

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.

The substitute repeals MGO 23.07(6)(a) and (b), subsections of the trespassing ordinance which focused specifically on the behavior of sleeping or possessing items related to sleeping while trespassing. The general trespassing subsection for all behavior including sleeping remains in subsection (2). The substitute proposes amending subsection (2) to clarify that in addition to an owner or occupant, an individual authorized by an owner or occupant can also give notice to a potential trespasser that they must not enter or remain on the premises. This proposed amendment clarifies that owners or occupants may authorize police or others to give notice to trespassers. The substitute also updates the Drafter's Analysis.

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

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

"(2) It shall be unlawful for any person to enter or remain on any property of another or to enter or remain in any building of another after having been notified by the owner or occupant or an individual authorized by the owner or occupant not to enter or remain on such premises."

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 Subsection (6) of Section 23.07 entitled "Unlawful Trespass" of the Madison General Ordinances is repealed and reserved for future use.

3. 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)~~ (7) of this section shall be subject to a forfeiture of not more than three hundred dollars (\$300)."

4. 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
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Possess/consume alcohol beverages on private property prohibited.	23.07(5)	\$200
Sleeping on private property without permission prohibited.	23.07(6)	\$200
Trespassing on railroad right-of-way.	23.07(7)(a)	\$25

EDITOR'S NOTES:

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."

Working Title: Repealing Amending Section 23.07(2), repealing Section 23.07(6) of the Madison General Ordinances related to trespassing and amending Section 23.07(13) and 1.08(3) of the Madison General Ordinances to remove associated references.