ORDINANCE NO. 859

AN ORDINANCE TO CREATE SECTIONS 94-245 THROUGH 94-248 OF CHAPTER 94 OF THE CITY OF FORT ATKINSON CODE OF GENERAL ORDINANCES RELATING TO OFF HIGHWAY MOTORCYCLES (OHM)

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

Section 1. Creates Section 94-245 through 94-248 of the City of Fort Atkinson Municipal Code to read as follows:

"ARTICLE VI. – BICYCLES AND PLAY VEHICLES.

DIVISION 4. – OFF-HIGHWAY MOTORCYLES

Sec. 94-245. Definitions.

The following words, terms, and phrases, when used in this ordinance shall have the meanings ascribed to them in this section:

Off-Highway Motorcycle (OHM) "Off-highway motorcycle" means a 2-wheeled motor vehicle, powered by an electric or combustion motor, that is straddled by the operator, that is equipped with handlebars, and that is designed for use off a highway, regardless of whether it is also designed for use on a highway. "Off-highway motorcycle" does not include an electric bicycle, as defined under s. 340.01 (15ph).

Sec 94-246 - Operating an Off Highway Motorcycle within City Limits.

a) It is unlawful for any person to operate an Off-Highway Motorcycle on any public street, sidewalk, road, alley, trail, or other public property within the City of Fort Atkinson in violation of state law or this ordinance except in the following cases:

    1. During special off-highway vehicle events lawfully conducted pursuant to the authority granted by the City Council or Chief of Police.

b) Parent Responsibility. No parent or legal guardian shall cause, permit, or knowingly allow a minor under the age of eighteen (18) years of age to operate an off-highway motorcycle on any public street, road, alley, trail, or other public property within the City of Fort Atkinson in violation of state law or this ordinance.

c) Fleeing/Eluding. It is unlawful for any operator of an off-highway motorcycle to

willfully fail to stop, or to willfully attempt to elude or evade, a peace officer after receiving a clear visual or audible signal directing the operator to stop. This subsection applies when the officer has reasonable articulable suspicion that the operator has violated any provision of state law or City ordinance of the City of Fort Atkinson. The signal must be given by a peace officer operating an official vehicle or wearing a clearly identifiable uniform. Prohibited conduct includes, without limitation: (1) increasing speed to avoid the officer; (2) extinguishing lights; (3) departing the roadway to avoid the stop; or (4) any other conduct demonstrating a willful intent to avoid the officer.

d) Reckless Driving. A person who operates an off-highway motorcycle in the City of Fort Atkinson in such a manner as to indicate either a wanton or a willful disregard for the safety of person(s) or property is guilty of reckless driving. For purposes of this subsection, "willful or wanton disregard" means conduct that the operator knew, or reasonably should have known, created a substantial and unjustifiable risk of harm to persons or property.

e) Careless Driving. A person who operates an off-highway motorcycle in the City of Fort Atkinson in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways, and all other attendant circumstances, is guilty of careless driving.

Sec 94-247. – Penalties.

a) Operating an OHM within City Limits. Any person found guilty of, or entering a plea of guilty or no contest to, a violation of this subsection shall be subject to a mandatory minimum fine of twenty-five dollars ($25.00) and maximum fine of fifty dollars ($50.00) plus applicable court costs.

b) Parent Responsibility. Any person found guilty of, or entering a plea of guilty or no contest to, a violation of this subsection shall be subject to a mandatory minimum fine of fifty dollars ($50.00) and maximum of one hundred dollars ($100.00) plus applicable court costs.

c) Fleeing/Eluding. Any person found guilty of, or entering a plea of guilty or no contest to, a violation of this subsection shall be subject to a mandatory minimum fine of one hundred fifty dollars ($150.00) and maximum of two hundred fifty dollars ($250.00) plus applicable court costs.

d) Reckless Driving. Any person found guilty of, or entering a plea of guilty, or no contest to, a violation of this subsection shall be subject to a mandatory minimum fine of one hundred fifty ($150.00), and a maximum of two hundred fifty dollars ($250.00) plus any applicable court costs.

e) Careless Driving. Any person found guilty of, or entering a plea of guilty, or no

contest to, a violation of this subsection where such conduct did not result in bodily injury or damage to another person's property shall be subject to a mandatory minimum fine of one hundred dollars ($100.00), and a maximum of one hundred fifty dollars ($150.00) plus any applicable court costs.

Sec 94-248. - Impoundment.

a) The Fort Atkinson Police Department is hereby authorized to impound any off-highway motorcycle in which the Fort Atkinson Police Department has probable cause to believe is being operated on the public streets, roads, trails, and alleys within the City of Fort Atkinson in violation of the provisions of state law or this ordinance.

(1) Whenever an off-highway motorcycle is impounded, and the identity of the owner of the off-highway motorcycle is known, such owner or person shall be given notice either verbally or in writing of the fact of such impoundment, the reasons therefore, and the place to which the off-highway motorcycle has been impounded.

(2) In the event an off-highway motorcycle is impounded pursuant to this subsection, the owner of such off-highway motorcycle shall be responsible for all impoundment and storage fees, as outlined by the Tow Agency utilized by the Fort Atkinson Police Department.

(3) The Fort Atkinson Police Department is hereby empowered and authorized to adopt rules and regulations governing the procedure to be followed in the impounding of off-highway motorcycles pursuant to the provisions of this subsection.

Secs. 94-249 – 9-275. – Reserved."

Section 2. 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 1st day of September 2026.

Fort Atkinson City Council

Kyle Jaeckel, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director