

**THE TOWN OF GALENA
ORDINANCE NO. 2026-07**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF GALENA AMENDING CHAPTER 131 (PROPERTY MAINTENANCE) OF THE CODE OF THE TOWN OF GALENA TO PROHIBIT THE DEPOSIT OF GRASS CLIPPINGS, LEAVES, AND OTHER YARD DEBRIS ON PUBLIC STREETS, SIDEWALKS, GUTTERS, STORM DRAINS, AND OTHER PUBLIC WAYS; DECLARING SUCH DEPOSITS TO BE A PUBLIC NUISANCE; INCREASING THE AUTHORIZED FINES AND GENERALLY RELATING TO THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, WELFARE, AND MUNICIPAL STORMWATER INFRASTRUCTURE.

WHEREAS, Section 501 of the Town Charter provides that the Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Town Charter as it may deem necessary for the protection of public health, safety, and welfare; and

WHEREAS, the Mayor and Council find that grass clippings, leaves, and other yard debris deposited on public streets, sidewalks, gutters, storm drains, and other public ways create hazardous conditions for motorists, bicyclists, pedestrians, and other users of the public rights-of-way; and

WHEREAS, the Mayor and Council further find that yard debris deposited into gutters and storm drainage systems can obstruct the flow of stormwater, contribute to localized flooding, increase maintenance costs, and negatively impact water quality by introducing excess nutrients and organic material into local waterways and the Chesapeake Bay watershed; and

WHEREAS, the Mayor and Council find that the Town's existing nuisance regulations should be amended to expressly prohibit the placement of grass clippings, leaves, and other yard debris upon public rights-of-way and municipal stormwater facilities in order to promote public safety, protect municipal infrastructure, and preserve the environment; and

WHEREAS, the Town Charter in Section 308 provides that no ordinance shall be passed at the meeting at which it is introduced, and at any regular or special meeting of the Council held not less than six (6) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date, but in cases of emergency, the above requirement may be suspended by the affirmative votes of four (4) members of the Council, and every ordinance, unless it be passed as an emergency ordinance, shall become effective at

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[Brackets]	:	Indicate matter deleted from existing law
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the expiration of twenty (20) calendar days following approval by the Mayor or passage by the Council over the Mayor's veto; and

WHEREAS, the Town Charter in Section 308 further provides that after enactment that a fair summary of each ordinance shall be published at least twice (2) in a newspaper or newspapers having general circulation in the municipality and that an emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the Mayor or passed over the Mayor's veto by the Council.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF GALENA, MARYLAND, that on this ____ day of _____, 2026, that Chapter 131 of the Code, in accordance with the legend indicated below, is hereby amended to read as follows:

* * *

Chapter 131. Property Maintenance

* * *

§ 131-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

* * *

GRASS CLIPPINGS AND YARD DEBRIS

GRASS CLIPPINGS, LEAVES, WEEDS, BRUSH, HEDGE TRIMMINGS, TREE LIMBS, BRANCHES, SHRUBS, GARDEN WASTE, AND OTHER ORGANIC VEGETATIVE MATERIAL GENERATED THROUGH THE MOWING, TRIMMING, PRUNING, LANDSCAPING, OR MAINTENANCE OF LAWNS, TREES, SHRUBS, GARDENS, OR OTHER VEGETATION. THE TERM SHALL NOT INCLUDE HOUSEHOLD GARBAGE, REFUSE, CONSTRUCTION DEBRIS, OR MATERIALS PROPERLY CONTAINED FOR COLLECTION OR COMPOSTING IN ACCORDANCE WITH THIS CHAPTER.

* * *

§ 131-5. Enforcement.

A. The Mayor and Council of Galena may take any action legally necessary, including making application to the appropriate court of competent jurisdiction for an injunction to abate such

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nuisances. The Mayor and Council may also recover the penalty as set forth in § 131-8 of this section by civil action in any court of competent jurisdiction.

B. Pursuant to Chapter 116, Nuisances, § 116-4, of the Kent County Code, the Health Officer's designee, or other properly designated law enforcement agent of Kent County, ~~[shall]~~ MAY SERVE AS THE DESIGNATED ENFORCEMENT OFFICER PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT ~~[be the enforcement officer]~~ for all provisions of this chapter with the exception of those enumerated in §§ 131-6 ~~[and]~~, 131-7, AND 131-8 below.

* * *

§ 131-8. GRASS CLIPPINGS AND YARD DEBRIS

- A. NO PERSON SHALL RAKE, BLOW, SWEEP, MOW, TRIM, OR OTHERWISE CAUSE TO BE DEPOSITED ANY GRASS CLIPPINGS, LEAVES, BRUSH, WEEDS, OR OTHER YARD DEBRIS ONTO OR INTO ANY PUBLIC STREET, SIDEWALK, ALLEY, GUTTER, STORM DRAIN, PUBLIC RIGHT-OF-WAY, OR OTHER PUBLIC PROPERTY WITHIN THE TOWN.
- B. ANY PERSON WHO CAUSES GRASS CLIPPINGS OR OTHER YARD DEBRIS TO BE DEPOSITED UPON ANY PUBLIC STREET, SIDEWALK, GUTTER, STORM DRAIN, OR OTHER PUBLIC PROPERTY SHALL IMMEDIATELY REMOVE AND PROPERLY DISPOSE OF SUCH MATERIAL. FAILURE TO REMOVE THE DEBRIS WITHIN TWO (2) HOURS AFTER THE ACTIVITY CEASES OR UPON NOTICE BY THE ENFORCEMENT OFFICER, WHICHEVER IS SOONER.
- C. GRASS CLIPPINGS, LEAVES, AND OTHER YARD DEBRIS DEPOSITED UPON PUBLIC STREETS, SIDEWALKS, GUTTERS, OR STORM DRAINS ARE HEREBY DECLARED TO CONSTITUTE A PUBLIC NUISANCE BECAUSE THEY CREATE HAZARDS TO PEDESTRIANS, BICYCLISTS, MOTORCYCLISTS, AND MOTORISTS, INTERFERE WITH DRAINAGE, AND CONTRIBUTE POLLUTANTS TO THE MUNICIPAL STORMWATER SYSTEM.
- D. THE OWNER OR OCCUPANT OF THE PROPERTY, TOGETHER WITH ANY CONTRACTOR OR PERSON PERFORMING THE WORK, SHALL EACH BE RESPONSIBLE FOR COMPLIANCE WITH THIS SECTION.
- E. THIS SECTION SHALL NOT APPLY TO:

- 1) MUNICIPAL EMPLOYEES PERFORMING OFFICIAL DUTIES,

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- 2) YARD WASTE PROPERLY PLACED FOR SCHEDULED COLLECTION IN APPROVED CONTAINERS OR BUNDLES,
- 3) ACTIVITIES AUTHORIZED BY A TOWN PERMIT, OR
- 4) EMERGENCY OPERATIONS AUTHORIZED BY THE TOWN.

§ 131-[8]9. Violations and penalties.

Any person, firm or corporation who fails to abate a nuisance, as defined in this chapter, shall be guilty of a municipal infraction and shall be fined not less than \$[25]100 nor more than \$[400]500. Each day that a violation continues shall constitute a separate violation.

* * *

AND BE IT FURTHER ORDAINED AND ENACTED, that a fair summary of this ordinance shall be published at least twice after the date of passage in a newspaper or newspapers having general circulation in the Town.

HAVING BEEN DULY ADOPTED on the ____ day of _____, 2026 to be effective at the expiration of twenty (20) calendar days following approval on ____ day of _____, 2026, we hereby affix our signatures. Following adoption, a fair summary of this Ordinance will be published at least twice (2) in a newspaper having circulation in the area.

THE TOWN OF GALENA

Tyler J. Carpenter, Mayor

Sarah E. Merrell, Councilmember

Cheryl A. Richwine, Councilmember

John T. Carroll, Jr., Councilmember

Attest:

John W. Duhamell, Jr., Councilmember

Marisa R. Pisapia, Town Administrator

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APPROVED AS TO FORM:

Kevin J. Best, Town Attorney

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