

From: susan231ashley@gmail.com
To: [Mayor](#); [All Alders](#)
Subject: Common Council
Date: Saturday, September 9, 2023 11:57:01 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

It is my understanding that the Common Council is considering getting rid of certain restrictions such as sleeping on private property and similar other behaviors without the owner's permission, and restrictions on panhandling in certain locations when it is deemed a risk to public safety.

I WISH TO REGISTER MY OPPOSITION TO THESE CHANGES AS I BELIEVE CURRENT REGULATIONS PROVIDE A PROTECTION TO THE GENERAL PUBLIC THAT SHOULD NOT BE TAKEN AWAY.

Susan D. Ashley

6001 Ragan Street
Madison, WI 53718-8500

NEW EMAIL: susan231ashley@gmail.com

Before you speak, let your words pass through three gates: "Is it true?" "Is it necessary?" "Is it kind?"

From: [Melissa Boyd](#)
To: [Mayor](#); [All Alders](#)
Subject: Section 6 - Oppose Repealing the Ordinance
Date: Wednesday, September 27, 2023 11:25:53 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

It's my understanding that at the upcoming October 3 meeting, it's supposed to be brought up for a vote about Section 6 - the unlawful trespassing ordinance. Please, please, do not repeal Section 6 of the ordinance. It is not redundant, and in today's world, our police officers, business and homeowners need all the help we can get to prevent squatters from moving into our yards, porches, etc.

This ordinance states that the person(s) must obtain permission first. Herein lies the difference from any other ordinances. And this also gives some protection to the property owner, and enables the police to be called for intervention in the situation.

Posting a no trespassing sign on every home, yard, business, etc., is not realistic and would be very unsightly to say the least. I'm sure you wouldn't want people squatting on your front porch, and relieving themselves where your children have to walk.

I have lived in this city since 1968 and I've seen many changes. Sadly, most of the changes in the past 20+ years have not been good ones. The influx of homeless people saddens me, and I worked with the homeless many years ago. And, as a single parent I had to live in low income housing. Currently, my husband and I have "subsidized" housing on both sides of us (Milwaukee Street). This is not how I thought I would be living in my "golden years". It only takes a handful of bad apples to spoil it for the others.

Back to my original reason for writing. PLEASE do NOT vote to repeal Section 6 - the unlawful trespassing ordinance.

Thank you,
Melissa & Scott Boyd
6618 Carlton Drive
Madison, WI 53718

Matthias, Isaac L

From: lynn.brother77@gmail.com
Sent: Wednesday, September 27, 2023 9:23 AM
To: All Alders; Mayor
Subject: Do not repeal the trespassing ordinance

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Dear Mayor and Alders,

I am writing in opposition to repealing section 6(a) and (b). Some are trying to say that this section is redundant, but that is not the case. Section 6(a) and (b) offer protections for both property owner and those who might sleep on public or private property. The requirement for prior permission before sleeping on someone else's property is a safeguard against a number of potential scenarios, among them conflicts, acts of vigilantism, and dog attacks if someone is sleeping on property without the owner's knowledge or consent.

We also know that sleeping outdoors is not safe or lawful. In an interview for the article linked below, Community Development Director Jim O'Keefe, said, "With or without this provision, it is not safe, or lawful, to camp or live outdoors on public or (without the owner's consent) private property. In recent years, the City has invested millions of dollars to expand, improve and maintain Madison's shelter facilities and create the City's first legal campground at Dairy Drive. Further, the City supports, financially and otherwise, the efforts of community partners, like Catalyst for Change and Madison Street Medicine, to encourage people to take advantage of those facilities, or otherwise connect them to other resources that help meet basic short-term needs (food, transportation, etc.) and, ultimately, secure stable housing."

Please vote to recommend that Common Council keep section 6 as part of the Unlawful Trespass ordinance for the safety of all.

Chief Barnes has communicated that this repeal would invite instant conflict and stand your ground scenarios.

Lieutenant Harris said at the City-County Homeless Issues Committee meeting that **MPD is opposed to the repeal of section 6** and as a resident of the City of Madison personally opposes it.

Harris pointed out that it could limit police officer response as currently they need to show they have permission, but with the change **permission is implied until notification is made. As a private property owner, only you can officially give that notification.**

Do not remove the requirement for prior permission before trespassing on private property. Do not force every homeowner in the City of Madison to post "No Trespassing" signs in their yard. Won't that be lovely!

Please, I implore of all of you, as a single, older woman, do not take away the safety and security of my and everyone's private property.

Thank you for your consideration,

Lynn Brother

Matthias, Isaac L

From: lburchill@tds.net
Sent: Sunday, October 1, 2023 3:00 PM
To: All Alders
Subject: [All Alders] Prior permission for sleeping on private property

Recipient: All Alders

Name: Lora Burchill
Address: 2 Gray Fox Cir, Madison, WI 53717
Phone: 312-919-9952
Email: lburchill@tds.net

Would you like us to contact you? Yes, by email

Message:

I am firmly opposed to a repeal of the section prohibiting sleeping on private property without explicit permission.

I am a woman and property owner on the far west side and would be frightened to approach most individuals sleeping on my property. My subdivision covenants prevent posting signage so I would have no way to express my desires.

More importantly, I have children at the UW. My children were traumatized by the student attack this fall and their sense of security and their fear of stranger encounters in unusual circumstances is heightened. Approaching strangers to ingress or egress their dorms, apartments, classrooms and jobs, would not only be uncomfortable, it would be anxiety inducing. The law requires “owner” approval as renter they could not explicitly post prohibiting use of their outside spaces.

This bill doesn’t just allow the unhoused to take shelter, it allows a predator more opportunity to harbor in opportunistic private locations. We deserve to be able to let our guard down while at home, work and school. We also deserve to come and go from our private spaces without forced encounters with strangers.

I’m sympathetic to Madison’s unhomed population, but this proposal solves nothing as there are many public spaces that could provide similar shelter. However, it increases public risk and decreases the general sense of security within our community.

Lora Burchill

From: [Bobbi Christensen](#)
To: [All Alders](#)
Subject: Vote no to this ridiculous glorified craft fair. You are spending my money not yours and this has been a joke from day one. If this was wanted and needed someone in the private sector would do it.
Date: Friday, September 29, 2023 6:31:30 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Sent from my iPhone

Matthias, Isaac L

From: R CoCle <rebeccacole7@gmail.com>
Sent: Sunday, October 1, 2023 10:04 PM
To: All Alders
Subject: Oppose 79504

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders

I am opposed to removing the language in SubSection 6 of Section 23.07. I believe this will most likely lead to increased interaction of unhoused individuals and police officers. I also believe this may foment ill will between property owners and the unhoused. Please leave the ordinance as is where the camper/overnight individual must ask permission to stay on property.

Further, please consider the points below.

- breaking a municipal ordinance is not a criminal act, nor does it have a criminal consequence. Worst-case scenario, it's a citation with a fine. Worst-case scenario of non-payment of said fine is it may go to collections.
- Nothing about the language of Section 6 makes this only apply to homeless people. It applies to anyone and everyone.
- MPD officers have only cited 4 people under section 6 in the past 5 years, and none of them were homeless. Yet this section does give officers a tool to move folks along, as without permission they were violating an ordinance. The goal was to move the person along, not to write a ticket.

Sincerely,
Rebecca A. Cole
2824 Gregory St
Madison WI

Matthias, Isaac L

From: Ed Dunphy <labbratz@hotmail.com>
Sent: Sunday, October 1, 2023 12:44 PM
To: All Alders
Subject: Do not repeal section 6

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am a Madison resident & homeowner and I am opposed to repealing section 6.

Don't push us Moderates to the right with anti-homeowner moves like this. Find other humane options for dealing with the homeless problems in our city.

Edward Dunphy
1129 Velvet Leaf Drive
Madison, WI 53719
608-852-6925

Matthias, Isaac L

From: W John Haynes <w.john.haynes@gmail.com>
Sent: Friday, September 29, 2023 5:31 PM
To: Mayor; All Alders
Cc: Lynn Haynes
Subject: Do not Repeal MGO section 23.07 (6)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I do not supporting the repealing of the ordinances:

(6) (a)

No person shall sleep, lie down or take temporary habitation on the property of another without the permission of a person lawfully upon the premises.

(b)

No person shall possess or use items commonly associated with sleeping or habitation, including but not exclusively, beds, mattresses, sleeping bags, bedrolls, blankets, pillows, sheets, quilts and comforters on the property of another without the permission of a person lawfully upon the premises. (Cr. by Ord. 10,924, 6-17-94)

It is inappropriate for the city to repeal this Section as it essentially provides single family dwellings within the city of an implicit right of privacy. Requiring me at my residence to provide direct notification to any person on my property, sleeping or not, will lead to unnecessary ambiguity as to my right to privacy and will likely lead to a higher incidence of inappropriate interactions as well as increase incidences of conflict.

Do not repeal this ordinance.

Sincerely and Respectfully,
W. John Haynes

Matthias, Isaac L

From: Tish Johnson <tish.johnson920@gmail.com>
Sent: Saturday, September 30, 2023 1:52 PM
To: All Alders
Subject: Please Do Not Remove Section 6 of the Unlawful Trespass Code

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello Madison Alders,

I wanted to write to you to share my concerns and ask you to please consider them when you vote on the motion that appears to be prepared to remove Section 6 from the unlawful trespass code we currently have in place. It has been stated that this section that addresses trespass while sleeping is redundant and it unfairly targets our homeless citizens.

To the contrary, I believe Section 6 addresses a unique situation and it brings clarity that enhances safety for all parties that are/could be involved - property/business owners, the trespassing parties and any third parties (police, passerby, friend/family/employee, etc.) Repealing this section only serves to put our citizens (including our homeless community members) in harms way when required confrontations occur between business/property owners and homeless or impaired individuals sleeping on their property.

Please do not repeal Section 6.

Thank you for taking time to read this and for your consideration of my position.

Patricia (Tish) Johnson
5505 Tolman Terrace

From: [Mary Kelly](#)
To: [All Alders](#)
Subject: Restriction
Date: Monday, September 11, 2023 11:25:35 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please keep in place the restrictions to PRIVATE PROPERTY!

I suffer from PTSD, if someone was on my property, you can guess 911 would have to be called due to my fear of invaders!

It would not be pretty!

Vote smart!

Vote for the people who need these protections!

Sent from my iPhone

From: [Jo-Ameritech](#)
To: [All Alders](#)
Subject: Repeal of Section 6
Date: Thursday, September 28, 2023 12:59:38 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am totally against the repeal of Section 6. I would not like to encounter a total stranger sleeping on my front porch. I'd instantly call the police, and the police have enough to do. They don't need to be spending their precious time evicting people from private property. This just sounds like a fight waiting to happen.

JoAnn Levy
5117 Black Oak Dr
53711

Matthias, Isaac L

From: Patricia Filas-Mortensen <pamortensen@uwalumni.com>
Sent: Saturday, September 30, 2023 11:46 PM
To: All Alders
Subject: Sleeping on private property without consent

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please, please do not get rid of this ordinance, there are so many possible problems. Do we want a city full of No Trespassing signs? Do we want possible Stand Your Ground issues? Do we want our young children waking up to strangers sleeping on the porch? Do you want to be responsible if someone climbs over a fence into the yard of an aggressive dog, falls asleep and the owner lets the dog out without checking if someone is sleeping in the yard? So what if it's "redundant"? That doesn't hurt anything and the potential problems far outweigh a little redundancy. This ordinance is not causing any problems but the result; people sleeping in private yards without the knowledge or permission of the owner, could be a problem. My understanding is that people can't sleep in city parks overnight without permission, why are you even considering letting them sleep on private property without permission?

--

Patricia Mortensen
209 Green Lake Pass
Madison WI 53705-4756
608-335-2440 (cell)

Matthias, Isaac L

From: lisapeterson417@gmail.com
Sent: Tuesday, September 19, 2023 6:20 PM
To: All Alders
Subject: [All Alders] Homeless on private property

Recipient: All Alders

Name: Lisa Peterson
Address: 1301, Bultman Road, Madison, WI 53704
Email: lisapeterson417@gmail.com

Would you like us to contact you? Yes, by email

Message:

Someone tell me about why homeless people would now be allowed on private property with no recourse. Why would anyone think this is a good idea? They are getting a new homeless shelter built with are property taxes I do not think they should be allowed to hang out or camp on private property.

Matthias, Isaac L

From: Bonnie Roe <bonnie.roe@gmail.com>
Sent: Sunday, October 1, 2023 11:33 AM
To: Mayor; All Alders; Tishler, Bill; Figueroa Cole, Yannette; Currie, Jael; Bennett, Juliana; Rummel, Marsha
Cc: Barnes, Shon F
Subject: Section 6 of Unlawful Trespass
Attachments: Screenshot_20230921_173425_Adobe Acrobat.jpg; Screenshot_20230929_113239_Chrome.jpg

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Mayor and Alders,

I am writing in opposition to the repeal of Section 6 of the Unlawful Trespass code. **Alder Figueroa-Cole's substitute version, which allows a homeowner or occupant to authorize another to act as notifier on their behalf does not go far enough.**

For one thing, this would create a disaster for call center dispatch workers, who are already too busy, to have to look into whether or not a homeowner or occupant has authorized an officer to act on their behalf before dispatching a police officer (who is likely already tied up with other things).

If this repeal passes, **I recommend that homeowners, occupants and property owners appoint their Alder as their authorized appointee.** Notice can then be made by you. Just keep your phone and file handy, especially at night, so you will know who has authorized you and who hasn't, and you will likely be able to arrive in your own district faster than our busy police officers. And anyway, isn't the whole thing to "decriminalize homelessness" and avoid increased interaction with police?

I put "decriminalize homelessness" in quotes because **Section 6 does not criminalize homelessness.** Despite the obvious misinformation that lead sponsor Alder Figueroa-Cole did not clear up (see highlighted area of my attached screenshot) even after she was publicly educated about the truth at the September 18 City-County Homeless Issues Committee meeting, MPD officers have cited 4 people under Section 6 in the past 5 years, and none of them were homeless. Please watch the recording of that meeting linked below, where 16 residents registered opposed to this repeal, with just 1 in support. Four letters were received (which I hope you will read by clicking the link on Legistar) and all were in opposition to this repeal.

The Police Chief and MPD as a whole opposes this repeal as it will limit officer response and invite instant conflict and "stand your ground" scenarios.

The sponsor's stated rationales for repealing this ordinance are that 1) it is redundant (it is not, because **Section 6 alone requires prior permission, while Section 2 requires notice** that you want someone off your property (this does not change with the substitute version); and 2) it "criminalizes homelessness."

For the few of you who may not know this, violating a city ordinance is not a criminal act and it does not have criminal consequences. It is a fine. When you watch the CCHIC meeting linked below, you will see how lenient the rules are on paying the fine and how nonexistent the consequences (it may be sent to collections, but goes no further). **No one goes to jail for unpaid city fines. No one receives a criminal record for it either.**

Lastly, but most importantly, please think through the **dangers** of allowing people to presume permission to sleep on private property without the prior permission and consent of the one who owns it. It is extremely risky and could put the city in **legal jeopardy** if this common-sense ordinance is repealed. **If it is repealed, sleeping on someone else's property without their prior permission is not considered trespassing unless and until notification is made and the person refuses to leave.**

In case you haven't read the posts on social media, there are people saying what they would do if they found someone sleeping in their yard or on their property without permission, with references made to the **Castle Doctrine**. With relative shrinking police resources in our growing city, there is already too frequent talk of residents taking matters into their own hands in a growing spirit of vigilantism. Many homeowners own guns and might not hesitate to protect their property if they thought someone posed a threat. Others have said they would sic their protective dogs on people.

Under the Castle Doctrine, when someone uses force intended or likely to cause death or great bodily harm (such as shooting another person) in the course of defending themselves they have **civil immunity from prosecution**. Listen closely to the words of Attorney Haas when asked about a Castle Doctrine defense and the 3 thresholds in the meeting linked below.

The decision you will make at Tuesday's Common Council meeting has the possibility for significant unintended consequences. It is not a move that most home and business owners appreciate. As things stand currently, there is nothing standing in the way of private property owners allowing people to sleep on their private property. Plenty of churches downtown allow it and because of security systems in place, it provides a safer place to sleep. Removing the requirement for permission places people at risk and could pose a threat to the safety of those the sponsors say they want to protect.

Community Development Director Jim O'Keefe has acknowledged in a statement that it is not safe to live outdoors on public or (without the owner's consent) private property.

The safest place for members of our unsheltered community to sleep is where they are welcomed and protected.

Here is a link to the recording of the Sept. 18 City-County Homeless Issues Committee meeting:

<https://media.cityofmadison.com/mediasite/Showcase/madison-city-channel/Presentation/9b388161ea6b4207821423b05e505df01d>

Please carefully consider all of the unintended consequences and vote no on agenda #44 on Oct. 3.

Thank you,

Bonnie Roe
District 11

Matthias, Isaac L

From: kdietzman@sbcglobal.net
Sent: Sunday, September 24, 2023 2:30 PM
To: All Alders
Subject: [All Alders] Oppose Repeal Of Current Panhandling and Trespassing Ordinance

Recipient: All Alders

Name: Glori Sabin
Address: 10 Jubilee Cir, Madison, Wi 53718
Email: kdietzman@sbcglobal.net

Would you like us to contact you? Yes, by email

Message:

Dear Alders,

I strongly oppose changing the existing Ordinance on Panhandling and Trespassing. Safety is the main concern for Panhandlers, Trespassers AND City of Madison Residents. People WILL protect their property and changing the rules already in place will set up unnecessary and perhaps dangerous confrontations. What kind of welcoming appearance is Madison portraying when visitors come into a city that has open begging at any given corner and/or median? What an embarrassment and safety issue this portrays! We want to be Madison proud. Please use safe and logical decisions for your constituents by OPPOSING any changes to the Panhandling and Trespassing Ordinance. Thank you.

Matthias, Isaac L

From: Norman Sannes <norman.sannes@gmail.com>
Sent: Monday, September 25, 2023 5:50 PM
To: All Alders
Cc: Field, Derek
Subject: repeal of the Panhandling and Trespassing Ordinances

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I oppose the repeal of the Panhandling and Trespassing Ordinances. Repealing these ordinances will only exacerbate the problem. Allowing someone to sleep on private property is "pushing the limit."

Norman Sannes
5345 Queensbridge Rd
Madison WI

From: [Michael J Wish](#)
To: [Mayor](#); [All Alders](#)
Subject: People On Your Property Without Permission
Date: Wednesday, September 27, 2023 9:40:08 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Mayor and Alder's:

This proposal, to be voted on October 3rd, to remove Section 6 which provides protection from people invading your property, sleeping or not, is absolutely ludicrous. We, the homeowners and property owners, strongly object to this move to remove the ask permission to be on our property verses the thousands of no trespassing signs required for notice. We count on Police assistance to get unwanted and possibly dangerous people off our property. Don't tie our hands.

On the matter of the homeless, the City should ban homeless people and panhandlers from the City of Madison. We continue to invite the mentally ill, homeless, gang members, drug dealers and other violent illegal gun using criminal types into our City with open arms. It's time to stop this practice and get serious about crime and, God forbid, Punishment.

Thank you for your consideration.

Michael Wish