

# CITY OF MADISON, WISCONSIN

AN ORDINANCE \_\_\_\_\_

PRESENTED May 5, 2015  
REFERRED PSRC

Creating Section 23.07(11), renumbering Sections 23.07(11) and (12) to (12) and (13), amending Section 23.07(13) and amending Section 1.08(3)(a) of the Madison General Ordinances to prohibit the entering of a vehicle without the owner's consent and to create a bail deposit for violation thereof.

Drafted by: Kate Smith

Date: April 22, 2015

SPONSOR: Alder Zellers

DRAFTER'S ANALYSIS: This ordinance includes a prohibition against entering a vehicle without the consent of the owner or operator. This ordinance addresses the problem of individuals entering an unlocked vehicle but not stealing any of the vehicle's contents. This ordinance also amends Sec. 1.08 to include a bail schedule for this offense.

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

1. Subsection (11) of Section 23.07 entitled "Unlawful Trespass" of the Madison General Ordinances is created to read as follows:

"(11) It shall be unlawful for any person to enter or attempt to enter any part of any automobile, aircraft, watercraft, snowmobile or other vehicle, including trailers and camping trailers, without the consent of the owner, operator or person having legal authority over the vehicle."

2. Current Subsections (11) and (12) of Section 23.07 entitled "Unlawful Trespass" of the Madison General Ordinances are hereby renumbered to Subsections (12) and (13), respectively.

3. Newly renumbered Subsection (13) of Section 23.07 entitled "Unlawful Trespass" of the Madison General Ordinances is amended to read as follows:

"(12) Any person violating any of the provisions of Subsections (1), ~~(2)~~ or (11) of this section shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500); any person violating any provision of Subsection (3), (9) or (10) of this section shall be subject to a forfeiture of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000); any person violating any provision of Subsection (4) or (8) of this section shall be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200); and any person violating any of the provisions of Subsections (5) or (6) or (7) of this section shall be subject to a forfeiture of not more than three hundred dollars (\$300)."

4. 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 and amending therein the following:

**Approved as to form:**

| <u>"Offense</u>      | <u>Ord. No./Adopted Statute No.</u> | <u>Deposit</u> |
|----------------------|-------------------------------------|----------------|
| Trespass to vehicle. | 23.07(11)                           | \$300"         |

EDITOR'S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.