

Introduced by:	Mayor, Johnson
Date:	03/19/24
Hearing:	04/16/24
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2024-07**

**AN ORDINANCE AMENDING KPB CODE RELATING TO CIVIL TRESPASS AND
ISSUING A TRESPASS ORDER**

WHEREAS, a new section of code regarding civil trespass code is enacted pursuant to the Kenai Peninsula Borough’s (“KPB”) general powers to protect health, safety, and general welfare of KPB employees and members of the public using KPB services or facilities; and

WHEREAS, behavior or a course of conduct that reasonably places others in fear for their safety or security will not be tolerated; and

WHEREAS, such conduct is detrimental to workplace morale and employee turnover, and has a negative operational and financial impact; and

WHEREAS, behavior or a course of conduct that aims to inexcusably interfere with the orderly conduct of KPB business is similarly problematic and will not be tolerated due to the disruption of services and operational losses such conduct causes;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the KPB Code of Ordinances is hereby amended by adding a new section to be numbered KPB 1.08.165, which shall read as follows:

KPB 1.08.165. Civil trespass—Trespass order.

- A. A person is prohibited from knowingly entering or remaining in, on, or across any real property, building or other facility or structure owned or controlled by the borough, after having been ordered by the mayor or employee or official having control over the facility not to enter or remain on such property, either by posting on the premises or upon receipt of a written or oral order.

- B. A written trespass order, not to exceed twenty-four months, may be issued by the mayor, or designee, based upon a reasonable belief that one or more of the following has occurred: a violation of this section; a violation of KPB 3.04.225 – Borough and School District employees protected against certain conduct; interference with orderly conduct of KPB services; a threat of violence; an act of violence; or, a reasonable belief that a crime has been committed against a borough employee or official as it relates to their capacity as a borough employee or official, or against a member of the public while within borough facilities.
- C. A trespass order to not enter or remain on borough property may be limited to certain times or certain facilities and issued upon a written finding by the mayor, or designee, that the order is necessary for the efficient conduct of borough business, for the protection or preservation of the public peace, health, safety, and well-being of borough employees and the public, or to avoid personal injury or property damage.
- D. An order of civil trespass under this section may be issued for a period not to exceed twenty-four months and must provide alternative options for the individual who is trespassed to engage with borough services.
- E. For purposes of this section a "threat of violence" means a statement, single act or course of conduct that a person reasonably perceives or understands to be a threat of physical injury or death. For purposes of this section, "interference with orderly conduct of KPB services" occurs when a person, with reckless disregard for the effect of that person's actions, acts or pursues a course of conduct that causes a significant interruption or impairment of the provision and delivery of services by borough personnel.

SECTION 2. That this ordinance shall be effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF APRIL, 2024.

Brent Johnson

Brent Johnson, Assembly President

ATTEST:

Michele Turner

Michele Turner, CMC, Borough Clerk



Yes: Cooper, Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson

No: None

Absent: None