

BOARD OF COUNTY COMMISSIONERS
COUNTY OF CENTRE
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE 1 OF 2018

AN ORDINANCE OF THE COUNTY OF CENTRE, PENNSYLVANIA,
ESTABLISHING GUIDELINES FOR SECURITY AND PUBLIC
ACTIVITIES/DEMONSTRATIONS CONDUCTED ON COUNTY
PROPERTY.

WHEREAS, Section 2329 of the County Code, 16 P.S. § 2329, makes it unlawful for any person to cause disorder, or to be guilty of any indecent or unbecoming conduct tending to disturb the peace and good order in a county court house, jail or other county buildings; and

WHEREAS, Section 2325 of the County Code, 16 P.S. § 2325, authorizes the County of Centre (the "County") to keep and maintain the public buildings of the County in suitable and convenient order; and

WHEREAS, 18 Pa. C.S.A. §913 prohibits firearms and other dangerous weapons in a court facility and Pennsylvania common law generally provides that the County Sheriff is required to keep the peace; and

WHEREAS, the Centre County Court, by order filed to Civil Miscellaneous Docket #2017-7, appointed the Centre County Sheriff as Chief of Security for the Court of Common Pleas of Centre County (the "Order") and by prior action of the County, the Sheriff and his deputies have been conducting security details for the County, at all County facilities, for a period over ten years; and

WHEREAS, Section 509 of the County Code, 16 P.S. § 509, authorizes the Board of Commissioners of Centre County (the "Board of Commissioners") to adopt ordinances prescribing the manner in which powers of the County shall be carried out and generally regulating the affairs of the County; and

WHEREAS, Section 509 of the County Code, 16 P.S. § 509, authorizes the Board of Commissioners to prescribe fines and penalties for violations of County ordinances enacted pursuant to the section; and

WHEREAS, the Board of Commissioners desires to establish guidelines for security and all public activities/demonstrations conducted on County property.

NOW THEREFORE, the Board of Commissioners of the County of Centre hereby ordains and enacts as follows, incorporating the above recitals by reference that:

SECTION 1. DEFINITIONS

For purposes of this Ordinance, the following terms shall have the following meanings:

Chief of Security – Sheriff of Centre County or his/her designee.

County Property – property under the control of the County to which the general public has access, including without limitation: (1) Centre County Courthouse, located at 120 South Allegheny Street, Bellefonte, Pennsylvania 16823 (the “Courthouse”); (2) Centre County Willowbank Government Building, located at 420 Holmes Street, Bellefonte, Pennsylvania 16823 (the “Willowbank Building”); (3) Centre County Correctional Facility, located at 700 Rishel Hill Road, Bellefonte, Pennsylvania 16823 (the “Prison”); and any additional County property or building, owned or leased by the County; and

Demonstration (also considered Public Activity) - a public assembly, a meeting or gathering, a rally or protest, a political rally or event, speechmaking, marching, the holding of vigils or religious services, and all other like forms of conduct, the primary purposes of which is expressive activity or the communication or expression of views or grievances, that (1) is engaged in by more than one person and the conduct of which has the effect, intent, or propensity to draw a crowd or onlookers, and (2) occurs upon County Property without compliance with the normal and customary regulations or controls governing such places. The term does not include casual use of County Property by persons that is not reasonably likely to attract a crowd or onlookers.

Demonstrator – a Person who is part of an event in which people gather together in order to show that they support or oppose something or someone; a Person who participates in a Demonstration.

Designee – a law enforcement officer and/or agency or private security personnel selected by the Chief of Security and/or the Security Committee.

Event – a sanctioned activity approved by the Commissioners or their designee and in part sponsored or supported by Centre County Government. This shall include press conferences or other similar events called by County officials except in circumstances where the County official has secured use of space inside any County Property for such Event.

Package/Container – any box, package, object in the immediate possession of Persons entering a County Property, including briefcases, purses or other items of personal property.

Person – shall include any natural person or a corporation or other entity treated as having the rights and obligations of a person.

Search – the activity by the Sheriff, Sheriff’s deputies, or his/her designees to search persons and packages entering County Property in accordance with the provisions herein.

Weapon – includes any firearm (whether real or a replica thereof), any knife, an explosive or incendiary device (whether real or a replica thereof), or any object that is designed, made or adapted for the purpose of inflicting bodily injury and any “weapon” defined as such by the Pennsylvania Crimes Code.

SECTION 2. SECURITY PROCEDURES. Security for all County Property shall be coordinated by the Chief of Security with input by the County Security Committee provided for in Section 4 hereafter with the following general activities.

- (1) Searches of all Persons, Packages and Containers entering County Property to be conducted by the Chief of Security, Sheriff's Deputies and/or their Designees (the "Security Personnel") in accordance with the following:
 - a. All buildings shall have designated entry points for searches which may include the use of a stationary equipment and/or machinery and/or hand-held metal detector or any other device being moved by hand in close proximity to all areas of the body of the Person being searched and in close proximity to all areas of the Package or Container being searched.
 - b. In the event a detector or other device emits a signal, the search of a Person shall be expanded to include a pat down of the immediate area of the body of the Person being searched which had activated the signal. A pat-down search shall be conducted only by a member of the Security Personnel of the same sex as the Person being searched.
 - c. Any Package or Container which activates the signal shall be opened by the Person bringing said Package or Container into the County Property and a more thorough examination of the same conducted by Security Personnel.
 - d. Any Weapons brought onto County Property will be confiscated and retained by the Chief of Security or his/her Designee until such time as the Person vacates the County Property, provided that such Weapon is lawfully possessed by the Person.
 - e. One or more signs shall be posted at each entrance to County Property in a location and of a size and design reasonably calculated to draw the attention of Persons entering the building and giving notice that:
 - i. No Weapons or explosives may be brought into the County Property;
 - ii. All Persons entering the County Property are subject to Search prior to entering the County Property; and
 - iii. All Packages, briefcases or other Containers are subject to Search prior to entering the County Property.
- (2) Use of a security array to include such measures as the Chief of Security deems appropriate in his discretion, including but not limited to, any of the following:
 - a. Security cameras and equipment located at positions adjacent to entries to County Property or other locations on County Property as deemed appropriate by the Chief of Security.
 - b. Monitoring of such cameras by the Chief of Security or his/her Designee as required from time to time with regular recording of the same in accordance with a policy established by the Chief of Security.

SECTION 3. DEMONSTRATION/EVENT REQUIREMENTS. Demonstrations and/or Events conducted on any County Property shall meet the following requirements:

- (1) Unless otherwise determined by the Chief of Security, in his/her sole discretion, Demonstrations and/or Events conducted at the Courthouse shall take place in one of the following three (3) designated areas (reference Exhibit "B"):
 - a. Sidewalk in front of the statue located along South Allegheny Street. Demonstrators shall not obstruct the view of drivers on East High Street or South Allegheny Street.
 - b. Sidewalk on the north side of East High Street along the courtyard area, between South Allegheny Street and the paved area before the Courthouse steps.

Demonstrators shall not obstruct the view of drivers on East High Street or South Allegheny Street.

- c. Sidewalk on the south side of East High Street along the courtyard area, between South Allegheny Street and the paved area in front of the Courthouse steps. Demonstrators shall not obstruct the view of drivers on East High Street or South Allegheny Street.
- (2) Unless otherwise determined by the Chief of Security, in his/her sole discretion, Demonstrations and/or Events conducted at the Willowbank Building shall take place in one of the two (2) designated areas (reference Exhibit "B"):
 - a. Sidewalk and grass area along the northeast side of Holmes Street between the top/side parking lot and the middle parking lot. Demonstrators shall not obstruct the view of drivers in the parking lots or on Holmes Street.
 - b. Sidewalk and grass area along the southeast side of Willowbank Street and the corner of Holmes Street, southwest of the bottom parking lot. Demonstrators shall not obstruct the view of drivers in the parking lots or on Willowbank Street or Holmes Street.
 - (3) Demonstrations conducted at the Prison or other County Property not referenced aforesaid shall take place in areas as so designated by the Chief of Security.
 - (4) In the event of multiple Demonstrations occurring simultaneously at the same location the following place restrictions shall apply:
 - a. Courthouse
 - i. For Demonstrations occurring at the Courthouse, one group will occupy the sidewalk on the north side of East High Street along the courtyard area, between South Allegheny Street and the paved area before the Courthouse steps.
 - ii. The other group will occupy the south side of East High Street along the courtyard area, between South Allegheny Street and the paved area before the Courthouse steps.
 - b. Willowbank Building
 - i. For Demonstrations occurring at the Willowbank Building, one group will occupy the sidewalk and grass area along the northeast side of Holmes Street between the top/side parking lot and the middle parking lot.
 - ii. The other group will occupy the sidewalk and grass area along the southeast side of Willowbank Street and the corner of Holmes Street, southwest of the bottom parking lot.
 - (5) Demonstrators who want to engage in Demonstrations on County Property should notify the Chief of Security. Groups of 2 or more should provide notice of intent to demonstrate twenty four hours (24) prior to the Demonstration. Demonstrations involving more than ten (10) people will require a permit which can be obtained through the Chief of Security at the Centre County Sheriff's Office using the form attached to this ordinance as Exhibit A. To make application, the form attached hereto as Exhibit A shall be filled out by the responsible party and submitted to the Centre County Sheriff's Office and the County Administrator for review and approval.

To ensure uninterrupted public and employee access to all County Property, including all buildings, no Demonstration shall be held on County Property in a manner that impedes access to County Property. Furthermore, any Demonstration and the conduct of Demonstrators shall be in accordance with any federal, state or local laws applicable in the jurisdiction where the County building is located.

(6) Signs or flags used for Demonstrations shall not be used to (1) obstruct the view of drivers; (2) be used in a manner that impedes pedestrian or vehicle traffic, access to and from the Courthouse, the Willowbank Building, the Prison, or any other County Property; or (3) cause any other safety or security hazard to any person as determined by the Chief of Security. At no time shall signs or flags be placed on or attached to any County Property, including County statues, flag poles, structures located thereon or buildings.

SECTION 4. SECURITY COMMITTEE.

The County shall establish a Security Committee which shall be co-chaired by the County Administrator and the Centre County Sheriff except in circumstances where the Centre County Sheriff has designated the role of Chief Security Officer to another party in which case s/he shall serve as co-chair. The Security Committee shall be composed of other County elected officials and/or personnel and/or community members with security expertise as designated by the Board of Commissioners. The Security Committee may propose security procedures, policies and/or ordinances to the Board of Commissioners regarding County Property but all such proposed security procedures, policies and/or ordinances will require official approval by the Board of Commissioners.

SECTION 5. VIOLATIONS AND PENALTIES.

Any person violating this Ordinance, shall, upon conviction thereof at a summary proceeding, be sentenced to pay up to six hundred dollars (\$600) per day of violation, to be paid to the use of the County, with costs of prosecution, or to be imprisoned for not more than ten (10) days, or both.

SECTION 6. SEVERABILITY.

The provisions of this Ordinance shall be severable. If any sentence, clause or section is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provisions not been included herein.

SECTION 7. REPEALER.

All prior ordinances and resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 8. REAFFIRMATION.

By approving this Ordinance, the Board of Commissioners reaffirm and approve all prior security procedures conducted by County personnel, including the Centre County Sheriff and his predecessors, as well as procedures undertaken pursuant to the Order noted aforesaid.

SECTION 9. INCORPORATION.

The WHEREAS clauses aforesaid are incorporated herein as if more fully set forth at length.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall take effect immediately.

ORDAINED and ENACTED this ___ day of _____, 2018, by the Board of Commissioners of the County of Centre in lawful session duly assembled.

ATTEST:

CENTRE COUNTY BOARD OF
COMMISSIONERS:

Margaret N. Gray
Administrator
(SEAL)

Michael Pipe, Chair

Mark Higgins

Steven G. Dershem

APPROVED AS TO FORM AND LEGALITY.

Elizabeth Dupuis
Solicitor

EXHIBIT A

Application for Use of Public Property
(Demonstration and/or Event Form)

Date of Submission: _____

**Application for Use of Public Property
(Demonstration and/or Event Form)**

Name of Responsible Sponsor: _____

Address of Sponsor: _____ Phone: _____

_____ Cell: _____

Other Contacts: (Primary) _____ Phone: _____

(Secondary) _____ Phone: _____

Date of Activity: _____ From: _____ To: _____

Rain Date: (If applicable) _____ From: _____ To: _____

Type of Activity: _____ No. Expected to Participate: _____

ACTIVITY DETAIL

Describe your proposed activity in detail: (Add additional sheets, if needed)

Does your activity involve a County official or office? No Yes

If so, whom? _____

Does your activity require a street closure for this activity? No Yes

If yes, select the type of road to be closed: (For more information see map and list provided)

State Road(s) Only* (Additional Permit Required: PennDOT TE-300 Form)

Local Road(s) Only

State Road(s) and Local Road(s)* (Additional Permit Required: PennDOT TE-300 Form) Listed in

List in order of route, what street(s) would you like closed for this activity? (Add additional sheets, if needed)

How long will the street closure be in effect? From: _____ To: _____

Will you need barricades and/or signs? No Yes

Will you need assistance closing the street? No Yes

Are you planning to use sidewalks only? No Yes

Will you cross any state roads? No Yes (If yes, submit TE-300 Form)

PLEASE NOTE: Sponsor is held responsible for the replacement value and/or repairs of missing cones, barricades, signs or message boards that are needed/required to close a street.

Use of Other Property

If any part of this activity is to take place on other public property, state road, or on private property an official of the other government agency or property owner must sign here:

Name: (Print) _____ Title of Official: _____

Address: Phone: _____

Signature

Date:

CHARITABLE CAUSE: Is the Sponsor a non-profit organization? Yes No

If this activity is to benefit a charitable organization, name the recipient:

HEALTH CONSIDERATIONS: Will you be providing food or drink to the public? Yes

If yes, have you made arrangements for approval/inspections with the Department of Ordinance Enforcement and Public Health? Yes No

Applicant recognizes and AGREES that the County requires the proposed activity to be conducted in such a manner as to promote harmony in the area, insure domestic tranquility and be within the limits established by existing ordinances. By signature below, applicant AGREES to protect, defend, indemnify and hold the County of Centre and its officers, employees and agents free and harmless from and against any and all losses penalties, damages, settlements, costs or other expenses or liabilities of every kind and character arising directly or indirectly from this special activity. Applicant further AGREES to investigate, handle, respond to, provide defense for, and defend any such claims, etc., at applicant's sole expense and AGREES to bear all other costs expenses related thereto, even if such claims are groundless, false or fraudulent.

Signature: _____ Date: _____

OFFICE USE ONLY: ROUTING FOR APPROVAL:

Chief of Security

Other

County Administrator

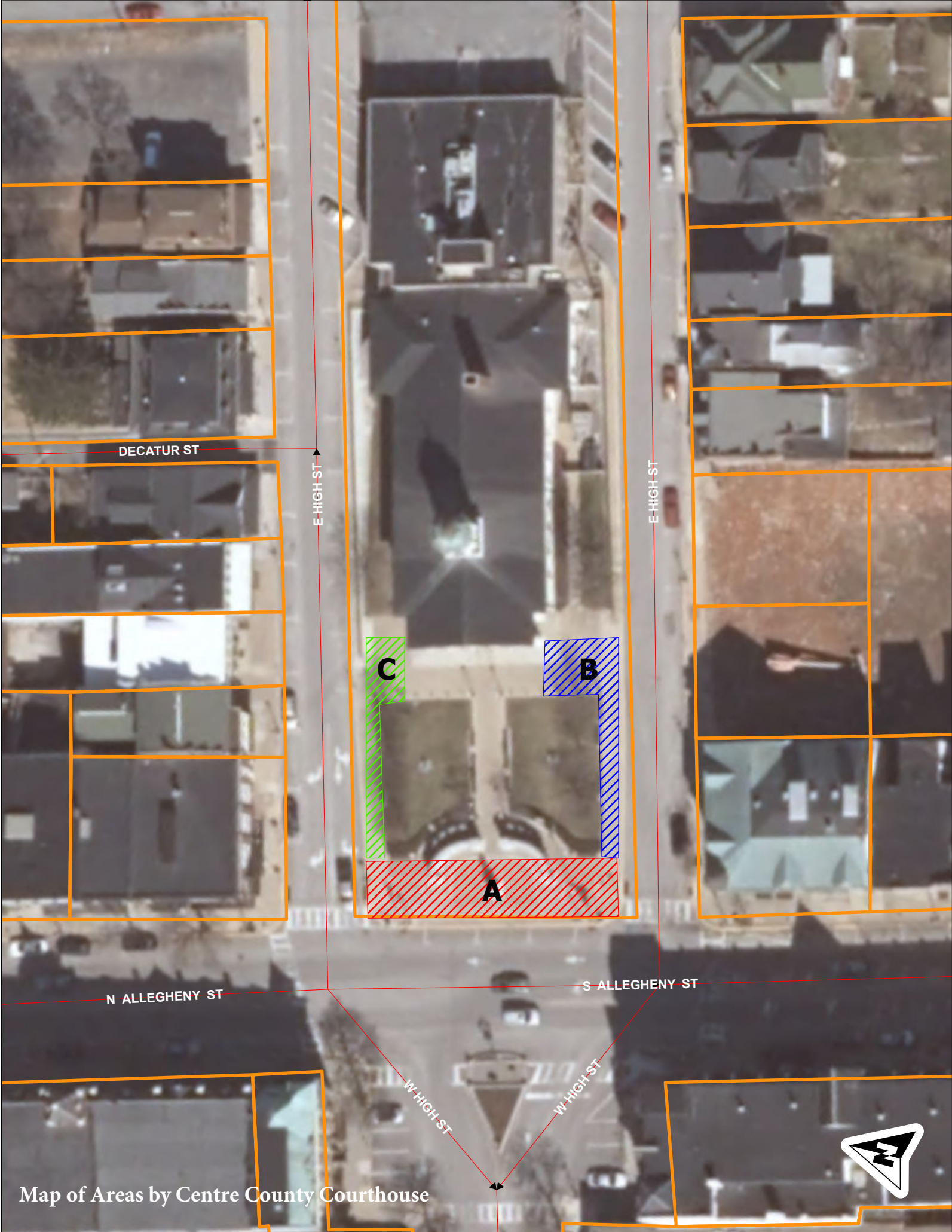
THIS SERVES AS YOUR PERMIT

The County of Centre approved your application on: _____

Conditions (if any) are as follows: _____

EXHIBIT B

Designated Areas



DECATUR ST

E HIGH ST

E HIGH ST

C

B

A

N ALLEGHENY ST

S ALLEGHENY ST

W HIGH ST

W HIGH ST





WILLOWBANK ST

B

A

BUDS ALY

HOLMES ST

VALENTINE ST

VALENTINE HILL RD



Map of Areas by Willowbank Building