

Matthias, Isaac L

From: John Fons <jefons@aol.com>
Sent: Tuesday, October 3, 2023 12:07 PM
To: Mayor; All Alders
Cc: wsjopine@madison.com
Subject: Do Not Repeal Trespass Law

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

To the Mayor and All Alders of the City of Madison:

I write in opposition to the repeal of Section 6 of the Unlawful Trespass code of the City of Madison.

Think about it.

You tacitly approve trespass by euphemistically attempting to ‘decriminalize homelessness’. No one has ever implied or attempted to impose the penalties of criminal conduct on homeless people for the sake of their homelessness. You romanticize and invent an issue and then expect the general public to bear the weight of your prejudice.

You are in fact prejudiced and selfish.

Open every public building in Madison to accommodate the homeless. Let them camp in City Hall and the Street Department Maintenance Yards. Grant them access to every Municipal Parking Lot and all the Public Libraries inside and out. Dedicate school gymnasiums to the homeless where they can reside in air conditioned or heated comfort and let students go elsewhere, perhaps out of doors where students may combine sporting activity with awareness and appreciation of the natural environment. You have so many opportunities to be generous, you might even publicize your own private addresses as sanctuaries and invite the homeless or anyone else to come for a visit and stay for as long as they want or until you ask them politely to leave.

But you don’t.

You come to a problem by saying if we legalize all or part of the problem there is no problem. You propose to repeal a law which means there is no law, which means there is no trespass unless someone says, Don’t Do It and even if they do, they have no right or means to enforce because, of course, you don’t like enforcement any more than you like the law which calls for it.

Cemeteries, police stations, churches, grocery store parking lots, unoccupied commercial or residential buildings and every public park in the City of Madison are also places where you might condone homeless encampments because there is no trespass implied. I suggest rather than debate the repeal of a single ordinance, you broaden your thinking and take even more decisive action to destroy the city you have sworn to serve.

John Fons

4634 Tokay Blvd.

Madison, WI 53711

Matthias, Isaac L

From: DARLENE GAKOVICH <dgakovic@wisc.edu>
Sent: Tuesday, October 3, 2023 1:49 AM
To: All Alders
Subject: Repeal od Subsection 6

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Sorry that my comment is arriving late but I hope you will give it consideration. At first glance, Subsection 6 seems redundant and its repeal acceptable. Upon further consideration, however, as an 84 yr. old woman living alone, I would not feel safe going out at night telling someone sleeping on my lawn to get out! Call our already short-staffed and overburdened police? I don't think so!

Human nature being what it is, I can see an increase in people taking advantage of no barriers to sleeping on someone's property without a prior permission. This repeal is a solution in search of a problem. Please, vote NO!

Thank you!
Darlene Gakovich

Matthias, Isaac L

From: Brian Hanneman <bhannema@yahoo.com>
Sent: Tuesday, October 3, 2023 9:56 AM
To: All Alders; Mayor
Subject: Opposition to the repeal of section 6 of the Unlawful Trespass code

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Dear Mayor and Alders,

Once again we have to write directly to you as our Alder Figueroa-Cole has not consulted her constituents on her substitute version which allows a homeowner or occupant to authorize another to act as notifier on their behalf does not go far enough.

Please vote this down as the last thing we need to do is neuter our undersized for our population police force further without the tools to move people along, to avoid situations from happening otherwise. We've seen and heard the large gatherings that have had situations arise since the police no longer have the curfew tool to help disburse gatherings that may have gotten unruly. Let's not make that mistake again.

Thanks,

Brian

Sent from my iPhone

Matthias, Isaac L

From: jhirsch@chorus.net
Sent: Tuesday, October 3, 2023 1:55 PM
To: Mayor; All Alders; Conklin, Nikki
Subject: Oppose Item 44 - Trespassing Ordinance Removal

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Mayor and Alders:

I am writing to express my **OPPOSITION to the changes to the Trespassing Ordinance.**

As we increase the density of housing in Madison, it is important that we are respectful of each other, our properties and our privacy. The elimination of this section of the ordinance sends the message that all properties are open to everyone without recourse.

I can accept that neighbors will take a short cut across my yard or pilfer some of my flowers or vegetables. Sleeping is something else. The idea that anyone wants people spending an extended amount of time on their property without permission takes this to a new level. An influx of "no trespassing" signs throughout Madison does not send a good message.

I would like to see a roll-call vote on this issue.

Janet Hirsch
District 9

Matthias, Isaac L

From: Jim Kennedy <jpatrickkennedy@netscape.net>
Sent: Tuesday, October 3, 2023 2:11 PM
To: All Alders
Subject: Removal of Section 6 of Trespassing Ordinance

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when I was alerted to the proposed removal of the Section 6 of the Unlawful Trespassing Code, I almost thought it was a joke.

As a property owner, I (and everyone else who owns property) has the right to keep it safe and secure. I pay the taxes. I own the land. It is my property. Not someone else's to use as they please.

Do not vote in favor of this horrific idea. It would be the first step to becoming LA, SF or Portland. If you want to make yourselves feel good by telling yourselves you are "helping the homeless" ...do it with your own property, money or time. Not mine.

Sincerely,

Jim Kennedy
4229 Beverly Road
Madison, WI

Matthias, Isaac L

From: Ted Losby <tkmlosby@sbcglobal.net>
Sent: Tuesday, October 3, 2023 10:35 AM
To: All Alders
Subject: Subsection (6) of Section 23.07 "Unlawful Trespass"

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Dear Alders,
We oppose the repeal of the ordinance. We support keeping it as it reads now.
Residents in District 11,
Ted and Kathy Losby

Matthias, Isaac L

From: Kathy McComb <kamccomb@tds.net>
Sent: Tuesday, October 3, 2023 1:04 PM
To: Mayor
Cc: All Alders
Subject: Agenda #44 Opposition to the repeal of Section 6 of the Unlawful Trespass Code

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>
> Dear Mayor and Alders,
>
> I am writing in opposition to the repeal of Section 6 of the Unlawful Trespass code.
>
> 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 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. 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.
>
> 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.
>
>
> The safest place for members of our
> unsheltered community to sleep is where they are welcomed and protected.
>
> Kathryn McComb
14 Winterset Circle
>

Matthias, Isaac L

From: Deb Palm <djpalm8@gmail.com>
Sent: Tuesday, October 3, 2023 2:01 PM
To: All Alders
Cc: Mayor
Subject: Definition of Private property

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

Do our Mayor and Alders really have the power to change the definition of private property? It's called private property for a reason! We bought it, we own it and should have complete say for who may sleep on OUR property! I do not believe u have the right to possibly endanger our lives, our children's/grandchildren's lives or the lives of the homeless population.

Imagine the poor soul who chooses to sleep on the wrong private property..... you could potentially endanger their life! For example, a homeowner with a vicious dog, a homeowner with a weapon, a homeowner with some mental illness or ptsd, the elderly....etc etc etc! You are enabling (which NEVER helps) our homeless and putting their lives in danger!

Not much is being done with pan handling- btw- one of the men on Verona road is beginning to flip off drivers- my young grandsons got to witness that the other day! Nothing is being done about the dangerous driving on the beltline or the many unlicensed vehicles on our Madison streets! Do ya think they're stolen vehicles? I do! Do something to help protect the Madison citizens who are doing their best to work hard, raise good families and enjoy life! We do NOT deserve this mess u are creating! I apologize to the alders attempting to do a good job just so frustrated with our Mayor and alders who lack any foresight and whose irresponsible ideas will continue to create serious problems for the citizens of Madison!

Born and raised in Madison for my entire life and tired of these games you are playing with all our lives! If you repeal this ordinance I really hope there will be a way to hold those of you who vote to repeal, responsible for whatever harm comes to the homeowners or sleeping person! It's not a matter of if it'll happen it's a matter of when this will happen! YOU WILL be responsible!

Repealing this ordinance will not help our homeless population or our homeowners! Please stop ruining Madison and come up with common sense solutions for these issues!

Please help and find better solutions to help our homeless population!

Deb Palm

Sent from my iPhone

Matthias, Isaac L

From: Carol Prugh <cprugh@tds.net>
Sent: Tuesday, October 3, 2023 10:44 AM
To: All Alders
Subject: Trespassing

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

I oppose removing a section of the trespassing ordinance. Why is the Council amending these ordinances that protect the citizens of Madison?
Carol Prugh

Sent from my iPhone

Matthias, Isaac L

From: betty thompson <betty53704@yahoo.com>
Sent: Tuesday, October 3, 2023 12:48 PM
To: All Alders
Subject: Item 44

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Why we spending millions upon millions to provide shelters for the homeless and then need to allow them to infiltrate our private property? This takes the control and possible safety for our homes and families away from us.

[Sent from Yahoo Mail for iPad](#)

Matthias, Isaac L

From: Mike Thomsen <michaellthomsen@gmail.com>
Sent: Tuesday, October 3, 2023 9:39 AM
To: Mayor; All Alders
Subject: OPPOSE Agenda item #44 that removes Section 6 of the Unlawful Trespass Code

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Dear Mayor and Alders,

I STRONGLY OPPOSE removing Section 6 of the Unlawful Trespass Code.

The Trespassing Code and associated penalties have NOTHING TO DO WITH HOMELESSNESS.
Removing Section 6, however, will again decrease the livability -- the quality of life -- in Madison by giving trespassers the tacit approval of the City to trespass. JUST SAY NO to this awful idea!!!

Yours sincerely,
Mike Thomsen
5402 Raymond Rd, Madison, WI 53711

Matthias, Isaac L

From: David Washburn <david@justdane.org>
Sent: Tuesday, October 3, 2023 12:45 PM
To: All Alders
Subject: Support of Amending 23.07

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Hello

I strongly support the recommended amendment to the city's general ordinance 23.07. The primary reason for my support is the current ordinance adds two subsections to the trespassing ordinance that are directed primarily at the unhoused population, a protected population in the City of Madison, for additional monetary forfeitures. Currently, under subsection 6, sections (a) and (b) the ordinance states that (a) no person shall sleep, lie down, or take temporary habitation on the property of another without permission of a person lawfully on the premises; and (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 person without permission of a person lawfully upon the premises. Under the current trespassing ordinance police can issue multiple tickets to a protected class with limited means for one (1) event.

Trespassing is and will remain illegal but the ability to financially oppress a group of people who are already financially unstable will be removed.

--

David Washburn
Advocacy and Policy Intern



JustDane (formerly Madison-area Urban Ministry)
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Matthias, Isaac L

From: Linda Ketcham <linda@justdane.org>
Sent: Tuesday, October 3, 2023 3:48 PM
To: All Alders
Subject: Support of item 44 Amending Section 23.07 (2) repealing Section 23.07(6)

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Dear Alders,

I am writing on behalf of JustDane to express our agency's support of item 44. (79504) on this evening's Council Agenda. The substitute amending Section 23.07 (2) and repealing MGO 23.07 subsections (6)(a)(b) of the trespassing ordinance. Those sections of the ordinance are antithetical to Madison's recognition of homelessness as a protected class within our Civil Rights code. The behaviors outlined in subsection (6) (a)(b) single out individuals who are in possession of any items used for sleeping, as well as the behavior of sleeping or lying down. Subsection 6 appears to directly target individuals who may be unhoused and subjecting them to additional fees under the trespassing ordinance. Trespassing is typically defined as unlawful entry onto someone else's property - the actual behavior the person is engaging in, for example sitting on the ground playing a guitar vs. laying on the ground sleeping, doesn't matter, if the person doesn't have the owners permission, the person is trespassing. The current ordinance singles out certain behaviors more likely to be engaged in by unhoused individuals and allows for additional penalties, this is discriminatory in practice and further criminalizes homelessness through the additional fine - the general fine for violating Section 23.07(2) would apply to all individuals who trespass.

While we understand that not everyone may feel comfortable or safe directly asking someone to leave their property, the proposed revision to Subsection (2) of Section 23.07 allows the property owner or occupant to authorize another individual (including police) to notify the individual not to enter or to vacate the premises. This amended language in Subsection 2

recognize that the definition of trespassing relates directly to an individual being on a property without consent of the legal occupant or owner, without parsing out specific behaviors for additional stigma and fines. We urge you to vote in support of Item 44, amending Section 23.07(02) and repealing Section 23.07(6) and amending Section 23.07(13) and 1.08 of the Madison General Ordinances to remove associated references.

Sincerely,

Linda Ketcham (she, her, hers)
Executive Director
Madison-area Urban Ministry, Inc. (dba JustDane)
128 E. Olin Ave. Suite 202
Madison, WI 53713
608-256-0906
She, her,hers

"Compassion and justice are companions, not choices." Wm. Sloane Coffin