

CITY OF MADISON, WISCONSIN

AN ORDINANCE

PRESENTED
REFERRED

September 20, 2011
PSRC (10/4/11); 10/18/11
CC Meeting for Adoption

Creating Section 23.59 and amending Section 1.08(3)(a) of the Madison General Ordinances to create several unlawful trespass violations when an individual is carrying a weapon and enters onto a property of another after having been notified that the carrying of weapons are not permitted on that property and to create a bail deposit for violation thereof.

Drafted by: Marci Paulsen

Date: September 13, 2011

SPONSOR: Alds. Phair & Skidmore and
Mayor Soglin

DRAFTER'S ANALYSIS: This ordinance creates several unlawful trespass violations when an individual is carrying a weapon and enters onto a property of another after having been notified that the carrying of weapons are not permitted on that property and establishes a bail deposit for this violation.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 23.59 entitled "Unlawful Trespass While Carrying a Weapon" of the Madison General Ordinances is created to read as follows:

"23.59 UNLAWFUL TRESPASS WHILE CARRYING A WEAPON.

- (1) Definitions. In this section:
 - (a) "Carry" means to go armed with.
 - (b) "Nonresidential building" means a building not used for residential purposes and includes a nursing home as defined in Wis. Stat. § 50.01(3), a community-based residential facility as defined in Wis. Stat. § 50.01(1g), a residential care apartment complex as defined in Wis. Stat. § 50.01(1d), an adult family home as defined in Wis. Stat. § 50.01(1), and a hospice as defined in Wis. Stat. § 50.90(1).
 - (c) "Residence" is a residential building that is not a single family residence and does not include any common area of the building in which the residence is located or any common area of the rest of the parcel of land upon which the residence building is located.
 - (d) "Single-family residence" means the residence building and the parcel of land upon which the residence building is located.
 - (f) "Special event" means an event that is open to the public, is for a duration of not more than three (3) weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission.

Approved as to form:

- (g) "Weapon" means a handgun as defined in Wis. Stat. § 175.60(1)(bm), an electric weapon, as defined in Wis. Stat. § 941.195(1c)(a), a knife other than a switchblade knife under Wis. Stat. § 941.24, or a billy club.
- (2) Single-Family Residence and Residence. It shall be unlawful while carrying a weapon to enter or remain at a single-family residence or a residence that the actor does not own or occupy after the owner or occupant of the single-family residence or residence has notified the actor not to enter or remain at the residence while carrying a weapon or with that type of weapon.
- (3) Common Area of Building. It shall be unlawful while carrying a weapon to enter or remain in a common area in a building if the owner has notified the actor not to enter or remain in the common area while carrying a weapon or with that type of weapon.
- (4) Residence Grounds. It shall be unlawful while carrying a weapon to enter or remain on the grounds of a residence if the actor does not own the residence or does not occupy any part of the residence, if the owner or occupant has notified the actor not to enter or remain on the grounds while carrying a weapon or with that type of weapon.
- (5) Nonresidential Building. It shall be unlawful while carrying a weapon to enter or remain in any part of a nonresidential building, including the grounds of the nonresidential building that the actor does not own or occupy if the owner or occupant has notified the actor not to enter or remain in the building or grounds while carrying a weapon or with that type of weapon.
- (6) Land. It shall be unlawful while carrying a weapon to enter or remain on any land that the actor does not own or occupy after the owner or occupant has notified the actor not to enter or remain on the land while carrying a weapon or with that type of weapon.
- (7) Special Event. It shall be unlawful while carrying a weapon to enter or remain at a special event if the organizers of the special event have notified the actor not to enter or remain at the special event while carrying a weapon or with that type of weapon.
- (8) Government Building. It shall be unlawful while carrying a weapon to enter or remain in any part of a building that is owned, occupied or controlled by the state or any local governmental unit, if the state or local governmental unit has notified the actor not to enter or remain in the building while carrying a weapon or with that type of weapon.
- (9) College Campus. It shall be unlawful while carrying a weapon to enter or remain on any privately or publicly owned building on the grounds of a university or college, if the university or college has notified the actor not to enter or remain in the building while carrying a weapon or with that type of weapon.
- (10) Notice Required.
- (a) A person has received notice under Subsections (3) and (4) if the owner or occupant has posted a sign that is located in a prominent place near all of the entrances to the part of the building to which the restriction applies or near all probable access points to the grounds to which the restriction applies and any individual entering the building or grounds can be reasonably expected to see the sign.
- (b) A person has received notice under Subsections (5), (8) and (9) if the owner or occupant of the building has posted a sign that is located in a prominent place near all of the entrances to the part of the building to which the restriction applies and any individual entering the building can be reasonably expected to see the sign.
- (c) A person has received notice under Subsection (6) if the person has been notified personally, either orally or in writing or if the land is posted. The land is considered posted if there is a sign at least eleven (11) inches square placed in two (2) conspicuous places for every forty (40) acres of land to be protected. The sign must provide an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving notice is not the holder of legal title but is a lawful occupant of the land.
- (d) A person has received notice under Subsection (7) if the organizers of the special event have posted a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see the sign.
- (e) A sign under Subdivision (a), (b), and (d) must:

1. Be a sign that notifies an individual not to enter or remain in a part of the building or the grounds of a building or the special event while carrying a weapon or that particular type of weapon; and
 2. Be at least five (5) inches by seven (7) inches.
- (11) Exception.
- (a) Subsections (3), (4), (5), (6), (7), (8) and (9) do not apply if the weapon is in a vehicle driven or parked on the grounds, land, or parking facility.
 - (b) Subsections (8) and (9) do not apply to a person who leases residential or business premises in the building.
- (12) Penalty.
- Any person who violates this ordinance shall be subject to a penalty of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1000)."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating therein the following:

<u>"Offense</u>	<u>Ord. No./ Adopted Statute No.</u>	<u>Deposit</u>
Unlawful Trespass while carrying a weapon	23.59	\$500, 1 st \$750, 2 nd & sub"