



## Legislation Details (With Text)

**File #:** 79504      **Version:** 2      **Name:** Repeal Trespass Related to Sleeping  
**Type:** Ordinance      **Status:** Passed  
**File created:** 8/22/2023      **In control:** Attorney's Office  
**On agenda:** 10/3/2023      **Final action:** 10/3/2023  
**Enactment date:** 10/14/2023      **Enactment #:** ORD-23-00090  
**Title:** SUBSTITUTE: 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.  
**Sponsors:** Yannette Figueroa Cole, Juliana R. Bennett, Jael Currie, MGR Govindarajan, Marsha A. Rummel  
**Indexes:**

### Code sections:

**Attachments:** 1. 79504 Body-Version 2, 2. Written public comments, 3. RegistrantsReport-PriorMeetings-5.45pm, 4. 79504 Body-Version 1, 5. 79504 Version 1, 6. 091923-100223\_CC\_public\_comments, 7. 100323\_CC\_public\_comments, 8. 100323\_CC\_public\_comment-1, 9. 100323-100623\_CC\_public\_comments

Date	Ver.	Action By	Action	Result
10/3/2023	1	COMMON COUNCIL	Adopt Substitute	Pass
9/18/2023	1	CITY-COUNTY HOMELESS ISSUES COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER	Pass
9/5/2023	1	COMMON COUNCIL	Referred	
8/22/2023	1	Attorney's Office	Referred for Introduction	

### Fiscal Note

No citations from this section of the ordinance have been issued in the past ten (10) years. No fiscal impact is anticipated with repeal.

### Title

SUBSTITUTE: 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.

### 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.~~

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.

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Please see Legistar File No. 79504 Body-Version 2 in Attachments.