

Introduced by:	Mayor, Bjorkman, Blakeley, Carpenter
Date:	06/02/20
Hearing:	06/16/20
Action:	Ordinance 2020-29 was not Addressed Prior to the Legislative Deadline
Date:	06/16/20
Action:	Introduced and Set for Public Hearing on 07/07/20
Vote:	7 Yes, 2 No, 0 Absent
Hearing:	07/07/20
Action:	Enacted as Amended
Vote:	6 Yes, 3 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2020-29**

**AN ORDINANCE OPPOSING PASSAGE OF LEGISLATION THAT WOULD  
RESTRICT INDIVIDUAL RIGHTS PROTECTED BY THE SECOND AMENDMENT  
OF THE UNITED STATES CONSTITUTION AND DECLARING THE BOROUGH A  
SECOND AMENDMENT SANCTUARY**

**WHEREAS,** the Second Amendment to the Constitution of the United States of America states: "A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed"; and

**WHEREAS,** Article 1, Section 19 of the Constitution of the State of Alaska states: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The individual's right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State"; and

**WHEREAS,** in addition to state constitutional protections, the right of the people to keep and bear arms is further protected from infringement by state and local governments under the Ninth, Tenth, and Fourteenth Amendments to the Constitution of the United States of America; and

**WHEREAS,** the United States Supreme Court in *McDonald v. City of Chicago* affirmed that the Second Amendment to the U.S. Constitution applies to the states through the Due Process Clause of the Fourteenth Amendment of U.S. Constitution; and

**WHEREAS,** the residents of the Kenai Peninsula Borough derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within the borough using all types of firearms allowable under the U.S. and Alaska Constitutions; and

**WHEREAS,** all citizens are encouraged to engage in firearm safety training to responsibly enjoy their second amendment rights; and

**WHEREAS,** the Alaska State Legislature passed HB 69 in 2013, signed into law by the Governor on September 10, 2013, an act prohibiting state and municipal agencies from using assets to implement or aid in the implementation federal laws or regulations that are applied to infringe on a person's right to bear arms; and

**WHEREAS,** AS 44.99.040 prohibits the use of local funds to implement or aide in the implementation of a federal law that infringe on a person's right to keep and bear arms or deny a person's due process rights; and

**WHEREAS,** while recognizing that pursuant to AS 29.35.145 the borough has no authority to regulate the possession, ownership, sale, transfer, use, carrying, transportation, licensing, taxation or registration of firearms, except as specifically provided by statute, the assembly wishes to express its opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the U.S. Constitution and under the Alaska Constitution of the citizens of Kenai Peninsula Borough to keep and bear arms; and

**WHEREAS,** the assembly wishes to express its deep commitment to the rights of citizens of the Kenai Peninsula Borough to keep and bear arms while acknowledging that the Kenai Peninsula Borough has no criminal law enforcement powers; and

**WHEREAS,** the assembly wishes to express its intent to stand as a sanctuary for Second Amendment rights in the area of the borough outside of the cities, and to oppose, within the scope of the borough's restricted legal authority, and the limits of the Constitutions of the United States and the State of Alaska, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens to keep and bear arms;

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

**SECTION 1.** That this is an uncodified ordinance.

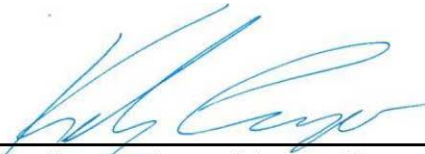
**SECTION 2.** That the assembly opposes the enactment of any legislation that would infringe upon the right of its law-abiding citizens to keep and bear arms.

**SECTION 3.** That the assembly hereby expresses its intent to uphold the Second Amendment rights of the law-abiding citizens of the Kenai Peninsula Borough and that the borough's public funds, resources, employees, buildings or offices not be used to unlawfully restrict Second Amendment rights or to aid or assist in the enforcement of the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of the Kenai Peninsula Borough to keep and bear arms.

**SECTION 4.** That the assembly hereby declares the Kenai Peninsula Borough a “Second Amendment Sanctuary” in the manner and to the extent described in this ordinance.

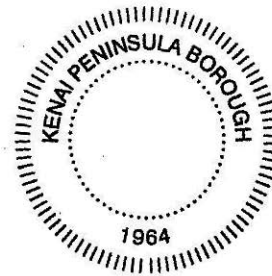
**SECTION 5.** That this ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF JULY, 2020.**

  
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Kelly Cooper, Assembly President

ATTEST:

  
\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk



06/16/20 Vote on motion to Introduce and Set for Public Hearing

Yes: Bjorkman, Blakeley, Carpenter, Cox, Hibbert, Johnson, Cooper

No: Dunne, Smalley

Absent: None

07/07/20 vote on motion to enact as amended:

Yes: Bjorkman, Blakeley, Carpenter, Cox, Hibbert, Cooper

No: Dunne, Johnson, Smalley

Absent: None