an infraction punishable by the fine established in CMC 1.16.040. [Ord. 672 § 4, 2015; Ord. 340 § 4, 1992.]

Chapter 9.28**OBSTRUCTIONS TO STREETS
AND SIDEWALKS**

Sections:

- 9.28.010 Obstruction permit required.

For statutory provisions authorizing municipalities to regulate use of public rights-of-way, see AS 29.48.035(a).

9.28.010 Obstruction permit required.

It is unlawful for any person or persons to obstruct any sidewalk, street or alley with wood, lumber or with whatever materials, whether it be in the construction, erection or demolition or repairs of any building or otherwise, without first having obtained a permit from the police chief of the city. Failure to first obtain such permit is an infraction punishable by the fine established in CMC 1.16.040. [Ord. 672 § 4, 2015; Ord. 416 § 4, 1995; Ord. 4 § 3, 1926.]

Chapter 9.30**CAMPING**

Sections:

- 9.30.010 Prohibited generally.
- 9.30.020 Allowed in designated campgrounds.
- 9.30.030 Penalties.

9.30.010 Prohibited generally.

Except as otherwise provided in this chapter, it is unlawful for any person to camp (A) on private property without the permission of a person having possessory rights (as owner or lessee) over the property in question, or (B) on public property (including but not limited to streets and roadways) within the municipal boundaries. Camping is defined as sleeping, between the hours of 12:00 midnight and sunrise, whether in a camper or other motor vehicle, a tent or with no shelter at all. [Ord. 220 § 4, 1984.]

9.30.020 Allowed in designated campgrounds.

Camping is allowed in designated campgrounds established by the city council by resolution. Designated campgrounds shall be marked by appropriate signs, and a list of campgrounds will be available to the public at the city clerk's office. Use of city campgrounds shall be subject to such reasonable terms and conditions as the council may by resolution prescribe. [Ord. 220 § 4, 1984.]

9.30.030 Penalties.

Camping in violation of this chapter is an infraction punishable by the fine established in CMC 1.16.040. Each separate night shall be counted as a separate violation. [Ord. 672 § 4, 2015; Ord. 220 § 4, 1984.]

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Chapter 9.38

OFFENSES AGAINST PUBLIC ORDER

Sections:

- 9.38.010 Disorderly conduct.
- 9.38.020 Harassment.
- 9.38.030 Criminal trespass.

9.38.010 Disorderly conduct.

A. A person commits the crime of disorderly conduct if:

1. With intent to disturb the peace and privacy of another not physically on the same premises or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise;

2. In a public place or in a private place of another without consent, and with intent to disturb the peace and privacy of another or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise;

3. In a public place, when a crime has occurred, the person refuses to comply with a lawful order of a peace officer to disperse;

4. In a private place, the person refuses to comply with an order of a peace officer to leave premises in which the person has neither a right of possession nor the express invitation to remain of a person having a right of possession;

5. The person recklessly creates a hazardous condition for others by an act which has no legal justification or excuse;

6. The offender knowingly exposes the offender's buttock or anus to another with reckless disregard for the offensive or insulting effect the act may have on that person;

7. The offender knowingly urinates in public;

8. The person recklessly causes or allows excessive noise or vibration while driving, operating or in physical control of a motor vehicle. This noise shall be defined as excessive if heard or felt at a distance of 50 feet or more;

9. In a public or private place, the person challenges another to fight or engages in fighting other than in self-defense.

B. As used in this section, "noise" is "unreasonably loud" if, considering the nature and purpose of the defendant's conduct and the circumstances known to the defendant, including the nature of the location and the time of day or night, the conduct involves a gross deviation from the standard of conduct that a reasonable person would follow in the same situation. "Noise" does not include speech that is constitutionally protected. [Ord. 645 § 4, 2013; Ord. 445 § 4, 1998; Ord. 263 § 5, 1988.]

9.38.020 Harassment.

A person commits the crime of harassment if, with intent to harass or annoy another person, that person:

A. Insults, taunts or challenges another person in a manner likely to provoke an immediate violent response;

B. Telephones another and fails to terminate the connection with intent to impair the ability of that person to place or receive telephone calls;

C. Makes repeated telephone calls at inconvenient hours;

D. Makes an anonymous or obscene telephone call or a telephone call that threatens physical injury;

E. Subjects another person to offensive physical contact;

F. Violates a provision of an order issued under AS 25.35.010(b) or 25.35.020 restraining the respondent from communicating directly or indirectly with the petitioner;

G. Knowingly calls the 911 emergency system for reasons other than an emergency or immediate need for public safety resources;

H. After being advised by a law enforcement officer, continues to send text message(s). [Ord. 646 § 4, 2013; Ord. 450 § 4, 1998; Ord. 263 § 5, 1988.]

9.38.030 Criminal trespass.

A person commits the offense of criminal trespass if the person enters or remains unlawfully (A) in or upon premises or land; or (B) in a parked or propelled vehicle. Penalties: CMC 9.10.020. [Ord. 605 § 4, 2009.]

Chapter 9.39**ELUDING A PEACE OFFICER**

Sections:

9.39.010 Eluding a peace officer.

9.39.010 Eluding a peace officer.

A person commits the offense of eluding a peace officer if having committed an offense or violation, the person knowingly eludes, runs or hides from a peace officer who is actively pursuing or searching for that person. [Ord. 450 § 4, 1998.]

Chapter 9.42**OFFENSES AGAINST PUBLIC
ADMINISTRATION**

Sections:

9.42.010 Unsworn falsification.

9.42.020 Making a false report.

9.42.010 Unsworn falsification.

A person commits the crime of unsworn falsification if, with the intent to mislead a public servant in the performance of a duty, the person submits a false written or recorded statement which the person does not believe to be true:

A. In an application for a benefit; or

B. On a form bearing notice, authorized by law, that false statements made in it are punishable.

[Ord. 263 § 5, 1988.]

9.42.020 Making a false report.

A person commits the crime of making a false report if the person knowingly:

A. Gives false information to a peace officer with the intent of implicating another in a crime;

B. Makes a false report to a peace officer that a crime has occurred or is about to occur;

C. Makes a false report or gives a false alarm that a fire or other incident dangerous to life or property calling for an emergency response has occurred or is about to occur; or

D. Gives false information to a peace officer concerning the person's name, date of birth, or address when contacted during the course of a peace officer's lawful duties. [Ord. 416 § 4, 1995; Ord. 263 § 5, 1988.]

Chapter 9.60**INJURING UTILITIES**

Sections:

- 9.60.010 Diverting power or altering meter.
- 9.60.020 Diverting water or damaging works.
- 9.60.030 Service discontinuance.

For statutory provisions regarding offenses against property, see AS 11.20.010 et seq.

9.60.010 Diverting power or altering meter.

If any person, in any manner, wilfully and maliciously interferes with or alters any meter or other device for the measuring of any current power, or without the authority and consent of the council, through or by its duly authorized representative, diverts, uses or appropriates any such current or power or any portion thereof, or procures or advises the same to be done, the person so offending is guilty of a misdemeanor and upon conviction thereof shall be punished as set by bail schedule, and shall moreover be liable to the city in a sum equal to double the amount of actual damage sustained and for double the price of the current or power diverted or used. [Ord. 450 § 4, 1998; Ord. 37 § 1, 1939.]

9.60.020 Diverting water or damaging works.

If any person, in any manner, wilfully and maliciously damages or destroys any pipe line or main or other equipment used for the purpose of supplying water to the city or any resident thereof, or in any manner damages or injures the dam or reservoir used for the purpose of impounding such water, or in any manner contaminates or pollutes the water contained in such reservoir or flowing through the mains or lines of such water system, or without the authority and consent of the council through or by its authorized representative diverts, uses or appropriates any such water or any portion thereof, or procures or advises the same to be done, the person so offending is guilty of a misdemeanor and upon conviction thereof shall be punished as provided in CMC 1.16.010, and shall moreover be liable to the city in a sum double the amount of actual damage sustained and for double the price of the water diverted or used. [Ord. 37 § 2, 1939.]

9.60.030 Service discontinuance.

If any person is found guilty under CMC 9.60.010 and 9.60.020, the council may, at its option, discontinue all utility services to such person until such time as all penalties assessed under such conviction have been paid in full. [Ord. 37 § 3, 1939.]

Chapter 9.62

OFFENSES AGAINST PROPERTY

Sections:

- 9.62.010 Theft in the fourth degree.
- 9.62.020 Concealment of merchandise.
- 9.62.030 Issuing a bad check.
- 9.62.040 Criminal mischief in the third degree.
- 9.62.045 Criminal mischief in the fourth degree.

9.62.010 Theft in the fourth degree.

A person commits the crime of theft in the fourth degree if the person commits theft as defined in AS 11.46.100, and:

- A. The value of the property or services is less than \$100.00;
- B. Fine is in addition to restitution for amount of stolen goods or services. [Ord. 450 § 4, 1998; Ord. 416 § 4, 1995; Ord. 263 § 5, 1988.]

9.62.020 Concealment of merchandise.

A. A person commits the crime of concealment of merchandise if, without authority, the person knowingly conceals on or about the person the merchandise of a commercial establishment, not purchased by the person, while still upon the premises of the commercial establishment, with intent to deprive the owner of the merchandise or with intent to appropriate the merchandise.

B. Merchandise found concealed upon or about the person which has not been purchased by the person is prima facie evidence of a knowing concealment. [Ord. 416 § 4, 1995; Ord. 263 § 5, 1988.]

9.62.030 Issuing a bad check.

A. A person commits the crime of issuing a bad check if the person issues a check knowing that it will not be honored by the drawee.

B. In a prosecution under this section, it is prima facie evidence that the drawer knew the check would not be honored by the drawee if:

1. Payment of the check was refused by the drawee for lack of funds upon presentation within 30 days after issue, and the drawer failed to make full satisfaction of the amount due within 15 days, after notice of dishonor was deposited as first class mail, addressed to the drawer at the address appear-

ing on the dishonored check or the drawer's last known address; or

2. The drawer had no account with the drawee at the time the check was issued.

C. In this section:

1. "Amount due" means the face amount of the dishonored check plus all costs and protest fees assessed by the drawee;

2. "Check" means a draft, check, or similar sight order for the payment of money, but does not include a post-dated check or a promissory note;

3. A person "issues" a check when, as a drawer, the person delivers it or causes it to be delivered to a person who thereby acquires a right against the drawer with respect to the check; a person who draws a check with the intent that it be so delivered is considered to have issued it if the delivery occurs. [Ord. 416 § 4, 1995; Ord. 263 § 5, 1988.]

9.62.040 Criminal mischief in the third degree.

A person commits the crime of criminal mischief in the third degree if, having no right to do so or any reasonable ground to believe the person has such a right:

- A. The person recklessly damages property of another in an amount less than \$500.00;
- B. The person tampers with a fire protection device in a building that is a public place. [Ord. 446 § 4, 1998; Ord. 416 § 4, 1995; Ord. 263 § 5, 1988.]

9.62.045 Criminal mischief in the fourth degree.

A person commits the crime of criminal mischief in the fourth degree if, having no right to do so or any reasonable ground to believe the person has such a right:

- A. The person recklessly damages property of another, in an amount less than \$50.00. [Ord. 446 § 4, 1998.]

Chapter 9.80**CURFEW FOR JUVENILES**

Sections:

- 9.80.010 Persons 15 to 17 years of age.
- 9.80.020 Persons 11 to 14 years of age.
- 9.80.030 Persons under 11 years of age.
- 9.80.040 Juvenile at large.

For statutory provisions regarding municipal enforcement of curfews, see AS 11.60.250 – 11.60.270.

9.80.010 Persons 15 to 17 years of age.

It is unlawful for any person 15 years of age and older, but under 18 years of age, to go upon or be upon any of the public streets of the city between the hours of 11:00 p.m. of one day and 6:00 a.m. of the next succeeding day, Sunday through Thursday, and between the hours of 12:15 a.m. of one day and 6:00 a.m. of the same day, Saturday and Sunday, unless accompanied by and in the charge of a competent adult person. [Ord. 416 § 4, 1995; Ord. 158, 1979; Ord. 95 § 1, 1971.]

9.80.020 Persons 11 to 14 years of age.

It is unlawful for any person under the age of 15 years to go upon or be upon any of the public streets of the city between the hours of 10:00 p.m. of one day and 6:00 a.m. of the next succeeding day, Sunday through Thursday, and between the hours of 11:15 p.m. on Friday and Saturday and 6:00 a.m. the following mornings, Saturday and Sunday, unless accompanied by and in the charge of a competent adult person. [Ord. 416 § 4, 1995; Ord. 158, 1979; Ord. 95 § 2, 1971.]

9.80.030 Persons under 11 years of age.

It is unlawful for any person under the age of 11 years to go upon or be upon any of the public streets of the city between the hours of 9:00 p.m. of one day and 6:00 a.m. of the next succeeding day, Sunday through Thursday, and between the hours of 10:00 p.m. and 6:00 a.m. on Friday and Saturday and the following mornings Saturday and Sunday, unless accompanied by and in the charge of a competent adult person. [Ord. 416 § 4, 1995.]

9.80.040 Juvenile at large.

It is unlawful for any parent or other person having the custody or control of any juvenile person under the age of 18 years, to allow such juvenile person to go or be upon any of the public streets of the city contrary to the provisions of CMC 9.80.010, 9.80.020 and 9.80.030 and at any prosecution for the violation hereof, the presence of the juvenile person unattended upon any of the public streets as aforesaid, in violation hereof, is prima facie evidence of the guilt of the parent or other person having the custody of such juvenile person, of the violation of the provisions of this chapter. [Ord. 416 § 4, 1995; Ord. 95 § 3, 1971.]

Chapter 9.86**MISCONDUCT INVOLVING WEAPONS**

Sections:

- 9.86.010 Misconduct involving weapons in the fourth degree.
- 9.86.020 Misconduct involving weapons in the fifth degree.
- 9.86.030 Definitions.

9.86.010 Misconduct involving weapons in the fourth degree.

A person commits the crime of misconduct involving weapons in the fourth degree if the person knowingly:

- A. Takes or carries any straight-bladed knife into any licensed premises;
- B. Manufactures, sells or transfers a switch blade-type knife or any type of gravity knife including butterfly or balisongs-type knives;
- C. Sells any type of knife to a person under the age of 14 years without documented parental approval. [Ord. 447 § 4, 1998.]

9.86.020 Misconduct involving weapons in the fifth degree.

A person commits the crime of misconduct involving weapons in the fifth degree if the person knowingly:

- A. Possesses a switch blade-type knife or any type of gravity knife or any knives that open with centrifugal force, i.e., butterfly or balisongs type knives, except for purposes of collection or display. [Ord. 447 § 4, 1998.]

9.86.030 Definitions.

As used in this chapter:

“Gravity knife” or “centrifugal force” means that force of gravity which allows a knife blade to fall into place or which may use centrifugal force to get the blade into position for use. These types of knives are commonly known as “butterfly” or “balisongs” type.

“Switch blade knife” means one that uses mechanical means for self-operation. [Ord. 447 § 4, 1998.]

Chapter 9.88**DISCHARGING FIREARMS**

Sections:

- 9.88.010 Discharging firearms.
- 9.88.020 Shooting air guns.
- 9.88.030 Hunting within city limits.

For statutory provisions regarding flourishing, pointing, or discharging weapons in public places, see AS 11.55.050.

9.88.010 Discharging firearms.

Any person who fires any pistol, gun or rifle or other species of firearms within the city limits is guilty of a misdemeanor and shall upon conviction or plea thereof before the municipal magistrate be punished as provided in CMC 1.16.020, set by bail schedule. [Ord. 416 § 4, 1995; Ord. 14 § 2, 1931.]

9.88.020 Shooting air guns.

A. It is unlawful for any person to:

1. Shoot or discharge an air gun upon any public street or public property within the city limits, including from a vehicle;
2. Shoot or discharge an air gun at any public property or public thing while standing or otherwise located upon private property;
3. Possess or carry a loaded air gun upon any street or public place within the city; or
4. To carry a concealed air gun upon one's person.

B. For the purposes of this section an “air gun” means any pistol or rifle which uses compressed air, CO₂, or other gas to propel its object, and which shoots BBs, pellets, shot, paint pellets, or other type of projectile without powder or shell. An air gun is “loaded” when one or more of its objects to be shot are in the air gun, regardless of whether in the breach or action.

C. Violation of this section shall be a misdemeanor and upon conviction shall be punishable as follows:

1. By confiscation of the air gun and forfeiture of same to the city;
2. Payment or arrangements for payment in full restitution of the owner of property damaged, if any; and

3. A fine in the amount of not less than \$25.00 nor more than \$100.00. [Ord. 450 § 4, 1998; Ord. 170 § 4, 1980.]

9.88.030 Hunting within city limits.

It is unlawful to hunt wild game animals within the city limits by any means. [Ord. 416 § 4, 1995; Ord. 209 § 4, 1983.]

Chapter 9.90

CONTROLLED SUBSTANCES

Sections:

- 9.90.010 Misconduct involving a controlled substance in the sixth degree.
- 9.90.020 Misconduct involving a controlled substance in the seventh degree.
- 9.90.030 Schedules of controlled substances.
- 9.90.040 Consuming marijuana in a public place.

9.90.010 Misconduct involving a controlled substance in the sixth degree.

Except as authorized in AS Chapter 17.30, a person commits the crime of misconduct involving a controlled substance in the sixth degree if the person:

A. Uses or displays any amount of a schedule VIA controlled substance or possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing a schedule VIA controlled substance on a public street or sidewalk or on the premises of a public carrier or business establishment or in any other public place;

B. Knowingly possesses any amount of a schedule VIA controlled substance within the immediate control of that person while operating a propelled vehicle;

C. Being under 19 years of age, possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than four ounces containing a schedule VIA controlled substance;

D. Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of four ounces or more containing a schedule VIA controlled substance; or

E. Refuses entry into a premises for an inspection authorized under AS Chapter 17.30. [Ord. 263 § 5, 1988.]

9.90.020 Misconduct involving a controlled substance in the seventh degree.

Except as authorized in AS Chapter 17.30, a person commits the offense of misconduct involving a controlled substance in the seventh degree if the person:

A. Manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one-half ounce of a schedule VIA controlled substance; or

B. Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one ounce containing a schedule VIA controlled substance on a public street or sidewalk or on the premises of a public carrier or business establishment or in any other public place. [Ord. 263 § 5, 1988.]

C. Violation of this section is a minor offense punishable under CMC 1.16.040. [Ord. 684 § 4, 2016; Ord. 664 § 4, 2015.]

9.90.030 Schedules of controlled substances.

Controlled substances referred to herein by schedule number are the same as those identified by the corresponding schedule numbers in AS 11.71.140 through 11.71.190. [Ord. 263 § 5, 1988.]

9.90.040 Consuming marijuana in a public place.

A. It is unlawful for any person to knowingly consume marijuana when the person is:

1. On, in or upon any public place, except as permitted by ordinance, regulation, statute or permit; or
2. Outdoors on property adjacent to a public place, and without consent of the owner or person in control thereof.

B. For purposes of this section, the definitions of the words and phrases below shall apply:

1. "Consume" shall have the meaning, in all conjugate forms, of "consumption" set forth in AS 17.38.900.

2. "Marijuana" shall have the meaning set forth in AS 17.38.900.

3. "Public place" means a place to which the public or a substantial group of persons has access and includes, but is not limited to: streets and highways; motorized vehicles occupying streets, highways or other public places; sidewalks; alleys; transportation facilities; parking areas; convention centers; sports arenas; schools; places of business or amusement; shopping centers; malls; parks; playgrounds; jails; and hallways, lobbies, doorways and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.