



Legislation Details (With Text)

File #: 38109 **Version:** 2 **Name:** Prohibition entering vehicle without consent
Type: Ordinance **Status:** Passed
File created: 4/22/2015 **In control:** COMMON COUNCIL
On agenda: 11/17/2015 **Final action:** 11/17/2015
Enactment date: 11/26/2015 **Enactment #:** ORD-15-00129

Title: SUBSTITUTE Creating Section 23.07(11), renumbering Sections 23.07(11) and (12) to (12) and (13), amending Section 23.07(13) and amending Section 1.08(3)(a) of the Madison General Ordinances to prohibit the entering of a vehicle without the owner’s consent and to create a bail deposit for violation thereof.

Sponsors: Ledell Zellers, Barbara Harrington-McKinney

Indexes:

Code sections:

Attachments: 1. Version 1, 2. 38877 Amendment Bidar-Sielaff.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------------------|---|--------|
| 11/17/2015 | 1 | COMMON COUNCIL | Reconsider | Pass |
| 11/17/2015 | 1 | COMMON COUNCIL | Adopt Substitute | Pass |
| 11/17/2015 | 1 | COMMON COUNCIL | Adopt Main Motion | Pass |
| 11/3/2015 | 1 | COMMON COUNCIL | Place On File | Pass |
| 10/15/2015 | 1 | EQUAL OPPORTUNITIES COMMISSION | RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER | Pass |
| 8/13/2015 | 1 | EQUAL OPPORTUNITIES COMMISSION | | |
| 7/7/2015 | 1 | COMMON COUNCIL | Refer | Pass |
| 6/9/2015 | 1 | PUBLIC SAFETY REVIEW COMMITTEE | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER | |
| 5/5/2015 | 1 | COMMON COUNCIL | Referred | |
| 4/22/2015 | 1 | Attorney's Office/Approval Group | Referred for Introduction | |

Fiscal Note

No appropriation is required. This new citation type may result in a minimal amount of additional General Fund revenues.

Title

SUBSTITUTE Creating Section 23.07(11), renumbering Sections 23.07(11) and (12) to (12) and (13), amending Section 23.07(13) and amending Section 1.08(3)(a) of the Madison General Ordinances to prohibit the entering of a vehicle without the owner’s consent and to create a bail deposit for violation thereof.

Body

DRAFTER'S ANALYSIS: This ordinance includes a prohibition against entering a vehicle without the consent of the owner or operator. This ordinance addresses the problem of individuals entering an unlocked vehicle but not stealing any of the vehicle’s contents. This ordinance also amends Sec. 1.08 to include a bail schedule for this offense. This substitute reduces the minimum forfeiture and amends the bail deposit in accordance with the new forfeiture range.

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

1. Subsection (11) of Section 23.07 entitled "Unlawful Trespass" of the Madison General Ordinances is created to read as follows:

"(11) It shall be unlawful for any person to enter or attempt to enter any part of any automobile, aircraft, watercraft, snowmobile or other vehicle, including trailers and camping trailers, without the consent of the owner, operator or person having legal authority over the vehicle."

2. Current Subsections (11) and (12) of Section 23.07 entitled "Unlawful Trespass" of the Madison General Ordinances are hereby renumbered to Subsections (12) and (13), respectively.

3. Newly renumbered Subsection (13) of Section 23.07 entitled "Unlawful Trespass" of the Madison General Ordinances is amended to read as follows:

"(12) Any person violating any of the provisions of Subsections (1), ~~or (2)~~ or (11) of this section shall be subject to a forfeiture of ~~not less than fifty dollars (\$50) nor more than 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)."

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

| <u>"Offense</u> | <u>Ord. No./Adopted Statute No.</u> | <u>Deposit</u> |
|----------------------|-------------------------------------|----------------|
| Trespass to vehicle. | 23.07(11) | \$100" |

EDITOR'S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.