

ORDINANCE # 022026
ALL-TERRAIN/ UTILITY VEHICLE ROUTE ORDINANCE
TOWN OF RUSHFORD, WINNEBAGO COUNTY, WISCONSIN

1-1 AUTHORITY:

The provisions of this Ordinance are adopted by the Town of Rushford pursuant to the authority granted to towns by section 23.33 (8)(b) and section 23.33 of the Wisconsin Statutes.

1-2 PURPOSE:

The purpose of this ordinance is to recreate the Town of Rushford All-Terrain/Utility Vehicle Route Ordinance that was previously created in May of 2017. The ordinance is being recreated to establish the same standards that are set forth in the ATV/UTV ordinance that was passed by Winnebago County earlier this year. The purpose of this ordinance is to establish an all-terrain vehicle and utility terrain vehicle route and provide safe and enjoyable all-terrain vehicle and utility terrain vehicle recreation consistent with public rights and interests. The town board finds that the ATV/UTV route provides recreational opportunities to members of the public and provides economic opportunities for town businesses. The town board further finds that based upon past experience with the ATV/UTV ordinance public safety on town roads is unlikely to be negatively impacted and the use of ATV/UTVs on town roads is unlikely to create wear and tear which would require maintenance earlier than would be necessary if ATV/UTVs were not allowed.

1-3 ROUTES:

All township highways, roads and alleyways within the Town of Rushford are hereby designated as ATV/UTV routes. All county highways and roadways are declared to be ATV/UTV routes unless posted otherwise. Allstate roadways located in the Town of Rushford where the posted speed limit is 35 miles per hour or less are hereby declared as ATV/UTV routes. Bridges of 1,000 feet or less on state highways located in the Town of Rushford are hereby routes. The Town of Rushford shall have the authority to suspend operation in any of the above areas due to hazard, construction, or emergency conditions in any segment.

1-4 REGULATIONS OF ATVS AND UTVS:

Except as otherwise provided herein, the statutory provisions of Wis. Stats. section 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 Rushford's jurisdiction, must meet the following requirements: i. Any operator or passenger shall comply with all federal, state, and local laws, order, regulations, restrictions, and rules, including those outlined in Wis. Stats. section 23.33 and Wis. Admin. Code NR 64. All ATV/UTV rules of operation outlined in Wis. Stats. section 23.33 and Wis. Admin Code NR 64 are adopted and incorporated by reference in this section. ii. No person may operate an ATV or UTV without having attained the age of 16. iii. 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: i. \$10,000.00 for property damage. ii. \$25,000.00 for the injury or death of one person. iii. \$50,000.00 for the injury or death of more than one person.
- (c) ATV/UTV operators shall observe all posted speed limits.
- (d) 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. section 340.01 (22) and (54).
- (e) All ATVs and UTVs must operate with fully functional headlamps, tail lamps, and brake lights.
- (f) 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.
- (g) All drivers and passengers under the age of 18 must wear helmets.
- (h) ATV/UTV operators shall obey all other applicable laws.

1-5

ROUTE SIGNS:

- (a) The Town of Rushford or its designee shall maintain all route signs within the township. All ATV/UTV routes shall be signed in accordance with NR 64.12, and NR 64.12 (7) (c). All required designated route signs shall be paid for and installed by an ATV/UTV club or association, as funds become available, under the direction of the Town of Rushford.
- (b) The Town of Rushford, or its designee, shall maintain a route map and shall

provide copies of the map of routes to the Winnebago County Highway Commissioner and the Winnebago County Sheriff.

1-6 PENALTIES AND ENFORCEMENT:

- (a) The penalty provision set forth in 23.33(13) shall apply to violations of this ordinance and are adopted and incorporated by reference. Additionally, any person who violates any provision of this ordinance shall be subject to a forfeiture of \$50.00 plus any statutory surcharges imposed by the State Legislature.
- (b) This ordinance may be enforced by any of the following: an officer of the state patrol, an inspector under section 110.07 (3), a conservation warden or the county sheriff.
- (c) Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.

1-7 SEVERABILITY:

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town of Rushford would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

1-8 EFFECTIVE DATE:

This ordinance becomes effective upon passage and publication. The clerk shall send a copy of the ordinance to the Winnebago County Sheriff, the state traffic patrol, the Winnebago County Highway Commissioner and the Department of Natural Resources.

Dated this 4th day of February, 2026.

Thomas Egan, Town Chairman

ATTEST:

Peggy Hendricks, Town Clerk

AYES _____ NAYES _____

PASSED THIS 4th DAY OF February 2026

PUBLISHED THIS 5th DAY OF February 2026