

# Aims at occupancy limit Council seeks bar safety

By JOANNE KOLLAR  
Collegian Staff Writer

First there were months of discussion. Then an ordinance was passed. Then the ordinance was sent back to committee for more discussion. And that is where the issue of bar occupancy limits resides—in the Public Safety Committee of the State College Municipal Council awaiting further action.

These limits, which could mean waiting in line to get into bars and cover charges to compensate bar owners for reduced patronage, have been under consideration for over nine months by Council. According to Council member Allen D. Patterson, Council was acting in response to citizen concern for safety in the bars.

"We have been neglectful all these years in not en-

forcing occupancy limits," Patterson said.

Several council members have expressed fears that Council's failure to act on enforcement of occupancy limits and safety standards could mean a tragedy in local bars.

At its August 2 meeting, council, in a 6-0 vote, with Council member Dean R. Phillips abstaining, approved the enforcement of maximum restaurant and bar occupancy limits. The occupancy standards approved were those of the state Department of Labor and Industry which require three square feet per person at the bar and 15 square feet per person at tables.

This state standard is stricter than the federal code that allows an additional seven square feet per person at fixed seating areas. For

example, under the state standards, the Phyrst would be allowed 118 occupants and under federal standards, with fixed seating, 195. The Tavern under the state standards would be allowed 182 occupants while under the federal standards this figure rises to 385.

At a special hearing on August 16, the Council sent the occupancy limits back to its Public Safety Committee after several architects stated that the Council had misinterpreted the occupancy standards. Thomas B. Brown, assistant professor of architectural engineering at the University and chairman of the State College Municipal Building Authority, said the standards were intended for use in designing exits, not for limiting the number of persons allowed in an establishment.

Louis F. Geschwindner Jr., architectural engineer from the State College Building and Housing Codes Board, said that his committee based occupancy on the size of the exit, not on square footage. According to Geschwindner, his committee never agreed to specific occupancy limits because the committee disagreed on how to interpret the state and federal standards.

Architect John Haas, unofficially representing the State College Chamber of Commerce, said that more than the number of persons per square foot was involved. It is also important to consider, according to Haas, whether a construction is completely fireproofed and whether the building has a complete sprinkling system. Haas said it would be better to enforce existing safety regulations which are sufficient to meet the problem than to pass another ordinance.

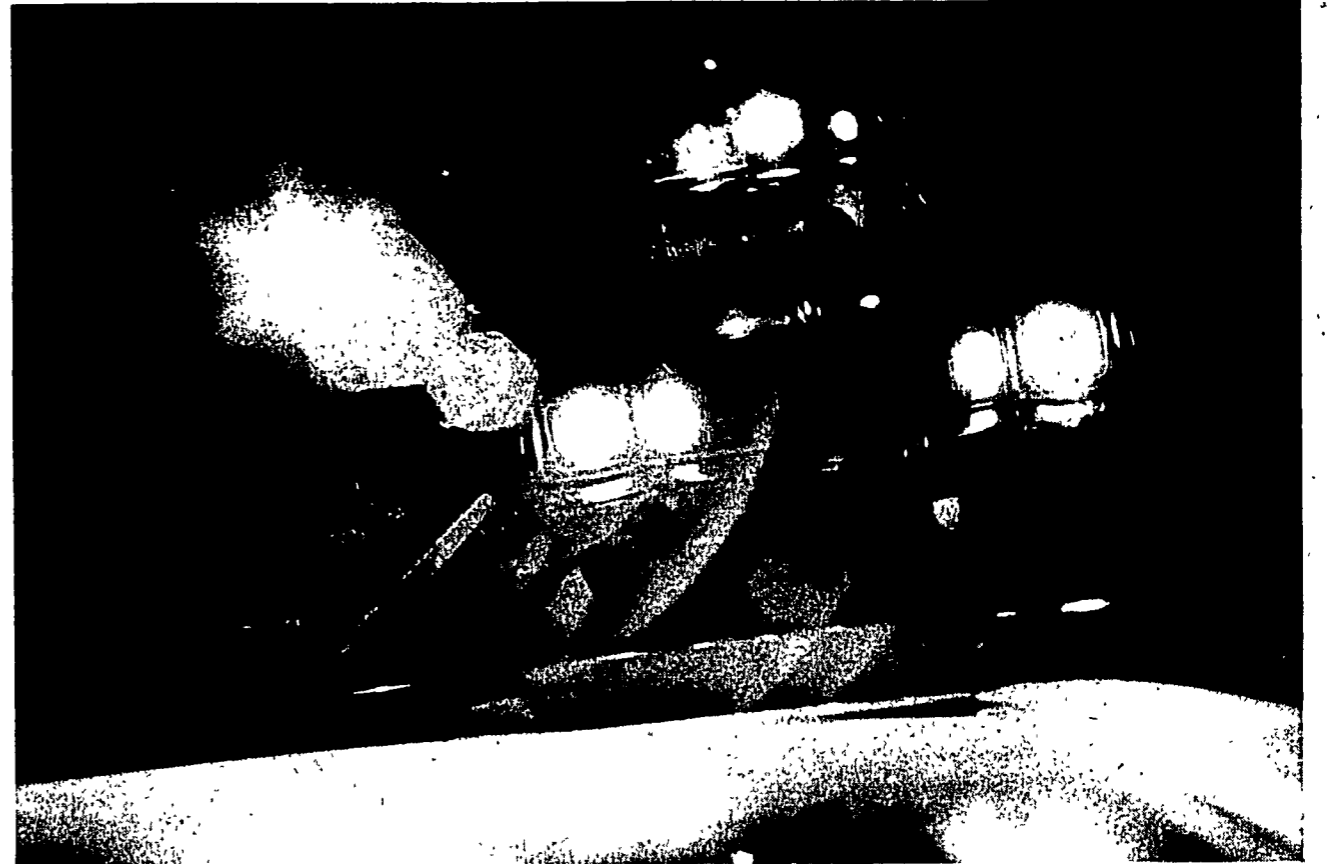
Council this summer also went on record opposing the designation of State College as a resort area based on Council solicitor Robert Kistler's report that the Council's concern would be "admissible testimony" in court. Council members expressed fears that such a designation would detract from the academic character of State College.

Council's opposition was entered into the court record on Aug. 26 by Kistler when Centre County Judge R. Paul Campbell received the transcript of the Pennsylvania Liquor Control Board's (PLCB) hearing denying the Penn State Faculty Club's appeal for a liquor license. The club's application had been turned down earlier in the summer by the PLCB because the municipality has not been designated as a resort area by the courts.

Campbell directed club attorney John Gilliland to file a brief by Sept. 20 explaining why the PLCB ruling should be reversed. The PLCB's response to that brief is to be filed by PLCB attorney Walter Crist by Oct. 11 when the appeal hearing will resume.

Council also amended two local codes. The building code was changed to require that new locks be installed on apartments when tenants change. Dead-bolt locks are now required on all new apartments.

The code of ordinances was changed to prohibit the tying or fastening of dogs on any public areas in the municipality if unattended by the owner. Such a dog will be considered running at large, according to the amendment, and can be held by the municipality until claimed by the owner after paying a fine.



SWAT A campus patrol car is viewed through the back window of a car at 5 a.m. Saturday. The glare in the upper left is a patrolman carrying a flashlight.

## Eros magazines now valuable

# Ginzburg gives skin to ACLU

NEW YORK (UPI) — Publisher Ralph Ginzburg's loss will be the American Civil Liberty's gain — and maybe Ginzburg's too.

In 1962, Ginzburg printed 125,000 copies of "Eros" which Ginzburg calls "an elegant, expensive, hardcover magazine on the subject of love and sex."

Federal authorities deemed the material criminally obscene.

After a 10-year legal fight that went to the Supreme twice, Ginzburg went to jail for eight months.

In 1976, Ginzburg still has 3,216 copies of Eros gathering dust in a Pennsylvania warehouse. He announced yesterday that the copies will be donated to the ACLU for fundraising purposes. Ginzburg put the value of his gift at \$300,000.

Though obscenity standards have undergone drastic changes in the last 14 years and Eros seems outdated by the fare now prominently displayed at most newsstands, Ginzburg, the ACLU and a New York rare book dealer, Arnold Levy, agree Eros has become a collector's item.

In the open market today, in mint condition, they fetch between \$85 and \$125 each," Levy wrote. The original price was \$10.

Because of his conviction, Ginzburg said yesterday, "I'm the only man in America who can't sell them" because "the burden of proof would be on me" to show Eros is not obscene. But if someone else — like the ACLU — sells Eros, Ginzburg said, "the burden of proof would be on the prosecutors."

"I couldn't bring myself to destroy them, and so I've donated them to the most likely recipient — the American Civil Liberties Union, which, of course, champions freedom of speech and press like no other organization extant."

In accepting the donation, Melvin L. Wulf, legal director of the ACLU, wrote Ginzburg, "You are quite right in describing them as collector's items of substantial historic interest, and we appreciate the opportunity to use these copies to raise money for the ACLU..."

Ginzburg, who now publishes "Moneysworth" magazine, was asked if the gift may also be a healthy \$300,000 tax write-off for him.

"It may or may not be. I haven't checked with my accountant," he answered.

But Ginzburg added the purpose of the gift "most assuredly is not any kind of tax write-off gimmick."

## Some fees dropped

The extra fees students pay for materials in certain courses have been eliminated by the University, according to University Controller Steve Garben.

Garben said the elimination is the result of a two-year study of the fee system by the Council of Academic Deans, the Controller's office, and the University Provost.

Some fees, such as those charged by the College of Engineering for course materials, will be eliminated only in name, Garben said, because students will still have to buy the materials. The campus bookstore will take over selling course material, he said.

Some fees, which Garben described as "not fair to

students," will also be eliminated. For instance, fees paid for use of chemicals during chemistry labs will be charged to the chemistry department, he said.

Fees charged for the use of physical education facilities such as the ice rink or golf course will continue, Garben said.

The new policy on fees will go into effect this term.

The decision to eliminate some fees came about because of its desirability from a cash control standpoint, Garben said. The money used to pay for class materials will come out of departmental and college budgets in the future, he added.

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## Pageant welcomes minorities

ATLANTIC CITY, N.J. (AP) — There are two black women in the Miss America Pageant this year, and officials say they'd welcome another minority contestant — representing Puerto Ricans.

"I'm offering it if I can find the right organization to run it in Puerto Rico," said Albert A. Marks Jr., chief executive of the Miss America Pageant here.

"There's a lot of reasons for having Puerto Rico," he said. "It's the only commonwealth we have and hey, look, the Hispanics are an important part of America."

Later, Puerto Rico, Canada, New York City and Washington, D.C., were dropped to streamline the pageant or as local sponsors pulled out.

This year, the 50 contestants represent the 50 states. Most state pageants are sponsored by independent pageant organizations and civic groups like the Jaycees under guidelines set by the national organization.

When the pageant first began here in 1921 as a business gimmick to extend the summer season to the weekend after Labor Day, contestants represented their home states or cities.

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