

NOTICE OF ORDINANCE

2014-01

COUNTY OF GREENE

**FACILITIES RULES AND REGULATIONS REGARDING SECURITY ORDINANCE,
PURSUANT TO SECTIONS 509 AND 2326 OF THE COUNTY CODE, ACT OF AUGUST 9, 1955,
P.L. 323, AS AMENDED**

NOTICE IS HEREBY GIVEN that the Greene County Board of Commissioners will adopt at their public meeting, in the Commissioners Meeting Room on the 1st Floor of the County Office Building, on Thursday February 20, 2014 at 10:00am

**Ordinance 2014-01 – FACILITIES RULES AND REGULATIONS
REGARDING SECURITY ORDINANCE**

A copy of the full text of the proposed Ordinance is available for public inspection from 9:00am to 4:00pm Monday through Friday at the County Law Library located in the Courthouse, Waynesburg, PA and the County Commissioners' Office located in the County Office Building, Waynesburg, PA.

Jeffrey A. Marshall
Chief Clerk, County of Greene

ORDINANCE OF THE COUNTY OF GREENE, PENNSYLVANIA, PRESCRIBING RULES AND REGULATIONS FOR THE PROMOTION OF SECURITY IN THE GREENE COUNTY FACILITIES, PROVIDING PENALTIES FOR VIOLATION OF SUCH RULES AND REGULATIONS, AND DESIGNATING THE ENFORCEMENT AUTHORITY, PURSUANT TO SECTIONS 509 AND 2326 OF THE COUNTY CODE, ACT OF AUGUST 9, 1955, P.L. 323, AS AMENDED.

NOW THEREFORE, BE IT ACTED AND ORDAINED, by the Board of County Commissioners of the County of Greene, Pennsylvania, as follows:

SECTION I. TITLE

This ordinance shall be known as "Greene County Facilities Rules and Regulations Regarding Security."

SECTION II. CONSTRUCTION

In the interpretation of the Greene County Facilities Rules and Regulations Regarding Security, their provisions shall be construed as follows:

- A. Any term in the singular shall include the plural;
- B. Any term in the masculine shall include the feminine, neuter and hermaphroditic;
- C. Any requirement or provision of these rules and regulations relating to any act shall respectively extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such act; or the permitting or the allowing of any minor in the custody of any persons, doing any act prohibited by any provision thereof;
- D. No provision hereof shall make unlawful any act necessarily performed by any County Security personnel or employees of, or contractor for the County of Greene in the line of duty or work as such, or by any person, agents or employees in the proper and necessary execution of the terms of any agreement with the County of Greene;
- E. These rules and regulations are in addition to and supplement all State and Federal laws.

SECTION III. DEFINITIONS

As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Bodily Injury: Impairment of physical condition or substantial pain (PA Crimes Code Section 2301).

County Facilities: The Greene County Facilities shall include any and all properties designated by the Greene County Board of Commissioners, including but not limited to the Courthouse building and the Fort Jackson office building. The Courthouse building is located at 10 E. High Street (the southeast corner of High and Washington Street), and the Fort

Jackson building at 19 S. Washington Street (the southwest corner of High and Washington Street), Waynesburg, PA.

County Security Personnel: Greene County Sheriff, Chief Deputy, Captain and Deputy Sheriffs; security officers employed by the County of Greene; and private security officers employed by a security firm under contract with the County of Greene to provide security officers for the County Facilities, while such private security officers are on duty and in uniform.

Deadly Weapon: Any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or serious bodily injury or any other device or instrumentality which, in the manner in which it is used or intended to be used, is calculated or likely to produce death or serious bodily injury (PA Crimes Code Section 2301).

Explosive: Blasting powder nitroglycerine, dynamite, TNT and any other form of high explosive blasting material, any fuse other than an electric circuit breaker, any detonator and other detonating agent, a chemical compound or mechanical mixture containing oxidizing or combustible units, or other ingredients, in such proportions, quantities or packing that is ignited by fire, friction, concussion or other means of detonation of the compound or mixture or any part thereof which may result in the sudden generation and release of highly heated gases or gaseous pressures, and is capable of producing effects damaging or detrimental to or destructive of life, limb or property. An explosive does not include manufactured articles such as matches or cigarette lighters containing an explosive in such limited quantity that the collective and simultaneous detonation thereof is incapable of resulting in the sudden generation and release of highly heated gases or gaseous pressures capable of producing effects damaging or detrimental to or destructive of life, limb or property.

Firearm: Any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas.

Hand-held Scanner: A small battery-operated hand-held device that detects the presence of metal. These devices permit security personnel to scan entering personnel and hand-held items on a point basis rather than, or in addition to, using, the walk-through or package scanner. The hand-held scanner may also be employed in the event of a malfunction of other scanning equipment.

Lawful Purpose of a Weapon: Any purpose or use of a weapon or instrument that can be considered legal. For example: the possession of an ice pick in the County Facility. Although the owner has no reasonable purpose for an ice pick in the County Facility, this weapon has a lawful purpose per se, to break ice.

Loitering: Remaining idle in essentially one location, lingering aimlessly, walking about aimlessly or loafing, while having no purpose of being on the premises.

Package: Any item brought into the facility.

Package Scanner: A conveyor-driven x-ray system used to inspect contents of opaque items including but not limited to briefcases, purses, bags, envelopes, boxes and coats.

Serious Bodily Injury: Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any body member or organ (PA Crimes Code Section 2301).

Unlawful Purpose of a Weapon: A weapon that serves no lawful or legal purpose. A weapon expressly designed or constructed for the infliction of serious bodily harm. For example: a baseball bat with exposed nails or spikes on the end.

Walk-through Scanner: A device designed to detect metal objects located on one's body when walking through a metal detecting sensor.

Weapon: Any instrument or implement by its design or use capable of inflicting serious bodily injury or bodily injury to one's self or another. This definition includes items with or without a common lawful purpose (See Appendix 1 for examples).

SECTION IV. PURPOSE

To establish formal security policies governing the operation and implementation of security in and around the Greene County Facilities.

SECTION V. APPLICABILITY

These policies are applicable to all persons who enter upon any and all Greene County Facilities. Law Enforcement officials transporting evidence for use in judicial proceedings are exempted from these provisions, but must at all times identify themselves and sign in appropriate evidence with the on-duty County Security Personnel located at the operational entrance of the Courthouse.

SECTION VI. ENFORCEMENT AUTHORITY

Under the provisions of 16 Pa. C.S.A. Sections 2511 and 2512, Greene County Security Personnel have been granted the authority to enforce all County Ordinances.

SECTION VII. VIOLATION OF THIS ORDINANCE

Any violation of this ordinance or the Pennsylvania Crimes Code may result in criminal prosecution by the appropriate officers through the issuance of citations or the filing of criminal complaints with a magisterial district judge, confiscation of property, denial of entry, administrative action or verbal warnings.

SECTION VIII. PENALTIES

A person violating any of the provisions of this Ordinance and convicted of the same shall be liable to a fine of not less than \$25.00 nor more than \$500.00.

SECTION IX. REPEALER

Any Ordinance or part of an Ordinance in conflict with any of the provisions of this Ordinance is hereby repealed insofar as the same is inconsistent with this Ordinance.

SECTION X. APPROPRIATE REFERENCES

Pennsylvania Criminal Code sections 907, 908 and 6106.

SECTION XI. SEVERABILITY

The provisions of this Ordinance shall be severable. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION XII. OPERATING PROCEDURES

A. Specific Intent of this Ordinance:

The specific intent of this Ordinance is to implement a security program that provides the employees of Greene County, the court system, and the public with a safe and secure environment in which to conduct daily business. This program is intended to reduce or eliminate the possession of weapons and explosives, thus significantly reducing the risk of personal injury or death to the occupants of the Greene County Facilities. This Ordinance will enable County Security Personnel to effectively provide a safe and secure environment in which to conduct business.

B. Targeted Threat:

The targeted threat is defined as actions involving or the use of common types of offensive weapons and explosives that could be used to inflict serious bodily harm or bodily harm to oneself or another. Specific examples of weapons include but are not limited to: firearms, knives, straight razor blades, weighted pipes and martial arts weapons and an ice pick (See Appendix 1).

C. Access/Egress Areas of Current Specified County Facilities:

- 1. Courthouse:** The Courthouse will limit ingress and egress to the following locations:
 - a. Main Public Entrance:** The main public entrance for ingress and egress to the Courthouse is the entrance adjacent to Church Street. This entrance and exit is designed to handle the largest flow of pedestrian traffic;
 - b. Secondary Public Entrance:** The secondary entrance for ingress and egress to the Courthouse on an "as needed basis" is the Courthouse entrance adjacent to East High Street;
 - c. Public Egress Only:** Available for public and employee egress only is the Courthouse exterior door adjacent to South Washington Street;

- d. **Emergency Egress Only:** Available for public and employee emergency exit only is the Courthouse exterior door at the base of the east stairway.
- 2. **Fort Jackson Building:** The Fort Jackson Building will limit ingress and egress to the following locations:
 - a. **Main Public Entrance:** The main entrance for ingress and egress is the Fort Jackson entrance adjacent to South Washington Street. This entrance and exit is designed to handle the largest flow of pedestrian traffic:
 - b. **Physically Disabled Entrance:** The physically disabled public and employee entrance is the Fort Jackson entrance immediately north of the main entrance adjacent to South Washington Street;
 - c. **Public Egress Only:** The Greene County Commissioners shall designate these doors within the Fort Jackson Facility that are for egress only. All such doors shall be signed accordingly:
 - d. **Emergency Egress Only:** The Greene County Commissioners shall designate those doors within the Fort Jackson Facility that are for emergency exit only. All such doors shall be signed accordingly.
- 3. **Restricted Entrance:** No person shall knowingly enter the County Facilities by any door designated by posted sign as "Exit Only," nor knowingly open or allow to remain open any such door so as to allow any person to enter thereby unless permission is first obtained from County Security Personnel.
- 4. **Restricted Entrance/Exits:** No person shall knowingly enter or exit County Facilities by any door designated by posted sign as "Emergency Exit Only, nor knowingly open or allow to remain open any such door so as to allow any person to enter or exit thereby unless permission is first obtained from County Security Personnel.
- 5. **General:** All authorized entrances of the County Facilities will have warning signs prominently posted to warn all personnel entering the facilities of security procedures (Appendix 2). All other doors will have a crash-bar system to block entry, but permit emergency exit. The opening of these doors will activate an audible and remote alarm alerting the County Security Personnel. Suitable warning signs will be placed on all emergency exit doors (Appendix 3).
- 6. **Future County Facilities:** Any ingress and egress to future designated County Facilities shall be marked as set forth above and shall be automatically included as part of this Ordinance pertaining to County Facilities.

D. Security Equipment Locations and Hours of Operation:

- 1. **Main Entrances:** The main entrances of the Courthouse and Fort Jackson Facility will each have a walk-through scanner and a package scanner. County Security Personnel, unless otherwise directed by the Sheriff or his designate, will operate

and control ingress and egress at these security checkpoints, Monday through Friday from 7:30 a.m. to 4:30 p.m.

2. **Secondary Entrance:** The secondary entrance of the Courthouse will be equipped in the same manner as the main entrance, and will operate and control ingress and egress at this security checkpoint on an as needed basis and as directed by the Sheriff or his designate.

E. After Business Hours Access:

Security checkpoints at main and secondary entrances may be or continue to be in operation after normal business hours on an as needed basis and at the discretion of the Sheriff or his designate.

F. Security Equipment Sensitivity:

The Sheriff or his designate will determine the pre-set level of sensitivity for all the metal detecting scanners (walk-through and package scanners). Periodic threat assessments will be conducted by the Sheriff to justify increased or decreased sensitivity levels for all scanners. Sample criteria for adjustment of the scanners level of sensitivity could include but are not limited to:

1. Highly publicized or controversial court trials;
2. Specific threats of violence directed to the facility, or individuals or employees of the County or County Facilities;
3. Current national, regional or local events or occurrences;
4. Unacceptable inconvenience or delays to the visiting public or employees.

G. Weapon Confiscation Criteria:

Weapons will be confiscated from owners if the weapon is deemed to be obviously prohibited by law or capable of being used as an offensive weapon. Any weapon identified through the scanning process or voluntarily surrendered will be confiscated by Security to protect the owner and others from bodily harm. All gun weapons confiscated will be secured in a proper lock box by County Security and the owner will be given a receipt. All other weapons will be tagged for identification and a receipt given to the owner. This receipt will identify the item seized, date, time, officer, location and a brief explanation of the release procedures and criteria.

H. Return Policy for Weapons:

Prohibitive offensive weapons without a lawful purpose will not be returned to owners under any circumstances and may result in criminal prosecution (Appendix 1). Prohibitive offensive weapons will be destroyed on an as needed basis. Each weapon destroyed will be listed on a formal written report. The destroying of a weapon shall be witnessed by two County Sheriff's Deputies, one being a supervisor. Weapons having a lawful purpose may be returned to the owner upon exiting the County Facility based upon the discretion of the Security Officer. Suggested criteria considered for immediate return can be, but is not limited to:

1. Voluntary identification of the weapon prior to scanning;
2. The character, demeanor and apparent emotional state of the owner;
3. The type and purpose of the weapon.

If the weapon with a lawful purpose is temporarily held, not surrendered, by County Security upon exit, the owner can petition the release of the weapon by requesting in writing to the Greene County Sheriff. The purpose of temporarily holding the weapon is to provide immediate security in and around the premises of the County Facilities.

I. Firearm Possession:

All legally possessed firearms must be checked-in and secured by the County Security Personnel at the main or secondary public entrance of a County Facility where security screening is in operation. The firearm must be registered and placed in a locked container. Exceptions to this policy include:

1. On duty County Security Personnel;
2. On duty Sheriff and Sheriff Deputies;
3. Municipal or State Police Officers not in attendance in a Courtroom;
4. Greene County Detectives authorized by the District Attorney's office as its employees in the course of their duties.

J. Hand-Carried Items Inspection:

All hand-carried items such as handbags, purses, briefcases, packages, bags, lunch-pails, large envelopes or any container that could contain a weapon will be inspected by County Security Personnel prior to granting entry of the owner into County Facilities. The inspection will be performed through the use of the package scanner located in the main public entrances of the County Facilities, or at the secondary public entrance of the Courthouse when in operation and if necessary through a physical visual inspection of the item by County Security Personnel. Persons refusing to surrender their items to security for inspection will be refused entrance to the County Facility.

K. Loitering:

1. No person shall at any time loiter in County Facilities in a manner as to:
 - a. Create or cause to be created a danger or a breach of the peace;
 - b. Create or cause to be created any disturbance or annoyance to the discomfort and repose of any person;
 - c. Obstruct the free passage of any person;
 - d. Obstruct, molest, harass, intimidate, threaten or interfere with any person lawfully present in the County Facilities.

L. Disorderly Conduct:

1. No person shall in the County Facilities or upon the grounds appurtenant thereto:

- a. Assault, hinder, harass, intimidate, threaten or obstruct any person, agent or agency in the enforcement of this Ordinance or conducting official County business;
 - b. Disturb the peace;
 - c. Endanger the safety or health of any person by any conduct or act;
 - d. Throw, discharge or cause to be discharged any missiles or projectiles;
 - e. Engage in fighting or threatening, violent or tumultuous behavior;
 - f. Create a hazardous or physically offensive condition by any act which serves no legitimate purpose to the actor;
 - g. Appear manifestly under the influence of alcohol or a controlled substance, as defined in Title 35 P.S. Section 780, known as the Controlled Substance, Drug, Device and Cosmetic Act, to the degree that the individual may injure himself or herself or other persons or property, or annoy persons in his or her vicinity.
2. Whenever the presence of any person in the County Facilities is causing any of the conditions enumerated in subsections K and L, any County Security Personnel may order that person to leave the County Facility. Any such person who shall knowingly and deliberately fail or refuse to leave after being ordered to do so by any County Security Personnel shall be guilty of a violation of this section.

EFFECTIVE DATE:

This Ordinance shall become effective and be in full force and effect beginning _____, 2014.

ORDAINED AND ENACTED by the Board of Commissioners of the County of Greene, Pennsylvania, this _____ day of _____, 2014.

COUNTY OF GREENE BOARD OF COMMISSIONERS:

Charles J. Morris, Chairman

Archie Trader, Commissioner

Blair Zimmerman, Commissioner

ATTEST:

Jeffrey Marshall, Chief Clerk

APPENDIX 1

Sample Classification of Weapons:

Below listed are examples of different types of weapons that will be confiscated. Refer to definitions (Section III) for further explanation.

A. Weapons having a lawful purpose:

1. Firearms, either loaded or unloaded, operational or non-operational;
2. Knives (defined as any instrument with a blade capable of cutting);
3. Utility knives with a retractable razor blade;
4. Martial arts weapons;
5. Clubs, including crow-bars, pry-bars, hammers, nightsticks, hatchets, baseball bats or any instrument that may cause bodily injury;
6. Any type of mace or tear gas;
7. Any type of glass containers;
8. Ice pick;
9. Hoax weapon (an item that appears similar to any of the above listed items);
10. Any other item that is unnecessary for the normal conduct of county business that could reasonably be a threat.

B. Weapons that do not have a lawful purpose (prohibitive offensive weapons PA Crimes Code 908).

1. Explosive devices;
2. Blackjacks (law enforcement officers exempted);
3. Metal knuckles;
4. Two-edged knives (daggers);
5. Automatic mechanical opening knives (switch blades);
6. Weighted pipes;
7. Firearm silencer of any kind.

APPENDIX 2

Entrance Warning Sign

NOTICE

All persons entering this facility must pass through a metal detector.

All packages, briefcases, bags, boxes and purses will be opened, inspected or passed through an x-ray machine.

SECURITY OFFICERS are authorized to remove weapons, potential weapons or threatening offensive material without a lawful purpose in this facility and to prosecute to the full extent of the law.

Please identify weapons to the SECURITY OFFICERS prior to entering the metal detectors.

All personnel movement will be monitored by video surveillance cameras.

APPENDIX 3

Emergency Exit Door Warning Signs

NOTICE

Emergency Exit Only!

If this door is opened,
an alarm will sound and
County Security will
respond immediately.

Failure to heed may
result in prosecution.