

TOWN OF NEPEUSKUN  
WINNEBAGO COUNTY, WISCONSIN

**ALL-TERRAIN AND UTILITY-TERRAIN VEHICLE  
ROUTE ORDINANCE**

Section 1. Purpose & Intent.

The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the Town of Nepeuskun and to regulate the operation of all-terrain and utility terrain vehicles in the Town. Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, and traffic density, these routes have been created.

Section 2. Authority.

The Town Board of the Town of Nepeuskun, Winnebago County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Terrain Vehicle Ordinance under Wis. Stats. §§ 23.33(8)(b) and (11). Operators shall follow all of the applicable provisions of Wis. Stats. § 23.33 regulating ATV/UTV operations.

Section 3. Designation of Routes.

The Town of Nepeuskun hereby designates the following Town roads as all-terrain vehicle and utility terrain vehicle routes: All town roads unless otherwise posted and all county and state roadways posted 35 mph or less as authorized under Wis. Stat. § 23.33(11)(am)4 unless otherwise posted.

Section 4. Adoption of Ordinance.

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to designate all-terrain vehicle and utility terrain vehicle routes in the Town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the Town.

Section 5. Regulations of ATVs and UTVs.

Except as otherwise provided herein, the statutory provisions of Wis. Stats. § 23.33 and Wis. Admin. Code NR § 64, which create, describe, and define regulations with respect to ATVs and UTVs, are adopted and, by reference, made a part of this Ordinance as if fully set forth herein.

- (a) Operator and rider requirements. Any person who operates or rides as a passenger on an ATV or UTV on a highway or roadway that is an ATV/UTV route under the

Town of Nepeuskun's jurisdiction, must meet the following requirements:

- (1) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in Wis. Stats. § 23.33 and Wis. Admin. Code NR § 64. All ATV/UTV rules of operation outlined in Wis. Stats. § 23.33 and Wis. Admin. Code NR § 64 are adopted and incorporated by reference in this section.
  - (2) No person may operate an ATV or UTV without having attained the age of 16.
  - (3) No person may operate an ATV or UTV without a valid driver's license.
- (b) All operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV/UTV road or route. The liability insurance policy must have the following minimum coverages:
- (1) \$10,000 for property damage.
  - (2) \$25,000 for the injury or death of one person.
  - (3) \$50,000 for the injury or death of more than one person.

Section 6.     Conditions.

As a condition for the use of roadways, the following conditions shall apply to all operators (and passengers where applicable):

- (a) ATV/UTV operators shall observe all posted speed limits.
- (b) Operators shall ride in single file in the highway or roadway. Highway and roadway are defined in the same manner as defined in Wis. Stats. § 340.01(22)(54).
- (c) All ATVs and UTVs must operate with fully functional headlamps, tail lamps, and brake lights.
- (d) Every ATV or UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall operate an ATV or UTV on an ATV/UTV route unless the vehicle is equipped with a muffler or other effective noise-suppressing

system in good working order and in constant operation.

- (e) All drivers and passengers must wear seatbelts if the vehicle is so equipped.
- (f) All drivers and passengers under the age of 18 must wear helmets.
- (g) ATV/UTV operators must possess a valid driver's license.
- (h) Routes may be closed or suspended by the Town Board for reasons such as repeated, validated complaints from residents, damage caused by ATV/UTVs, an increase in traffic, or roadway accidents.
- (i) Routes may be temporarily closed for reasons such as roadway construction, emergencies, parades, or events.

Section 7. Enforcement.

This Ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

Section 8. Penalties.

ATV/UTV penalties for the State of Wisconsin, as found in Wis. Stats. § 23.33(13)(a) are adopted and incorporated herein by reference. Additionally, any person who violates any provision of Section 6, Conditions, above, shall be subject to a forfeiture of \$50.00 plus any statutory surcharges imposed by the State Legislature.

Section 9. Severability.

The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town of Nepeuskun would have passed the other provisions of this Ordinance regardless of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any individual or circumstance is held invalid, the remainder of the Ordinance and the application of such provisions to other individual circumstances shall not be deemed affected.

Section 10. Effective Date.

This Ordinance is effective on publication. The Town Clerk shall properly publish this Ordinance as required under Wis. Stat. § 60.80.

Dated this 15<sup>th</sup> day of September, 2025.

TOWN OF NEPEUSKUN

By: Lyden Rasmussen  
Lyden Rasmussen, Town Chairman

Attest:  
Rebecca A. Pinnow  
Rebecca Pinnow, Town Clerk