

Can the town, through an ordinance, prohibit the operation of snowmobiles on town highways that are not maintained during the snow season?

No. According to Vermont law, a municipality “shall have the power to adopt ordinances ... for the purposes of regulating the time, manner, and location of operation of snowmobiles within their limits provided such ordinances do not controvert the provisions of this subchapter.” 23 V.S.A. § 3210. One of these provisions explicitly states that snowmobile usage may not be prohibited if the highway is not being maintained and plowed for motor vehicle use during the snow season. 23 V.S.A. § 3206(b).

Therefore, if a municipality does not maintain and plow a municipal highway, typically a Class IV, during the snow season, then it is not authorized to prohibit snowmobile use on this town highway. A municipality must first begin to maintain and plow the road, and only then will it be authorized to prohibit snowmobile usage.

However, a municipality may regulate the time or manner of usage on a Class IV highway, or any other highway within its jurisdiction. For example, a town could set hours of operation. Although, state law has predetermined hours of operation for some, if the public highway is on the statewide snowmobile trails system or on a public right-of-way, snowmobiles may not be operated after 11:00 p.m. and before 6:00 a.m. 23 V.S.A. § 3206(b)(20). A municipality may also set a speed limit for snowmobile use on the highway, as long as the limit is not greater than 50 m.p.h., the maximum speed limit for snowmobile use on public highways. 23 V.S.A. §§ 1007, 3206(b)(17)(D).

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