

***With the tremendous amount of snow we've gotten this winter, some residents have been pushing the excess snow from their private walks and driveways onto the roadside. What can the selectboard do to stop this practice?***

Vermont law has for many years prohibited persons from placing anything within town roadways that might obstruct traffic or create a safety hazard for drivers. 19 V.S.A. §§1105, 1111(b). However, the language of this law is fairly broad – referring to an ‘obstruction or encroachment’ that might hinder or impede travel, without specifically including the act of dumping snow.

Despite the imprecision, citing this statute generally gets a violator’s attention once he or she discovers that the resulting fine is up to \$1,000 and that he or she can be held personally liable for the actual costs of repairing any damage and for reasonable attorney’s fees. A warning letter, mentioning the penalty, may be enough to stop the practice.

Additionally, in 1997, the Legislature made the act of dumping snow into highways a crime by enacting the following provision: “*No person, other than an employee in the performance of his or her official duties or other person authorized by the agency of transportation (in the case of state highways) or selectboard (in the case of town highways), shall plow or otherwise deposit snow onto the traveled way, shoulder or sidewalk of a state highway or a class 1, 2 or 3 town highway.*” 23 V.S.A. §1126a. Any law enforcement officer may enforce this state law if violated. 23 V.S.A. §1013.

It may be more efficient, however, for towns to regulate snow removal and prohibit the depositing of snow on town highways by enacting a local highway or nuisance ordinance. In this way, the town may establish its own civil penalties for violation and be in a better position to enforce the regulations.

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