



City of Fort Atkinson
City Manager's Office
101 N. Main Street
Fort Atkinson, WI 53538

**ORDINANCE COMMITTEE MEETING
IN PERSON AND VIA ZOOM
TUESDAY, FEBRUARY 3, 2026 – 6:00 PM
CITY HALL – SECOND FLOOR**

<https://us02web.zoom.us/j/84176105380?pwd=PmpFafsZPCQFbCf0F0zsHVvMijlOcW.1>

Meeting ID: 841 7610 5380

Passcode: 405140

Dial by Location

+1 312 626 6799

If you have special needs or circumstances which may make communication or accessibility difficult at the meeting, please call (920) 397-9901. Accommodations will, to the fullest extent possible, be made available on request by a person with a disability.

AGENDA

1. Call meeting to order

2. Roll call

3. Public Comment for Matters on the Agenda

- a. The Ordinance Committee will receive comments from City residents relating to matters on the agenda. Comments are generally limited to three minutes per individual. Anyone wishing to speak is required to sign up in advance and state the following items for the record when called upon: name and address.

Note for hybrid meetings: if anyone on the Zoom wishes to speak during public comment relating to matters on the agenda, please raise your virtual hand through Zoom, as the chat box is not monitored and those on the call must remain muted if not recognized to speak.

4. New Business

- a. Review and possible recommendation to the City Council relating to amendments to various sections of the Zoning Ordinance, Chapter 15 of the City of Fort Atkinson Code of General Ordinances, relating to the review and approval of Signs (Draeger, Director of Neighborhood and Building Services)
- b. Review and possible recommendation to the City Council relating to an Ordinance

to repeal and recreate Article III of Chapter 86 of the City of Fort Atkinson Code of General Ordinances relating to Recycling (Navin, Director of Public Works)

- c. Review and possible recommendation to the City Council relating to Sections 94-151 through 95-160 of the City of Fort Atkinson Municipal Code (ATV/UTVs) (Houseman, City Manager)

5. Adjournment

Date Posted: January 29, 2026

CC: Ordinance Committee Members; City Council; City Staff; City Attorney; News Media

Notice is hereby given that a majority of the Fort Atkinson City Council will be present at this meeting at the location and time indicated above to gather information about any subject matters on this agenda over which they have decision-making responsibility. This may constitute a meeting of the City Council pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d. 553, 494 N.W.2d 408 (1993), and must be noticed as such although the City Council will not take any formal action at this meeting.

Visit us online! City news and information can be found at www.fortatkinsonwi.gov, and be sure to follow us on Facebook @FortAtkinsonWI.



MEMORANDUM

DATE: February 3, 2026

TO: Committee/Commission/Board

FROM: Jedidiah Draeger, Director of Neighborhood and Building Services

RE: Review and possible recommendation to the City Council relating to amendments to various sections of the Zoning Ordinance, Chapter 15 of the City of Fort Atkinson Code of General Ordinances, relating to the review and approval of Signs (Draeger, Director of Neighborhood and Building Services)

BACKGROUND

The City of Fort Atkinson Zoning Ordinance Section 15.10.30 outlines the process for Zoning Text Amendments that reflects Wisconsin State Statutes Section 62.23(7)(d). Initiation of the request for amendments can come from a member of the public, Plan Commission, City Council, or City staff. This process requires an application (the proposed amendments), a public hearing before the Plan Commission, and action by both the Plan Commission and City Council.

DISCUSSION

The City completed a comprehensive Zoning Ordinance rewrite in 2020. Since adoption, City staff have applied the ordinance to all applicable projects and processes and find it is functioning well in advancing community goals, implementing the Comprehensive Plan, and providing clear direction and procedures for individual applications. As with any ordinance, refinements are necessary over time.

City staff have prepared the attached summary of proposed Zoning Text Amendments focused on Article IX: Signage. The proposed amendments would shift review and approval of Permanent Business Signs and Optional Miscellaneous Signs from the Plan Commission to administrative staff review, while retaining the existing Plan Commission review and approval process for Electronic Message Signs and signage located within the DHMU zoning district.

The proposed changes are based on the recognition that Plan Commission review of many sign types is an unnecessary additional step. Prior to Plan Commission consideration, staff has already worked with applicants to ensure full compliance with ordinance standards. As a result, Plan Commission review typically does not add new conditions or information once the ordinance requirements are met. In addition, the 2015 U.S. Supreme Court decision in *Reed v. Gilbert* requires sign regulations to be content-neutral, limiting review to objective factors such

as location, materials, and configuration. When a sign meets these standards, the Plan Commission has no authority to further regulate its design or content.

The City intends to retain additional oversight where warranted. The DHMU zoning district is a highly sensitive area, and Electronic Message Signs have the potential to create external impacts on surrounding properties. Accordingly, the proposed amendments preserve the current Plan Commission review process for these sign types.

This approach is consistent with practices adopted by many Wisconsin communities to streamline sign permitting, reduce approval timelines, and promote a more business-friendly regulatory process while limiting discretionary review. The proposed amendments will result in a more efficient sign approval process, reduced potential for legal challenges, improved administrative efficiency, and continued heightened review for sensitive areas and unique sign types.

As the ordinance has been administered over the past several years, these amendments were identified as necessary improvements to the application and administration of the City's signage standards. City staff have also consulted with Vandewalle & Associates, the consultant who assisted with drafting the Zoning Ordinance, to ensure the proposed changes are consistent with the overall ordinance framework.

The primary policy change associated with the amendments is the shift of sign permit review and approval authority from the Plan Commission to City staff for most sign types, while retaining Plan Commission review for signage within the DHMU zoning district and for Electronic Message Signs. The City's Management Team has reviewed the proposed amendments, and all comments have been incorporated.

FINANCIAL ANALYSIS

The formal amendment of the Zoning Ordinance is expected to have a minimal financial impact on the City.

RECOMMENDATION

City staff recommends the Ordinance Committee recommend the City Council approve the proposed Zoning Text Amendments as outlined in the attached summary dated January 27, 2026.

If recommended for approval by the City Council, staff will redraft the ordinance in the City's standard ordinance format.

ATTACHMENTS

1. Proposed Zoning Text Amendments - Signs 1.27.26

Proposed Zoning Text Amendments 1.27.26
Article IX: Signage

Key:

- Black text = existing
- Red underlined text = proposed change

Section 15.09.05(1)(b)4. Marquee Sign

- (4) **Marquee Sign.** A type of On-Building Sign that is mounted to a permanent roof-like structure that projects out from the exterior wall of a structure and shelters the entrance and/or entrance approaches to a building.
- (a) Sign copy shall be horizontally and vertically centered on the face(s) of the marquee.
 - (b) Marquee Signs must be finished and enclosed on both the top and bottom of the sign between the back of the sign face and the building façade.
 - (c) Marquee Signs must be a minimum of 6 feet deep and 16 feet wide.
 - (d) Letters displayed on a Marquee Sign must be a minimum of 10 inches tall.
 - ~~(e) Marquee Signs may only be approved through the Conditional Use Permit process. See Section 15.10.32.~~

Commented [BR1]: Removed because its staff approval now and PC approval in the DHMU per tables below.

Section 15.09.05(1)(d)4. Order Board Sign

- (4) **Order Board Sign.** A type of Daily Notice Sign used only in conjunction with drive-through or drive-in establishments.
- ~~(a) Order Board Signs shall require a Conditional Use Permit. The Conditional Use Permit application for a Drive-Through Sign is typically reviewed as a component of a Conditional Use Permit application for an In-Vehicle Sales and Service land use, but a Drive-Through Sign may be applied for as a distinct Conditional Use Permit.~~
 - ~~(b)~~(a) Order Board Signs shall be freestanding or mounted on the exterior wall of the building containing the use.
 - ~~(c)~~(b) Freestanding two-way microphone/speaker devices shall not count toward the maximum permitted area of the Order Board Sign.

Commented [BR2]: Removed because its staff approval now and PC approval in the DHMU per tables below.

~~(c)~~ Order Board Sign audio components shall meet the noise standards set forth in Section 15.06.31 of the Zoning Ordinance.

~~(d)~~ Order Board Sign lighting components shall meet the exterior lighting standards set forth in Section 15.06.20 of the Zoning Ordinance.

Section 15.09.08: Electronic Message Signs

Electronic Message Sign. A type of sign that displays words, lines, logos, graphic images, or symbols, which may be changed electronically to provide different information, and which includes computer signs, electronic reader boards, video screens, LCD signs, electronic time and temperature signs, and other signs with electronically-controlled changing or moving displays.

- (a) Electronic Message Signs shall be permitted only with a nonresidential land use.
 - 1. No more than one Electronic Message Sign shall be permitted per site.
 - 1.2. **Electronic Message Signs may only be approved with a sign permit reviewed and approved by the Plan Commission.**
- (b) In addition to the setback requirements of this Chapter, no Electronic Message Sign shall have a message that is visible from any residential zoning district within 150 feet of the sign.
- (c) Electronic Message Signs may be integrated into the design of the following Sign Types: Monument Signs, Order Board Signs, or Institutional Information Signs.
 - 1. For Monument Signs, and Institutional Information Signs, and Order Board Signs, no more than 50 percent of a sign's actual area shall contain an Electronic Message Sign.
 - 2. Electronic Message Signs shall count toward the site's maximum permitted sign area.
- (d) Messages and non-text images shall not change appearance more than once every 10 seconds, and transitions between messages shall be via instantaneous change. Use of Electronic Message Signs for images, text, or lighting that change appearance in a manner not permitted above shall be considered flashing, scrolling, or animated signs, which are prohibited per Section 15.09.05(g).
- (e) Electronic Message Signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
- (f) Electronic Message Signs shall comply with the exterior lighting requirements of Section 15.06.20.

Commented [BR3]: Added to require Electronic Message Signs to require PC review and approval.

(g) Electronic Message Signs shall be maintained so as to be able to display messages in a complete and legible manner.

Section 15.09.11: Permitted Sign Rules, Figure 15.09.11(1) Permanent Business Sign Group

Sign Permit Required and Approver column for A. Freestanding, B. On-Building, and C. Pedestrian Categories and Bulletin Board Sign and Order Board Sign

- ~~Yes: For each new sign. P.C. approval.~~
- Yes: For each new sign. City staff approval.

Sign Area & Height Maximums for Zoning Districts column for Downtown

- DHMU¹⁵

Footnotes Containing Additional Development Requirements:

4 Electronic Message Signs (of up to 50% of the sign area) are permitted for this Sign Type in nonresidential districts and requires Plan Commission approval prior to the issuance of a sign permit. See Section 15.09.08.

15 Any sign permitted within the DHMU zoning district shall require review and approval by the Plan Commission.

Section 15.09.11: Permitted Sign Rules, Figure 15.09.11(3) Permanent Miscellaneous Sign Group

Sign Permit Required and Approver column for B. Optional Miscellaneous Sign Category

- ~~Yes: For each new sign. P.C. approval.~~
- Yes: For each new sign. City staff approval.

Number of Signs Allowed

- 1 per site ~~with a C.U.P~~

Sign Area & Height Maximums for Zoning Districts column for Downtown

- DHMU¹¹

Commented [BR4]: Changes to reflect:
Staff approval for almost all signs
PC approval for signs in the DHMU and EMS

Commented [BR5]: Changes to reflect:
Staff approval for almost all signs
PC approval for signs in the DHMU and EMS

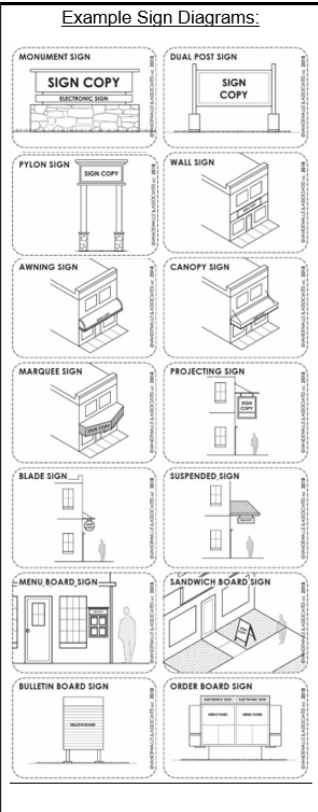
Footnotes Containing Additional Development Requirements:

5 An Electronic Message Sign (of up to 50% of the sign area) is permitted for Institutional Information Signs and requires Plan Commission approval prior to the issuance of a sign permit. See Section 15.09.08.that are not located in or have a screen visible within 100 feet of a residential Zoning District.

11 Any Optional Miscellaneous Sign permitted within the DHMU zoning district shall require review and approval by the Plan Commission.

Figure 15.09.11(1): Permanent Business Sign Group ²

Sign Categories & Sign Types	Sign Permit Required and Approver	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	Sign Area & Height Maximums for Zoning Districts:					
							1 & 2 Family Residential	Multi-Family Residential	Non-Residential and Mixed-Use	Downtown		
A. Freestanding Sign Category ^{1,2} Choose 1 of the following Sign Types.												
1. Monument Sign ^{1,2,4,6,11,13}	Yes: For each new sign, P.C. approval	1 sign per street frontage, plus 1 sign per lot with more than 300 feet of total street frontage	15' from the street curb face ⁹	Durable, all-weather materials in all districts. ^{5,13}	Standard. ^{5,13}	1 sf of sign area per 1 ft of street frontage or on-site parking	Not allowed	50 sf area per frontage 6 ft height limit	128 sf area per frontage 6 ft height limit	Not allowed		
2. Dual-Post Sign ^{1,2,4,11,13}	Yes: For each new sign, P.C. approval	1 sign per street frontage, plus 1 sign per lot with more than 300 feet of total street frontage	15' from the street curb face ⁹	Durable, all-weather materials in all districts. ^{5,13}	Standard. ^{5,13}	1 sf of sign area per 1 ft of street frontage or on-site parking	Not allowed	50 sf area per frontage 6 ft height limit	128 sf area per frontage 6 ft height limit	Not allowed		
3. Pylon Sign ^{2,6,14}	Yes: For each new sign, P.C. approval	1 sign per street frontage, plus 1 sign per lot with more than 300 feet of total street frontage	15' from the street curb face ⁹	Durable, all-weather materials in all districts. ^{5,13}	Standard. ^{5,13}	1 sf of sign area per 1 ft of street frontage or on-site parking	Not allowed	50 sf area per frontage 6 ft height limit	128 sf area per frontage 6 ft height limit	Not allowed		
B. On-Building Sign Category ^{1,2} Choose 1 of the following Sign Types. Note: All On-Building Signs on the same building facade must be the same Type of Sign (1-5), below.												
1. Wall Sign ^{1,2,6,7,8,12,13}	Yes: For each new sign, P.C. approval	1 sign per exterior wall not abutting residential use or zoning district, plus one sign per customer entrance.	Sign shall not extend above parapet or fascia. Minimum overhang rules. ^{4,9} Sign may not project within 2 feet of curb.	Durable, all-weather materials in all districts. ^{5,13}	Standard. ⁵	1 sf of sign area per 1 ft of building facade length ⁷	Not allowed	128 sf area	Per formula.	Not allowed		
2. Awning Sign ^{1,2,8}	Yes: For each new sign, P.C. approval	1 sign per exterior wall not abutting residential use or zoning district, plus one sign per customer entrance.	Sign shall not extend above parapet or fascia. Minimum overhang rules. ^{4,9} Sign may not project within 2 feet of curb.	Durable, all-weather materials in all districts. ^{5,13}	Standard. ⁵	1 sf of sign area per 1 ft of building facade length ⁷	Not allowed	128 sf area	Per formula.	Not allowed		
3. Canopy Sign ^{1,2,8}	Yes: For each new sign, P.C. approval	1 sign per exterior wall not abutting residential use or zoning district, plus one sign per customer entrance.	Sign shall not extend above parapet or fascia. Minimum overhang rules. ^{4,9} Sign may not project within 2 feet of curb.	Durable, all-weather materials in all districts. ^{5,13}	Standard. ⁵	1 sf of sign area per 1 ft of building facade length ⁷	Not allowed	128 sf area	Per formula.	Not allowed		
4. Marquee Sign ^{1,2,8}	Yes: For each new sign, P.C. approval	1 sign per exterior wall not abutting residential use or zoning district, plus one sign per customer entrance.	Sign shall not extend above parapet or fascia. Minimum overhang rules. ^{4,9} Sign may not project within 2 feet of curb.	Durable, all-weather materials in all districts. ^{5,13}	Standard. ⁵	1 sf of sign area per 1 ft of building facade length ⁷	Not allowed	128 sf area	Per formula.	Not allowed		
5. Projecting Sign ^{1,2,8}	Yes: For each new sign, P.C. approval	1 sign per exterior wall not abutting residential use or zoning district, plus one sign per customer entrance.	Sign shall not extend above parapet or fascia. Minimum overhang rules. ^{4,9} Sign may not project within 2 feet of curb.	Durable, all-weather materials in all districts. ^{5,13}	Standard. ⁵	1 sf of sign area per 1 ft of building facade length ⁷	Not allowed	128 sf area	Per formula.	Not allowed		
C. Pedestrian Sign Category ^{1,2} Choose 1 of the following Sign Types. Note: All Pedestrian Signs on the same building facade must be the same Type of Sign (1-2), below.												
1. Blade Sign ^{1,2,8}	Yes: For each new sign, P.C. approval	1 for each customer entrance.	Minimum overhang rules. ^{8,9}	Durable, all-weather materials in all districts. ^{5,13}	Gooseneck.	None. Use max area.	Not allowed	16 sf area	10 sf area	10 sf area		
2. Suspended Sign ^{1,2,8}	Yes: For each new sign, P.C. approval	1 for each customer entrance.	Minimum overhang rules. ^{8,9}	Durable, all-weather materials in all districts. ^{5,13}	Gooseneck.	None. Use max area.	Not allowed	16 sf area	10 sf area	10 sf area		
D. Daily Notice Sign Category ^{1,2}												
1. Menu Board Sign ^{1,2}	Yes: For each new sign, City Staff approval	1 for each business.	Within 10 ft of customer entrance. ^{8,12}	Durable, all-weather materials in all districts. ^{5,13}	Internal.	None. Use max area.	Not allowed	8 sf area				
2. Sandwich Board Sign ^{1,2}	Yes: For each new sign, City Staff approval	1 for each business.	Within 10 ft of customer entrance. ^{8,12}	Durable, all-weather materials in all districts. ^{5,13}	Ambient only.	None. Use max area.	Not allowed	6 sf area / 3 ft height / 2 ft width				
3. Bulletin Board Sign ^{1,2}	Yes: For each new sign, P.C. approval	1 sign per drive through lane	15' from the street curb face. ^{9,12}	Durable, all-weather materials in all districts. ^{5,13}	Internal.	None. Use max area.	Not allowed	1) sf area / 8 ft height				
4. Order Board Sign ^{1,2,10}	Yes: For each new sign, P.C. approval	1 sign per drive through lane	15' from the street curb face. ^{9,12}	Durable, all-weather materials in all districts. ^{5,13}	Standard. ⁵	None. Use max area.	Not allowed	48 sf area / 8 ft height ¹⁰				



Footnotes Containing Additional Development Requirements:

1 Refer to Section 15.09.05 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).

2 Available to land uses identified in Section 15.03.05. No signs are permitted in the Conservancy Zoning District.

3 The number of permitted on-building signs may be transferred from one wall to another, but the total combined sign area of all signs on the receiving wall shall be limited by its length ratio of said wall.

4 Electronic Message Signs (of up to 50% of the sign area) are permitted for this Sign Type in nonresidential districts. See Section 15.09.08.

5 "Standard" means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.

6 Group Development Signs may be up to 50% larger in area and 2 feet taller in height. See Section 15.09.10.

7 Every business shall be guaranteed a minimum of 40 square feet of Wall Sign area, regardless of the business's actual building facade length.

8 Bottom of sign shall be a min. of 14 feet above a drive, alley, street, parking space or other vehicle surface; a min. of 8 feet above a sidewalk, patio, or other ground-level surface; and a maximum 3 feet from the building. Wall Signs shall not project more than 12 inches horizontally beyond the edge of any wall or other surface to which they are mounted.

9 Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) without a permit from the City Engineer. Off-premise Freestanding Signs are prohibited.

10 Order Board Signs shall conform to the location requirements for Drive-Through and In-Vehicle Sales or Service land uses. See Section 15.03.10(10). A maximum total of 96 sf of total Order Board Signs is permitted per business.

11 Sign must be designed of materials complementary to and harmonious with the building and site, and must be closely integrated with site landscaping.

12 Signs shall only be located on a public sidewalk or private walkway that is a minimum 8 feet wide and shall only be displayed during the hours of operation for the on-site land use.

13 Any internal illuminated sign must have opaque cabinet facia and a translucent message.

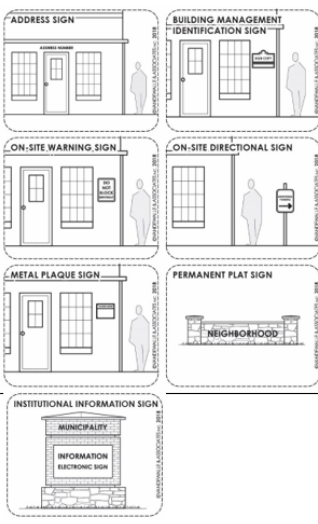
14 New Pylon Signs are only permitted in the Suburban Mixed-Use District. Existing Pylon Signs are permitted as legal nonconforming signs per the requirements of Section 15.09.35.

Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission

Figure 15.09.11(3): Permanent Miscellaneous Sign Group ²

Sign Categories & Sign Types	Sign Permit Required and Approver	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	Sign Area & Height Maximums for Zoning Districts:			
							1 & 2 Family Residential	Multi-Family Residential	Non-Residential and Mixed-Use	Downtown
							RH-35, SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10	MRL-8, MRM-12, MRH-30	1, NMU, UMU, SMLU, DPMU, BP, LI, MI, HI, IOS, IOC, AO, EX	DHMU
A. City-Required Sign Category ^{1, 2, 4}										
1. Address Sign ^{1, 2, 6}	No. Sign Permit not required.	1 per address. ^{4, 9}	On-building, and visible from street.	Any durable, all-weather material.	Ambient only.	None needed. Use max sign area limit. →	4 sf max area 6 ft max mounted height			
2. Building Management Identification Sign ^{1, 2, 6}	Yes. For each new sign. Staff approval	As permitted in writing by the Zoning Administrator.	On-building, and next to main entry. ²				4 sf max area 6 ft max mounted height			
3. On-Site Warning Sign ^{1, 2, 6}			On-building, or freestanding. ⁴				6 sf max area 4 ft max post mounted height 6 ft max building or fence height			
4. On-Site Directional Sign ^{1, 2, 6, 10}							6 sf max area ¹⁰ 4 ft max post mounted height 6 ft max building or fence height			
B. Optional Miscellaneous Sign Category ^{1, 2, 4}										
1. Metal Plaque Sign ^{1, 2}	Yes. For each new sign. P.C. approval	Up to 3 per historic building, property, or district.	On-building ⁸ or freestanding. ⁴	Bronze, aluminum, or stainless steel.	Standard. ⁷	None. Needed. Use max sign area limit. →	6 sf max area 6 ft max height			
2. Permanent Plaque Sign ^{1, 2, 3, 6}		As approved per the final plat.	Sign setback shall be at least max. sign height. ^{6, 9}	Any durable, all-weather material.	Standard. ⁵	10 sf per 100 ft of lot frontage	100 sf max area 6 ft max height	128 sf max area 6 ft max height		
3. Institutional Information Sign ^{1, 2, 4, 5, 6}		1 per site with a C.U.P.	Freestanding with minimum 15 ft setback. ^{6, 9}				Not allowed.	128 sf max area 6 ft max height	Not allowed.	
Footnotes Containing Additional Development Requirements:										
1 Refer to Section 15.09.05 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).										
2 Available to all land uses in Section 15.03.05, other than Institutional Information Signs. No signs are permitted in the Conservancy Zoning District.										
3 Permanent Plaque Signs shall be located within a plated outlot or within a permanent sign easement. See Section 15.09.05(3)(b)2.										
4 Institutional Information Signs are only allowed for Institutional land uses as determined by the Zoning Administrator.										
5 Signage Message Sign (of up to 50% of the sign area) is permitted for Institutional Information Signs that are not located in or have a screen visible within 100 feet of a residential Zoning District.										
6 Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle.										
7 "Standard" means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.										
8 On-building signs must be located within 10 feet of building's main entrance.										
9 Additional Address and Building Management Identification Signs are allowed on each public right-of-way facing side of a property (corner lots).										
10 May also include entire name, logo, or symbol of the destination, provided that the name, logo, or symbol is less than 1 square foot.										
Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission										

Example Sign Diagrams:



Section 15.09.27: Sign Permits

(1) Applicability.

- ~~(a)~~ No Freestanding Sign listed under Section 15.09.05(1)(a), On-Building Sign listed under Section 15.09.05(1)(b), Pedestrian Sign listed under Section 15.09.05(1)(c), Bulletin Board or Order Board Sign under Section 15.09.05(1)(d), or Optional Miscellaneous Sign under Section 15.09.05(3)(b) shall be erected, installed, or constructed without approval from the City of Fort Atkinson Plan Commission.
- ~~(b)~~ No Menu Board or Sandwich Board Signs listed under Section 15.09.05(1)(d) or Building Management Identification Sign, On-Site Warning Sign, or On-Site Directional Sign listed under Section 15.09.05(3)(a), shall be erected, installed, constructed, or maintained without the granting of a permit from the Zoning Administrator in accordance with the provisions of this Section.
- ~~(a)~~ No sign that requires city staff approval in Section 15.09.11 shall be erected, installed, or constructed without the granting of a permit from the Zoning Administrator in accordance with the provisions of this Section.
- ~~(b)~~ No sign permitted in the DHMU zoning district in Section 15.09.11 shall be erected, installed, or constructed without approval from the City of Fort Atkinson Plan Commission.
- ~~(c)~~ No Electronic Message Sign (Section 15.09.08) shall be erected, installed, or constructed without approval from the City of Fort Atkinson Plan Commission.
- ~~(e)~~(d) For signs requiring a permit in Subsection (a)-(c), above, this Section shall apply and be construed to require a permit for a change of copy on any sign or for any conversions or changes in the sign structure.
- ~~(f)~~(c) This Section shall not apply to repainting or re-facing with the same sign copy, cleaning, repair, or other normal maintenance of the sign or sign structure.
- ~~(e)~~(f) No new permit is required for signs which are in place as of the effective date this Chapter, and such signs may remain as legal nonconforming signs. Any alteration or relocation of such signs shall conform to the requirements of this Chapter. Refer to Section 15.09.35 for rules pertaining to nonconforming signs.
- ~~(f)~~(g) Any sign permit granted hereunder shall not be assigned or transferred to any other sign, including a modified sign face or modified sign structure.
- ~~(e)~~(h) The owner or tenant may request all such signs at one site be included under one permit.

Commented [BR6]: Changes to reflect:
Staff approval for almost all signs
PC approval for signs in the DHMU
PC approval for Electronic Message Signs

(2) Review Authority.

(a) ~~The Plan Commission shall review all Freestanding, On-Building, Pedestrian, Bulletin Board, Order Board, or Optional Miscellaneous Signs, all signs accompanying changes in use or new use which must receive approval of a zoning permit, and all proposed signs which would require approval of a Group Development for a site or sites which will have more than one sign viewed together as part of a group of signs. This may be required with a zoning permit for change of use or a sign permit.~~ All signs which require approval of a sign permit by the Zoning Administrator or Plan Commission shall be reviewed according to the following evaluation factors:

1. Conformance to the zoning and sign code.
2. Minimization of conflict with vehicular or pedestrian circulation.
3. Compatibility with the building characteristics, adjacent uses, and adjacent signs.
4. Compatibility with the specific physical site conditions which warrant approval of the proposed sign.
5. Materials and maintenance aspects.
6. Legibility and visual clarity.

(b) ~~At the discretion of the Zoning Administrator, any sign permit may be required to obtain Plan Commission approval if it cannot reasonably be determined if the evaluation factors above in (2)(a) or the standards in the basis for granting a sign permit in (5) below are met by the sign application.~~

~~(b)~~(c) The Plan Commission may grant special exception to this Article upon demonstration of due cause. Every applicant for a special exception to the sign district requirements shall submit a written statement to the Plan Commission which explains the reason for the request and how it meets the evaluation factors.

Commented [BR7]: Simplified language to reflect those changes made above

Commented [BR8]: Added this option for staff to send a sign permit to the PC if needed



MEMORANDUM

DATE: February 3, 2026

TO: Committee/Commission/Board

FROM: Zach Navin, Director of Public Works

RE: Review and possible recommendation to the City Council relating to an Ordinance to repeal and recreate Article III of Chapter 86 of the City of Fort Atkinson Code of General Ordinances relating to Recycling (Navin, Director of Public Works)

BACKGROUND

The purpose of this memo is to request the Ordinance Committee's recommendation to repeal and recreate the City's recycling ordinance. This update is necessary to align City code with new Wisconsin Department of Natural Resources (DNR) administrative rules that went into effect on July 1, 2025. The City's existing recycling ordinance was originally adopted in 1994 to comply with state solid waste recovery laws. However, in May 2024, the Governor approved new administrative rules (specifically affecting Chapter NR 544) to update effective recycling program criteria. To be recognized by the DNR as having an "effective recycling program" under §287.11, Wis. Stats., the City is mandated to adopt these updated rules. Maintaining this status is not optional if the City wishes to remain eligible for state recycling grants.

DISCUSSION

The proposed recreation of Article III includes several technical and administrative updates required by the DNR:

- Updated Definitions: The ordinance provides clearer definitions for terms such as "multiple-family dwelling" (structures with 5 or more units), "non-residential facilities," and specific resin codes for plastic containers.
- Updates to acceptable materials: Plastics #3-#7 were not previously required to be recycled, but may be recycled with the City's contract with John's Disposal.
- Enhanced Education: The City must now review educational materials for accuracy and distribute them annually. These materials must include information on electronics, batteries, and food waste/composting.
- Multi-Family and Non-Residential Standards: Owners of multi-family dwellings must meet specific container volume ratios (e.g., at least 20 gallons of recycling space per week per unit) and provide written recycling instructions to tenants at least semi-

annually.

- **Collection Standards:** For urban municipalities like Fort Atkinson, the rules specify that curbside collection must occur at least monthly, or a drop-off site must be used by at least 80% of residents.
- **Enforcement and Penalties:** The update establishes a tiered forfeiture schedule for violations, ranging from \$50 for a first violation to \$2,000 for a third or subsequent violation.

FINANCIAL ANALYSIS

Adopting this ordinance ensures the City continues to receive state recycling grant funding, which helps offset the costs of our local recycling program. Failure to update the ordinance would jeopardize these funds and potentially put the City out of compliance with state law.

RECOMMENDATION

Staff recommends that the Ordinance Committee recommend the draft ordinance to repeal and recreate Chapter 86, Article III to the City Council. This action ensures that our local laws remain current with state standards and protects our eligibility for essential grant funding.

ATTACHMENTS

1. COFA Current Recycling Ordinance ARTICLE_III.____RECYCLING
2. Ord. No. Ch 86 Art III Recycling DRAFT 1.29.26

ARTICLE III. RECYCLING¹

DIVISION 1. GENERALLY

Sec. 86-76. Definitions.

The definitions in Wis. Stats. § 159.01 shall apply in this article.

Cross reference(s)—Definitions generally, § 1-2.

Sec. 86-77. Effective date.

The provisions of this article shall take effect on January 1, 1994.

(Code 1969, § 6.02(J)(9))

Sec. 86-78. Short title.

This article shall be known as the Recycling Ordinance for the City of Fort Atkinson, Wisconsin.

(Code 1969, § 6.02(J)(1))

Sec. 86-79. Purpose.

The purpose of this article is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in Wis. Stats. § 159.11, and Wis. Admin. Code ch. NR 544.

(Code 1969, § 6.02(J)(2))

Sec. 86-80. Statutory authority.

This article is adopted as authorized under Wis. Stats. § 159.09(3)(b).

(Code 1969, § 6.02(J)(3))

Sec. 86-81. Abrogation and greater restrictions.

It is not intended by this article to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this article imposes greater restrictions, the provisions of this article shall apply.

¹State law reference(s)—Solid waste recycling generally, Wis. Stats. § 159.07 et seq.

(Code 1969, § 6.02(J)(4))

Sec. 86-82. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by state statute. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by state statute or by a standard in Wis. Admin. Code ch. NR 544, and where the provision of this article is unclear, the provision shall be interpreted in light of state statute and the ch. NR 544 standards in effect on the date of the adoption of the ordinance from which this article is derived, or in effect on the date of the most recent text amendment to this article.

(Code 1969, § 6.02(J)(5))

Sec. 86-83. Applicability.

The requirements of this article apply to all persons within the city limits.

(Code 1969, § 6.02(J)(7))

Sec. 86-84. Administration.

The provisions of this article shall be administered by the council.

(Code 1969, § 6.02(J)(8))

Cross reference(s)—Administration, ch. 2.

Sec. 86-85. Enforcement.

- (a) For the purpose of ascertaining compliance with the provisions of this article, any authorized officer, employe or representative of the city's contractor may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multifamily dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employe or authorized representative of the city's contractor who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (b) Any person who violates a provision of this article may be issued a citation by the city. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.
- (c) Penalties for violating this article will be as prescribed in section 1-10.

(Code 1969, § 6.02(J)(21))

Secs. 86-86—86-115. Reserved.

DIVISION 2. SEPARATION OF RECYCLABLES

Sec. 86-116. Required.

Occupants of single-family and two- to four-unit residences, multifamily dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

- (1) Lead acid batteries.
- (2) Major appliances as per section 86-119.
- (3) Waste oil.
- (4) Yard waste.
- (5) Aluminum containers.
- (6) Bi-metal containers.
- (7) Corrugated paper or other container board.
- (8) Foam polystyrene packaging beginning January 1, 1995.
- (9) Glass containers.
- (10) Magazines.
- (11) Newspapers.
- (12) Office paper.
- (13) Rigid plastic containers made of PETE, HDPE, and effective January 1, 1995, PVC, LDPE, PP, PS and other resins or multiple resins.
- (14) Steel containers.

(Code 1969, § 6.02(J)(11); Ord. No. 654, 10-2-07)

Sec. 86-117. Separation requirements exempted.

The separation requirements of section 86-116 do not apply to the following:

- (1) Occupants of single-family and two- to four-unit residences, multifamily dwellings and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the state department of natural resources that recovers the materials specified in section 86-116 from solid waste in as pure a form as is technically feasible.
- (2) Solid waste burned as a supplemental fuel at a facility if less than 30 percent of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (3) A recyclable material specified in section 86-116(5)—(14) for which a variance has been granted by the state department of natural resources under Wis. Stats. § 159.11(2m) or Wis. Admin. Code NR § 544.14.

(Code 1969, § 6.02(J)(12))

Sec. 86-118. Care of separated recyclable materials.

To the greatest extent practicable, the recyclable materials separated in accordance with section 86-116, shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions, and in a container as set forth in subsection 86-38(d), herein.

(Code 1969, § 6.02(J)(13); Ord. No. 654, 10-2-07)

Sec. 86-119. Management of lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two- to four-unit residences, multifamily dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (1) Lead acid batteries shall be placed at the roadside, separated from solid waste for collection by the city's solid waste contractor. Car, truck and other automotive batteries only will be collected. Battery casings must be unbroken before collection shall take place.
- (2) Major appliances shall be placed at roadside separated from solid waste collection by the city's solid waste contractor. Appliances shall be upright and empty. Freezers and refrigerators must have their doors removed. Microwaves must have the capacitors removed. City residents must contact the city's solid waste contractor to arrange for pickup, disposal and required payment for all such appliances.
- (3) Waste oil shall be placed at roadside separated from solid waste for collection by the city's solid waste contractor. This waste oil will be picked up on the designated days for recycling only (twice per month) and shall be placed at the curb next to the recycling container. Common engine oil only will be collected. Such oil must be in leak-proof containers of a maximum size of one gallon.
- (4) Yard waste shall be composted by the homeowner via the city compost site or backyard composting.

(Code 1969, § 6.02(J)(14); Ord. No. 654, 10-2-07)

Sec. 86-120. Responsibilities of owners or designated agents of multifamily dwellings.

- (a) Owners or designated agents of multifamily dwellings shall do all of the following to recycle the materials specified in section 86-116(5)–(15):
 - (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing about the established recycling program, and thereafter of any changes in the program.
 - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

-
- (b) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of multifamily dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the state department of natural resources that recovers for recycling the materials specified in section 86-116(5)—(15) from solid waste in as pure a form as is technically feasible.

(Code 1969, § 6.02(J)(16))

Sec. 86-121. Responsibilities of owners or designated agents of nonresidential facilities and properties.

- (a) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in section 86-116(5)—(15):
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify all users, tenants and occupants of the properties in writing about the established recycling program at the time of renting or leasing and thereafter of any changes in the program.
 - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (b) The requirements specified in subsection (a) of this section do not apply to the owners or designated agents of nonresidential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the state department of natural resources that recovers for recycling the materials specified in section 86-116(5)—(15) from solid waste in as pure a form as is technically feasible.

(Code 1969, § 6.02(J)(17))

Secs. 86-122—86-145. Reserved.

DIVISION 3. PREPARATION AND COLLECTION

Sec. 86-146. Method.

- (a) Except as otherwise directed by the city, occupants of single-family and two- to four-unit residences, shall do the following for the preparation and collection of the separated materials specified in subsections 86-116(5)—(14).
- (1) Aluminum containers shall be rinsed and placed in the recycling container for collection. No aluminum foil, TV dinner trays, etc., will be collected.
 - (2) Bi-metal containers shall be rinsed and have labels removed and shall be placed in the recycling container provided for collection. Bi-metal containers shall be flattened to save space within the recycling container.

-
- (3) Corrugated paper or other container board shall be flattened and placed in the recycling container for collection.
 - (4) Glass containers shall be rinsed, all metal and plastic cups and rings shall be removed, and the containers shall be placed in the recycling container for collection.
 - (5) Magazines shall be placed within the recycling container for collection.
 - (6) Newspaper shall be placed within the recycling container for collection.
 - (7) Office paper shall be placed within the recycling container for collection.
 - (8) Rigid plastic containers shall be prepared and collected as follows:
 - a. Plastic containers made of PETE (#1), such as two-liter soda bottles, peanut butter containers and other see-through food containers, shall be rinsed and placed within the recycling container for collection. The container may be flattened to save space within the recycling container.
 - b. Plastic containers made of HDPE (#2), such as milk cartons and bottles containing detergent, antifreeze and bleach, shall be rinsed and placed within the recycling container for collection. The container may be flattened to save space within the recycling container.
 - c. Plastic containers made of PVC (#3) will not be collected for recycling. These types of plastics have received a statewide exemption from recycling.
 - d. Plastic containers made of LDPE (#4) will not be collected for recycling. These types of plastics have received a statewide exemption from recycling.
 - e. Plastic containers made of PP (#5) will not be collected for recycling. These types of plastics have received a statewide exemption from recycling.
 - f. Plastic containers made of PS (#6) will not be collected for recycling. These types of plastics have received a statewide exemption from recycling.
 - g. Plastic containers made of other resins or multiple resins (#7) will not be collected for recycling. These types of plastics have received a statewide exemption from recycling.
 - (9) Steel containers shall be rinsed, labels removed and placed in the recycling container provided for collection. The containers may be flattened to save space within the container.
- (b) Each resident unit in the city shall be provided one authorized recycling container per unit. All recyclables shall be prepared and collected as set forth above. Except as otherwise stated, all recyclable materials may be commingled in the container. Such container may be placed within five feet of the roadside by 6:00 a.m. on the designated day of pickup in an area of easy accessibility. Recyclables that have been scattered by wind, animals, vandals or the like shall be the responsibility of the residents to retrieve properly.
 - (c) Nonresidential and multifamily establishments will receive the same curbside service as residential units from the city's solid waste/recycling contractor but shall be billed separately by the city's contractor. This service can be obtained through the city's solid waste/recycling contractor, or another approved state department of natural resources licensed hauler.
 - (d) The council reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with law and to either add or delete them from any collection services provided by the city or its contractor. The city shall provide written notice to its service recipients of this declaration.

(Code 1969, § 6.02(J)(15); Ord. No. 654, 10-2-07)

Secs. 86-147—86-170. Reserved.

DIVISION 4. DISPOSAL

Sec. 86-171. Proper disposal of garbage and recyclables.

- (a) *Antiscavenging or unlawful removal of recyclables.* It shall be unlawful for any person, unless under contract with or licensed by the city, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling.
- (b) *No dumping.*
 - (1) It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the city or in any receptacles or on private property without the owner's consent unless it is placed in containers in the manner and at the time specified by this article.
 - (2) No person shall place for collection any garbage at the curb not owned or occupied by such person.
- (c) *Garbage from outside the city.* It shall be unlawful to bring refuse for disposal and recyclables from outside the corporate limits into the city unless authorized by agreement with the city.

(Code 1969, § 6.02(J)(18); Ord. No. 654, 10-2-07)

Sec. 86-172. Prohibitions on disposal of recyclable materials separated for recycling.

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility, any of the materials specified in subsections 86-116(5)—(14), that have been separated for recycling. Waste tires may be burned for energy recovery in a solid waste treatment facility.

(Code 1969, § 6.02(J)(19); Ord. No. 654, 10-2-07)

Sec. 86-173. Recycling center.

The city or its designated recycling hauler will provide for the use of its citizens a recycling center for the purpose of accepting, storing, marketing and transporting of recyclable waste. The citizens of the city may bring proper recyclable waste to such facilities at such place and times as established by the city. A fee for the use of such facility may be established by the city or any third parties acting under contract with the city.

(Code 1969, § 6.02(J)(20))

Secs. 86-174—86-200. Reserved.

ORDINANCE NO. ____

**AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 86, ARTICLE III
OF THE CITY OF FORT ATKINSON CODE OF GENERAL ORDINANCES RELATING TO RECYCLING**

WHEREAS, the State of Wisconsin enacted the solid waste reduction, recovery, and recycling law in 1990 (1989 WI Act 335) to promote the development of waste management structures and encourage reduction, reuse, and recycling of Wisconsin’s solid waste; and

WHEREAS, the Wisconsin Department of Natural Resources (DNR) promulgated administrative rules to implement §287 Wis. Stats. under Chapter NR 544 of the Wisconsin Administrative Code; and

WHEREAS, the City of Fort Atkinson adopted these statutes and administrative rules through Chapter 86, Article III of the City’s Code of Ordinances in 1994, which has been updated from time to time; and

WHEREAS, in May 2024, Wisconsin’s Governor approved new administrative rules relating to statewide materials recycling and effective recycling programs, which were published on June 30, 2025 and effective on July 1, 2025; and

WHEREAS, the general objectives of the proposed rules are to correct, clarify, and update effective recycling program criteria throughout Chapter NR 544, Wisconsin Administrative Code, as well as amend sections of other code chapters relating to waste reduction, recovery, and recycling efforts; and

WHEREAS, in order for the City of Fort Atkinson to have an effective recycling program as required by §287.11, Wis. Stats. and be eligible for recycling grants, the City must adopt the new rules included in Chapter NR 544 and included in the DNR’s model ordinance.

NOW THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, does hereby ordain as follows:

Section 1. Repeals Article III of Chapter 86 of the City’s Code of General Ordinances.

Section 2. Recreates Article III of Chapter 86 of the City of Fort Atkinson Municipal Code to read as follows:

“Sec. 86-76. Title. Recycling Ordinance for the City of Fort Atkinson

Sec. 86-77. Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 287.11, Wis. Stats., and ch. NR 544, Wis. Adm. Code.

Sec. 86-78. Statutory Authority. This ordinance is adopted as authorized under §287.09(3)(b), Wis. Stats., and City of Fort Atkinson.

Sec. 86-79. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

Sec. 86-80. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in ch. NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the ch. NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

Sec. 86-81. Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Sec. 86-82. Applicability. The requirements of this ordinance apply to all persons within the city limits.

Sec. 86-83. Administration. The provisions of this ordinance shall be administered by the City Council.

Sec. 86-84. Effective Date. The provisions of this ordinance shall take effect on the effective date of this ordinance.

Sec. 86-85. Definitions. For the purpose of this ordinance:

- 1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- 2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- 3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - a) Is designed for serving food or beverages.
 - b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

- c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- 4) "Glass Container" means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat-resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
 - 5) "HDPE" means high density polyethylene, labeled by the resin code # 2.
 - 6) "LDPE" means low density polyethylene, labeled by the resin code # 4.
 - 7) "Magazines" means magazines and other materials printed on similar paper.
 - 8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
 - 9) "Multiple-family dwelling" means a structure containing 5 or more residential units, including units that are occupied seasonally.
 - 10) "Newspaper" means a newspaper and other materials printed on newsprint.
 - 11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. Non-residential facilities and properties includes any location at which goods or services are provided or manufactured, including locations under construction, demolition, or remodeling, or used for special events such as fairs, festivals, sport venues, conferences, and exhibits. This term does not include multiple family dwellings.
 - 12) "Office paper" means a variety of high-grade printing and writing papers. This term does not include industrial process waste, newspaper or packaging.
 - 13) "Other resins or multiple resins" mean plastic resins labeled by the resin code # 7.
 - 14) "Person" includes any individual, corporation, limited liability company, partnership, association, local government unit, as defined in s. 66.0131(1)(a), Wis. Stats., state agency or authority or federal agency.
 - 15) "PETE" or "PET" means polyethylene terephthalate, labeled by the resin code # 1.
 - 16) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
 - 17) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 291.01(7) Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 289.01(17)., Wis. Stats.
 - 18) "PP" means polypropylene, labeled by the resin code # 5.
 - 19) "PS" means polystyrene, labeled by the resin code # 6.
 - 20) "PVC" means polyvinyl chloride, labeled by the resin code # 3.
 - 21) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
 - 22) "Solid waste" has the meaning specified in [s. 289.01\(33\), Wis. Stats.](#)

- 23) "Solid waste facility" has the meaning specified in [s. 289.01\(35\), Wis. Stats.](#)
- 24) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste.
"Treatment" includes incineration.
- 25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 26) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

Sec. 86-86. Separation of Recyclable Materials. Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- 1) Lead acid batteries
- 2) Major appliances
- 3) Waste oil
- 4) Yard waste
- 5) Aluminum containers
- 6) Bi-metal containers
- 7) Corrugated paper or other container board
- 8) Foam polystyrene packaging
- 9) Glass containers
- 10) Magazines
- 11) Newspaper
- 12) Office paper
- 13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- 14) Steel containers
- 15) Waste tires

Sec. 86-87. Separation Requirements Exempted. The separation requirements of Sec. 86-86 do not apply to the following:

- 1) Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Sec. 86-86 from solid waste in as pure a form as is technically feasible.
- 2) Solid waste which is burned as a supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement fuel.
- 3) A recyclable material specified in Sec. 86-86(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Adm. Code.

Sec. 86-88. Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with Sec. 86-86 shall be clean and kept free of

contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

Sec. 86-89. Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- 1) Lead acid batteries shall be placed at the roadside, separated from solid waste for collection by the City's solid waste contractor. Car, truck and other automotive batteries only will be collected. Battery casings must be unbroken before collection shall take place.
- 2) Major appliances shall be placed at roadside separated from solid waste collection by the city's solid waste contractor. Appliances shall be upright and empty. Freezers and refrigerators must have their doors removed. Microwaves must have the capacitors removed. City residents must contact the city's solid waste contractor to arrange for pickup, disposal and required payment for all such appliances.
- 3) Waste oil shall be placed at roadside separated from solid waste for collection by the city's solid waste contractor. This waste oil will be picked up on the designated days for recycling only (twice per month) and shall be placed at the curb next to the recycling container. Common engine oil only will be collected. Such oil must be in leak-proof containers of a maximum size of one gallon.
- 4) Yard waste shall be composted by the homeowner via the city compost site or backyard composting.

Sec. 86-90. Preparation and Collection of Recyclable Materials. Except as otherwise directed by the authorized officer, employee or representative of the city's contractor, occupants of single family and 2-to-4-unit residences shall do the following for the preparation and collection of the separated materials specified in Sec. 86-86 (5) through (15):

- 1) Aluminum containers shall be placed in the recycling container for collection.
- 2) Bi-metal containers shall be rinsed, have labels removed and be flattened to save space and shall be placed in the recycling container provided for collection.
- 3) Corrugated paper or other container board shall be flattened and placed in the recycling container for collection.
- 4) Foam polystyrene packaging shall be placed in the garbage container for disposal.
- 5) Glass containers shall be rinsed, all metal and plastic cups and rings shall be removed, and the containers shall be placed in the recycling container for collection.
- 6) Magazines shall be placed within the recycling container for collection.
- 7) Newspaper shall be placed within the recycling container for collection.

- 8) Office paper shall be placed within the recycling container for collection.
- 9) Rigid plastic containers shall be prepared and collected as follows:
 - a) Plastic containers made of PETE, including such as two-liter soda bottles, peanut butter containers and other see-through food containers, shall be rinsed and placed within the recycling container for collection. The container may be flattened to save space within the recycling container.
 - b) Plastic containers made of HDPE, such as milk cartons and bottles containing detergent, antifreeze and bleach, shall be rinsed and placed within the recycling container for collection. The container may be flattened to save space within the recycling container.
 - c) Plastic containers made of PVC will be collected for recycling and/or disposal by the contracted recycling collection agent.
 - d) Plastic containers made of LDPE will be collected for recycling and/or disposal by the contracted recycling collection agent.
 - e) Plastic containers made of PP will be collected for recycling and/or disposal by the contracted recycling collection agent.
 - f) Plastic containers made of PS will be collected for recycling and/or disposal by the contracted recycling collection agent.
 - g) Plastic containers made of other resins or multiple resins will be collected for recycling and/or disposal by the contracted recycling agent.
- 10) Steel containers shall be rinsed, labels removed and placed in the recycling container provided for collection. The containers may be flattened to save space within the recycling container.
- 11) Waste tires shall be placed by the curb for collection as bulk pickup. Light truck tires and smaller will be accepted, and tractor tires must be quartered. No more than two tires will be collected per month, not to exceed eight tires per year per home.
- 12) Each residential unit in the city shall be provided with an authorized recycling container. All recyclables shall be prepared and collected as set forth above. Except as otherwise stated, all recyclable materials may be commingled in the container. Such container may be placed within five feet of the roadside by 6 a.m. on the designated day of pickup in an area of easy accessibility. Recyclables that have been scattered by wind, animals, vandals, or the like shall be the responsibility of the resident to retrieve and store properly.

Sec. 86-91. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- 1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Sec. 86-86 (5) through (15):
 - a) Provide adequate, separate containers for the recycling program established in compliance with the ordinance. The number of recycling containers shall equal or be greater than the number of trash containers and at least one of the following shall be met:
 - i. The minimum total volume of recycling container space is equal to 20 gallons per week per dwelling unit.
 - ii. The ratio of trash container volume to recycling container volume is at most 2:1.

- iii. An alternative method that does not result in the overflow of a recycling container during the time period between collection of materials and delivery to a recycling facility.
 - b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - d) Notify tenants which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
- 2) The requirements specified in 1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sec. 86-86 (5) through (15) from solid waste in as pure a form as is technically feasible.

Sec. 86-92. Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- 1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Sec. 86-86 (5) through (15):
- (a) Provide adequate, separate containers for the recycling program established under this section. The total volume of recycling containers shall be sufficient to avoid overflow during the time period between collection of materials and delivery to a recycling facility.
 - (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (d) Notify users, tenants and occupants which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, and locations of drop-off collection sites to recycle materials not collected on-site.
- 2) The requirements specified in 1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sec. 86-86 (5) through (15) from solid waste in as pure a form as is technically feasible.

Sec. 86-93. Proper Disposal of Garbage and Recyclables Materials.

- 1) Antiscavanging or unlawful removal of recyclable materials. It shall be unlawful for any person, unless under contract with or licensed by the City, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or nonresidential building for the purposes of collection for recycling.

- 2) No dumping. It shall be unlawful for any person to dispose of or dump garbage or recyclable materials in any street, alley, or other public place within the City or in any receptacles or on private property without the owner's consent unless it is placed in containers in the manner and at the time specified by this article. No person shall place for collection any garbage or recyclable materials at the curb not owned or occupied by such person.
- 3) Garbage from outside the City. It shall be unlawful to bring refuse for disposal and recyclables from outside the corporate limits into the City unless authorized by agreement with the City.

Sec. 86-94. Prohibitions on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Sec. 86-86 (5) through (15) that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

Sec. 86-95. Enforcement.

- 1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the City or its solid waste contractor may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the City or its solid waste contractor who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- 2) Any person who violates a provision of this ordinance may be issued a citation by City of Fort Atkinson to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- 3) Penalties for violating this ordinance may be assessed as follows:
 - (a) Any person who violates Sec. 86-94 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation. Violators may also be subject to reinspection fees per Sec. 1-16 of the City's Code of General Ordinances.
 - (b) Any person who violates a provision of this ordinance, except Sec. 86-94, may be required to forfeit not less than \$10 or more than \$1000 for each violation. Violators may also be subject to reinspection fees per Sec. 1-16 of the City's Code of General Ordinances."

Section 3. Upon its adoption, the clerk is hereby directed to send a copy of this ordinance to the Wisconsin Department of Natural Resources, pursuant to Wis. Stat. **§23.33(11)b. Emailed DNR for requirements.**

Section 4. Effective Date. This ordinance shall take effect on after passage, publication, and attestation as required by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this _____ day of _____, 2026.

Fort Atkinson City Council

Kyle Jaeckel, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director



MEMORANDUM

DATE: February 3, 2026

TO: Committee/Commission/Board

FROM: Rebecca Houseman, City Manager

RE: Review and possible recommendation to the City Council relating to Sections 94-151 through 95-160 of the City of Fort Atkinson Municipal Code (ATV/UTVs) (Houseman, City Manager)

BACKGROUND

The Fort Atkinson City Council enacted an ordinance allowing ATV/UTV use on the City's streets in November 2023, which became effective on April 8, 2024. The ordinance included a two-year automatic sunset without additional Council action in Section 95-160. Without action, the ordinance would sunset on April 8, 2026.

DISCUSSION

The matter is on the agenda for review and possible recommendation to the City Council by the Ordinance Committee. Staff would like to gather feedback from the Ordinance Committee relating to continuing the ordinance and any possible amendments. Any amendments requested by the Ordinance Committee will be integrated into the draft Ordinance for review by the City Council.

Staff requests that Section 95-160 be renumbered and amended to eliminate the six-month review of incidents by the City Council. After three such reports, staff does not feel it is necessary to provide data relating to violations of one specific ordinance. If staff starts to see issues or dangerous patterns of behavior relating to ATV/UTV use, then staff will present a report and recommendations for a possible solution.

Staff believes there was a typo in the original ordinance, which created Section 95-160. The Section number should be 94-160 to continue the numbering pattern.

FINANCIAL ANALYSIS

This ordinance is not expected to impact the City financially.

RECOMMENDATION

If the Ordinance Committee would like to see the ATV/UTV ordinance continue, staff

recommends that Section 95-160 be renumbered and amended as above. Staff recommends that the Ordinance Committee provide input and direction to staff, including possible amendments, before bringing the matter to the City Council for review.

If recommended for approval by the City Council, staff will redraft the ordinance in the City's standard ordinance format.

ATTACHMENTS

- 1. Ord 836 ATV UTV
- 2. ARTICLE_V. ___ALL_TERRAIN_VEHICLES

ORDINANCE NO. 836

**SUBSTITUTE AMENDMENT #1
AN ORDINANCE TO REPEAL AND RECREATE SECTION 94-151 OF THE CITY OF FORT ATKINSON
CODE OF GENERAL ORDINANCES
RELATING TO THE USE OF ALL-TERRAIN VEHICLES (ATVS) ON CITY STREETS**

WHEREAS, the City of Fort Atkinson (the City) has previously adopted ordinances regulating the use and operation of all-terrain vehicles (ATVs) and utility-terrain vehicles (UTVs) via Sec. 94-151 adopting Wis. Stats. 23.33(11)(a); and

WHEREAS, this ordinance is enacted pursuant to 23.33 Wis. Stats., and the provisions of the Wisconsin Administrative Code NR 64 regulating ATV/UTV operation, which is hereby incorporated and adopted; and

WHEREAS, Local ATV/UTV clubs have volunteered to provide funds to the City to pay for appropriate signage; and the City will accept such donations and use funds to install signage in the manner and locations City staff deem necessary to implement this ordinance; and

WHEREAS, the City further finds that its present ordinances regulating the use of ATVs and UTVs must be restated and adopted.

NOW THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, does hereby ordain as follows:

Section 1. Repeals Sec. 94-151 of the Ordinances.

Section 2. Recreates Sec. 94-151 of the City of Fort Atkinson Municipal Code to read as follows:

“Sec. 94-151. – State Laws Adopted for clarity purposes.

- A. The provisions of Wis. Stats. § 23.33, and the defining regulations found in Wis. Admin. Code NR Ch. 64 with respect to the regulation of all-terrain vehicles, including any future amendments thereof, are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited in this section.
- B. The operator of ATV/UTV shall be subject to Wis. Stats. Sections 341.057, 346.02(11), 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.21, 346.215(3), 346.22, 346.27, 346.33, 346.35, 346.37, 346.39, 346.44, 346.46, 346.47, 346.48, 346.50, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.62, 346.71,

346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 364.94(1) and (9); and Sections 347.06(3), 347.07(2), 347.14(1), 347.39(1); and 347.48(4). Acts required to be performed or prohibited by such Statutes are required or prohibited by this Chapter.

Sec. 94-152. – Definitions.

- A. All-terrain vehicle (ATV): A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards effective July 1, 2012, that is not a golf cart, low speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a paved road, and that has, and was manufactured with, all of the following:
1. A weight, without fluids, of 900 pounds or less.
 2. Four or more tires.
 3. A steering handlebar, single or dual headlights, a tail and brake light.
 4. A width of no more than 50 inches.
- B. Utility-terrain vehicle (UTV): A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards effective July 1, 2012, that is not a golf cart, low speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was manufactured with, all of the following:
1. A weight, without fluids, of 3,000 pounds or less.
 2. Four or more tires.
 3. A cargo box installed by the manufacturer measured laterally between the outermost wheel run on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
 4. A steering wheel, tail and brake lights, and two headlights.
 5. A width of no more than 65 inches.
 6. A system of seat belts, or similar system, for restraining each occupant of the device in the event of a collision.

- 7. A system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device (roll bars).
- C. **ATV/UTV Route:** A street designated for use by ATV/UTV vehicle operators by the governmental agency having jurisdiction as authorized by this Chapter.
- D. **Operate:** To exercise physical control over the speed or direction of an all-terrain vehicle or physically manipulate or activate any of the controls of an all-terrain vehicle necessary to put it into motion.
- E. **State Trunk Highway:** Any highway designated pursuant to Wis. Stat. §84.29 as part of the state trunk highway system.
- F. **City Streets:** Every named, paved public right-of-way within the corporate limits of the City, inclusive of State Connecting Highways, and excluding alleys.

Sec. 94-153. – All-terrain/Utility Terrain vehicle routes. ATV/UTV usage shall be authorized on all City streets.

Sec. 94-154. – Age Requirement. All ATV/UTV operators shall be 18 years or older to operate an all-terrain vehicle on road routes in the City, holding a valid Wisconsin Driver's License. The operator, upon request from any law enforcement officer, state patrol, or inspector under Wisconsin Statutes 110.07(1), conservation warden, or municipal peace officer shall display said operator's license to said agent as well as proof of insurance and registration.

Sec. 94-155. – Speed Limits. All ATV/UTV operators shall observe the posted speed limits on City streets.

Sec. 94-156. – Registration and Display of Registration. All ATV/UTV vehicles operated within the City of Fort Atkinson on designated routes are required to have State of Wisconsin registration as issued by the Wisconsin Department of Natural Resources and display such registration on the ATV/UTV vehicle.

Sec. 94-157. – Operating Requirements.

- A. All ATV/UTV operators shall ride single file on the right side of the City Street but shall not operate on any unpaved or shoulder section of City Streets.
- B. Headlights and taillights shall be present and on at all times.

- C. All-terrain/utility terrain vehicles shall yield the right-of-way to non-motorized vehicles, such as bicycles and pedestrians.
- D. No person shall leave or allow an all-terrain/utility terrain vehicle owned or operated by him/her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- E. No owner having charge or control of an all-terrain/utility terrain vehicle shall authorize or permit any person to operate such all-terrain vehicle who is not permitted under state law to operate an all-terrain/utility terrain vehicle or who is under the influence of an intoxicant or a dangerous or narcotic drug.
- F. Wis. Stat. § 346.63, which prohibits the operation of a motor vehicle while under the influence of an intoxicant or other drugs, shall apply to the operation of an all-terrain/utility terrain vehicle at any place within the City.
- G. No person shall operate an all-terrain/utility terrain vehicle in the City between 10:00 P.M. and 5:00 A.M.
- H. No operator or passenger of an all-terrain/utility terrain vehicle may possess in or on an all-terrain/utility terrain vehicle on any City Street in the City of Fort Atkinson, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released.
- I. No operator shall operate an ATV/UTV so as to cause the tires thereof to squeal, the horn to blow excessively, the motor to race excessively, or by emitting unnecessary and loud muffler noises.
- J. During special events within the City limits, the Chief of Police, with the approval of the City Manager, is granted authority to allow for all-terrain/utility terrain vehicle operation on City streets for the duration of going to or coming from said event or during a parade. An operator needs to contact the Fort Atkinson Police Department and provide their name, all terrain/utility terrain device type and registration number, and the Chief of Police will review the request for permission and notify the individual either verbally or in writing of his/her decision.
- K. Groups of 25 or more ATV/UTV operators shall notify the Fort Atkinson Police Department before entering the legal boundaries of the City.

- L. ATVs/UTVs shall only be operated on paved surfaces, unless yielding the right-of-way. ATVs/UTVs shall not operate in any public municipal property, public park, public walking trail, public sidewalk, public alley, public unpaved surface, or on any private property without permission of the property owner; except that operators may park ATVs/UTVs in public parking lots in accordance with any other ordinance requirements.
- M. Operators shall have liability insurance consistent with State of Wisconsin requirements for motor vehicles and shall have and provide proof of said insurance while operating an ATV/UTV.
- N. Parking. ATVs/UTVs shall be subject to all parking requirements and allowances of motor vehicles included in the City of Fort Atkinson Municipal Code, except that ATVs/UTVs shall not be parked overnight on any City Street or parking lot.
- O. Tires. Every ATV/UTV tire shall have at least 2/32-inch tread depth in every major tire groove measured at 2 points no less than 15 inches apart.
- P. Eye Protection. No person may operate an ATV/UTV without wearing any of the following eye protection: a protective face shield attached to the headgear, glasses, goggles, or a windshield on the ATV/UTV that rises a minimum of 15 inches above the handlebar or steering wheel. This section shall not apply to persons operating an ATV/UTV in a parade sanctioned by the City of Fort Atkinson.

Sec. 94-158. – Signage. City staff shall mark entrances to the City with signage in accordance with Wis. Admin. Code NR § 64.12 and NR § 64.12(7)c. Locations and placement must be approved by the Police Chief and Public Works Director. Signs shall be maintained by the City. No person may erect or remove any official sign unless authorized by the City.

Sec. 94-159. – Penalties. Any person who shall operate an all-terrain vehicle in violation of this section, in addition to the penalties of Wis. Stats. Chs. 346, 347, and Ch. 23.33 shall forfeit to the City not less than \$50.00, nor more than \$200.00, for each violation together with costs and assessments imposed under Wis. Stats. Ch. 814. This penalty section may be amended and set annually by the City Council.

Sec. 95-160. – Review and Sunset Provision. Information and statistics relating to incidents, accidents, and calls stemming from the use of ATVs/UTVs on City Streets shall be reviewed by the City Council every six months starting six months from the effective date of this ordinance, through a staff report. This ordinance will cease to be effective and automatically be repealed two years from the effective date


of the ordinance, unless specific action is taken by the City Council to extend the date of said ordinance.

Section 3. Upon its adoption, the clerk is hereby directed to send a copy of this ordinance to the Wisconsin Department of Transportation, the Wisconsin State Patrol, the Jefferson County Sheriff Department, the Wisconsin Department of Natural Resources, and the Fort Atkinson Police Department, pursuant to Wis. Stat. §23.33(11)b.

Section 4. Effective Date. This ordinance shall take effect on April 8, 2024, after passage, publication, and attestation as required by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this 7 day of November, 2023.

Fort Atkinson City Council



Bruce Johnson, President

ATTEST:



Michelle Ebbert, City Clerk/Treasurer/Finance Director

ARTICLE V. ALL-TERRAIN VEHICLES

Sec. 94-151. State laws adopted for clarity purposes.

- (a) The provisions of Wis. Stats. § 23.33, and the defining regulations found in Wis. Admin. Code NR Ch. 64 with respect to the regulation of all-terrain vehicles, including any future amendments thereof, are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited in this section.
- (b) The operator of ATV/UTV shall be subject to Wis. Stats. §§ 341.057, 346.02(11), 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.21, 346.215(3), 346.22, 346.27, 346.33, 346.35, 346.37, 346.39, 346.44, 346.46, 346.47, 346.48, 346.50, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.62, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 364.94(1) and 364.94(9); and §§ 347.06(3), 347.07(2), 347.14(1), 347.39(1); and 347.48(4). Acts required to be performed or prohibited by such statutes are required or prohibited by this chapter.

(Code 1969, § 16.22; Ord. No. 836, § 2, 11-7-23)

Sec. 94-152. Definitions.

- (a) *All-terrain vehicle (ATV)*: A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards effective July 1, 2012, that is not a golf cart, low speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a paved road, and that has, and was manufactured with, all of the following:
 - (1) A weight, without fluids, of 900 pounds or less.
 - (2) Four or more tires.
 - (3) A steering handlebar, single or dual headlights, a tail and brake light.
 - (4) A width of no more than 50 inches.
- (b) *Utility-terrain vehicle (UTV)*: A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards effective July 1, 2012, that is not a golf cart, low speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was manufactured with, all of the following:
 - (1) A weight, without fluids, of 3,000 pounds or less.
 - (2) Four or more tires.
 - (3) A cargo box installed by the manufacturer measured laterally between the outermost wheel run on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
 - (4) A steering wheel, tail and brake lights, and two headlights.
 - (5) A width of no more than 65 inches.
 - (6) A system of seat belts, or similar system, for restraining each occupant of the device in the event of a collision.

-
- (7) A system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device (roll bars).
 - (c) *ATV/UTV route*: A street designated for use by ATV/UTV vehicle operators by the governmental agency having jurisdiction as authorized by this chapter.
 - (d) *Operate*: To exercise physical control over the speed or direction of an all-terrain vehicle or physically manipulate or activate any of the controls of an all-terrain vehicle necessary to put it into motion.
 - (e) *State trunk highway*: Any highway designated pursuant to Wis. Stats. § 84.29 as part of the state trunk highway system.
 - (f) *City streets*: Every named, paved public right-of-way within the corporate limits of the city, inclusive of state connecting highways, and excluding alleys.

(Ord. No. 836, § 2, 11-7-23)

Sec. 94-153. All-terrain/utility terrain vehicle routes.

ATV/UTV usage shall be authorized on all city streets.

(Ord. No. 836, § 2, 11-7-23)

Sec. 94-154. Age requirement.

All ATV/UTV operators shall be 18 years or older to operate an all-terrain vehicle on road routes in the city, holding a valid Wisconsin driver's license. The operator, upon request from any law enforcement officer, state patrol, or inspector under Wis. Stats. § 110.07(1), conservation warden, or municipal peace officer shall display said operator's license to said agent as well as proof of insurance and registration.

(Ord. No. 836, § 2, 11-7-23)

Sec. 94-155. Speed limits.

All ATV/UTV operators shall observe the posted speed limits on city streets.

(Ord. No. 836, § 2, 11-7-23)

Sec. 94-156. Registration and display of registration.

All ATV/UTV vehicles operated within the City of Fort Atkinson on designated routes are required to have State of Wisconsin registration as issued by the Wisconsin Department of Natural Resources and display such registration on the ATV/UTV vehicle.

(Ord. No. 836, § 2, 11-7-23)

Sec. 94-157. Operating requirements.

- (a) All ATV/UTV operators shall ride single file on the right side of the city street but shall not operate on any unpaved or shoulder section of city streets.
- (b) Headlights and taillights shall be present and on at all times.

-
- (c) All-terrain/utility terrain vehicles shall yield the right-of-way to non-motorized vehicles, such as bicycles and pedestrians.
 - (d) No person shall leave or allow an all-terrain/utility terrain vehicle owned or operated by him/her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
 - (e) No owner having charge or control of an all-terrain/utility terrain vehicle shall authorize or permit any person to operate such all-terrain vehicle who is not permitted under state law to operate an all-terrain/utility terrain vehicle or who is under the influence of an intoxicant or a dangerous or narcotic drug.
 - (f) Wis. Stats. § 346.63, which prohibits the operation of a motor vehicle while under the influence of an intoxicant or other drugs, shall apply to the operation of an all-terrain/utility terrain vehicle at any place within the city.
 - (g) No person shall operate an all-terrain/utility terrain vehicle in the city between 10:00 p.m. and 5:00 a.m.
 - (h) No operator or passenger of an all-terrain/utility terrain vehicle may possess in or on an all-terrain/utility terrain vehicle on any city street in the City of Fort Atkinson, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released.
 - (i) No operator shall operate an ATV/UTV so as to cause the tires thereof to squeal, the horn to blow excessively, the motor to race excessively, or by emitting unnecessary and loud muffler noises.
 - (j) During special events within the city limits, the chief of police, with the approval of the city manager, is granted authority to allow for all-terrain/utility terrain vehicle operation on city streets for the duration of going to or coming from said event or during a parade. An operator needs to contact the Fort Atkinson Police Department and provide their name, all terrain/utility terrain device type and registration number, and the chief of police will review the request for permission and notify the individual either verbally or in writing of his/her decision.
 - (k) Groups of 25 or more ATV/UTV operators shall notify the Fort Atkinson Police Department before entering the legal boundaries of the city.
 - (l) ATVs/UTVs shall only be operated on paved surfaces, unless yielding the right-of-way. ATVs/UTVs shall not operate in any public municipal property, public park, public walking trail, public sidewalk, public alley, public unpaved surface, or on any private property without permission of the property owner; except that operators may park ATVs/UTVs in public parking lots in accordance with any other ordinance requirements.
 - (m) Operators shall have liability insurance consistent with State of Wisconsin requirements for motor vehicles and shall have and provide proof of said insurance while operating an ATV/UTV.
 - (n) *Parking.* ATVs/UTVs shall be subject to all parking requirements and allowances of motor vehicles included in the City of Fort Atkinson Municipal Code, except that ATVs/UTVs shall not be parked overnight on any city street or parking lot.
 - (o) *Tires.* Every ATV/UTV tire shall have at least 2/32-inch tread depth in every major tire groove measured at two points no less than 15 inches apart.
 - (p) *Eye protection.* No person may operate an ATV/UTV without wearing any of the following eye protection: a protective face shield attached to the headgear, glasses, goggles, or a windshield on the ATV/UTV that rises a minimum of 15 inches above the handlebar or steering wheel. This section shall not apply to persons operating an ATV/UTV in a parade sanctioned by the City of Fort Atkinson.

(Ord. No. 836, § 2, 11-7-23)

Sec. 94-158. Signage.

City staff shall mark entrances to the city with signage in accordance with Wis. Admin. Code NR § 64.12 and NR § 64.12(7)c. Locations and placement must be approved by the police chief and public works director. signs shall be maintained by the city. No person may erect or remove any official sign unless authorized by the city.

(Ord. No. 836, § 2, 11-7-23)

Sec. 94-159. Penalties.

Any person who shall operate an all-terrain vehicle in violation of this section, in addition to the penalties of Wis. Stats. Chs. 346, 347, and Wis. Stats. § 23.33 shall forfeit to the city not less than \$50.00, nor more than \$200.00, for each violation together with costs and assessments imposed under Wis. Stats. Ch. 814. This penalty section may be amended and set annually by the city council.

(Ord. No. 836, § 2, 11-7-23)

Sec. 95-160. Review and sunset provision.

Information and statistics relating to incidents, accidents, and calls stemming from the use of ATVs/UTVs on city streets shall be reviewed by the city council every six months starting six months from the effective date of the ordinance codified herein, through a staff report. The ordinance will cease to be effective and automatically be repealed two years from the effective date of the ordinance, unless specific action is taken by the city council to extend the date of said ordinance.

(Ord. No. 836, § 2, 11-7-23)

Secs. 94-161—94-180. Reserved.