

**Legistar File No. 79504 Body**

DRAFTER'S ANALYSIS: This repeals MGO 23.07(6)(a) and (b), subsections which focused on trespassing regarding sleeping or possessing items related to sleeping on the property of others. These subsections of the trespass ordinance have not been enforced for at least ten (10) years.

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

1. Subsection (6) of Section 23.07 entitled "Unlawful Trespass" of the Madison General Ordinances is repealed and reserved for future use.

2. Subsection (13) of Section 23.07 entitled "Unlawful Trespass" of the Madison General Ordinances is amended as follows:

"(13) Any person violating any of the provisions of Subsections (1), (2) or (11) of this section shall be subject to a forfeiture of up to 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)."

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

Offense	Ord. No./Adopted Statute No.	Deposit
Possess/consume alcohol beverages on private property prohibited.	23.07(5)	\$200
<del>Sleeping on private property without permission prohibited.</del>	<del>23.07(6)</del>	<del>\$200</del>
Trespassing on railroad right-of-way.	23.07(7)(a)	\$25

**EDITOR'S NOTE:**

Subsection (6) of Section 23.07 entitled "Unlawful Trespass" of the Madison General Ordinances currently reads as follows:

"(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.”