

**THE TOWN OF GALENA
ORDINANCE NO. 2026-08**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF GALENA TO REGULATE THE USE, MAINTENANCE, SERVICING, AND SANITATION OF COMMERCIAL DUMPSTERS WITHIN THE TOWN OF GALENA; TO PREVENT UNSANITARY CONDITIONS, PEST INFESTATIONS, LITTER, ODORS, LEAKAGE, EXCESSIVE NOISE, AND OTHER PUBLIC NUISANCES; TO AUTHORIZE TOWN ENFORCEMENT AND ADMINISTRATIVE ABATEMENT; AND TO PROVIDE FOR ENFORCEMENT AND PENALTIES.

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 current Town Code was initially codified by enactment of Ordinance 2013-02 passed on July 1, 2013, as described in Chapter 1, Article II of the Code of the Town of Galena and is available online at <https://ecode360.com/GA3097/home>; and

WHEREAS, the Mayor and Council of the Town of Galena find that improperly maintained dumpsters may create unsanitary conditions, offensive odors, rodent and insect infestations, litter, leakage, and other conditions detrimental to the health, safety, and welfare of Town residents; and

WHEREAS, the Mayor and Council desire to establish reasonable standards for the use, maintenance, and servicing of commercial dumpsters within the Town, and to confirm the Town's authority to enforce those standards and, after notice, unless a bona fide emergency exists, to abate continuing violations at the responsible party's expense; 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 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 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

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Town of Galena Ordinance No. 2026-08

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:

COMMERCIAL DUMPSTER – ANY BULK WASTE CONTAINER, ROLL-OFF CONTAINER, COMPACTOR, OR SIMILAR RECEPTACLE HAVING A CAPACITY OF ONE (1) CUBIC YARD OR GREATER AND USED FOR THE COLLECTION OR TEMPORARY STORAGE OF GARBAGE, RUBBISH, REFUSE, RECYCLABLE MATERIALS, OR OTHER SOLID WASTE GENERATED BY A COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OR MULTI-FAMILY RESIDENTIAL PROPERTY.

GARBAGE – All organic waste, consisting of the residue of animals, fruit or vegetable matter, resulting from the preparation, cooking, handling, or storage of food, exclusive of human or animal feces.

HEALTH OFFICER – The Health Officer of Kent County, Maryland.

* * *

NUISANCE – The existence of any of the prohibited conditions enumerated in this chapter, INCLUDING ANY CONDITION RESULTING FROM THE IMPROPER STORAGE, MAINTENANCE, OR USE OF A COMMERCIAL DUMPSTER THAT CAUSES NOXIOUS ODORS, HARBORAGE FOR PESTS, LIQUID RUNOFF, EXCESSIVE NOISE, VISUAL BLIGHT, OR UNCONTAINED LITTER.

OPERATOR – ANY PERSON OR ENTITY THAT OWNS, LEASES, RENTS, MAINTAINS, SERVICES, OR CONTROLS A COMMERCIAL DUMPSTER, OR THAT GENERATES WASTE DEPOSITED INTO A COMMERCIAL DUMPSTER, INCLUDING A TENANT, BUSINESS OCCUPANT, PROPERTY MANAGER, AND WASTE HAULER, AS THE CONTEXT REQUIRES.

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OWNER – THE PERSON, FIRM, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER ENTITY HOLDING LEGAL OR EQUITABLE TITLE TO THE REAL PROPERTY ON WHICH A COMMERCIAL DUMPSTER IS LOCATED, AND ANY DULY AUTHORIZED AGENT OF THAT PERSON OR ENTITY, INCLUDING A PROPERTY MANAGER. IN THE CASE OF PROPERTY NOT INVOLVING THE REGULATION OF A COMMERCIAL DUMPSTER, THE DEFINITION IN SECTION 1-2 SHALL APPLY.

REFUSE – Any ashes, garbage, rubbish, junk, industrial waste, motor drain oil, dead animals and all other solid waste materials, including salvageable waste.

* * *

RUBBISH – All refuse other than garbage, whether combustible or noncombustible, and such forms shall include but are not limited to the following: rubbish from building construction or reconstruction, dead trees, uprooted trees, stumps, slash, rubble, street refuse, abandoned automobiles, household appliances, machinery, bottles, cans, wastepaper, cardboard, sawdust piles and slash remaining from abandoned sawmill operations and all other waste materials and unsightly debris from any industry.

* * *

WET GARBAGE – GARBAGE, FOOD WASTE, PERISHABLE REFUSE, COOKING GREASE, AND OTHER WASTE REASONABLY CAPABLE OF LEAKING, PRODUCING OFFENSIVE ODORS, OR ATTRACTING RODENTS, INSECTS, OR OTHER PESTS.

* * *

§ 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 nuisances. The Mayor and Council may also recover the penalty as set forth in § ~~[131-8]~~ 131-10 of this chapter 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, may serve as the designated enforcement officer pursuant to an intergovernmental agreement for all provisions of this chapter with the exception of those enumerated in §§ 131-6, 131-7, 131-8 AND 131-9 below. NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, THE TOWN IS AUTHORIZED TO APPOINT ITS OWN AGENTS OR CODE ENFORCEMENT OFFICERS TO ENFORCE THE PROVISIONS OF THIS CHAPTER.
- C. WHEN A VIOLATION INVOLVES LEAKING OR UNCONTAINED LIQUIDS, ROTTING OR UNCONTAINED FOOD WASTE, A SIGNIFICANT RODENT OR INSECT INFESTATION, DEAD ANIMALS, SUBSTANTIAL ACCUMULATION OF GARBAGE OUTSIDE THE DUMPSTER, OR ANOTHER CONDITION DETERMINED BY THE

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TOWN TO PRESENT AN IMMEDIATE THREAT TO PUBLIC HEALTH OR SAFETY, THE TOWN MAY REQUIRE CORRECTIVE ACTION WITHIN TWENTY-FOUR (24) HOURS OR SUCH SHORTER PERIOD AS MAY BE AUTHORIZED BY LAW IN THE EVENT OF AN EMERGENCY.

D. EMERGENCY ABATEMENT BY THE TOWN.

1. IF THE OWNER, OPERATOR, OR OTHER RESPONSIBLE PERSON FAILS TO COMPLETE THE CORRECTIVE ACTION REQUIRED UNDER SUBSECTION C WITHIN THE TIME SPECIFIED, OR IF THE TOWN ADMINISTRATOR OR CODE ENFORCEMENT OFFICER DETERMINES THAT THE CONDITION IS SO IMMINENT THAT PRIOR OPPORTUNITY TO CURE IS NOT PRACTICABLE, THE TOWN MAY ENTER UPON THE PROPERTY AND ABATE THE CONDITION TO THE EXTENT REASONABLY NECESSARY TO ELIMINATE THE IMMEDIATE THREAT TO PUBLIC HEALTH OR SAFETY.
2. EMERGENCY ABATEMENT MAY INCLUDE REMOVAL AND LAWFUL DISPOSAL OF DEAD ANIMALS, ROTTING OR UNCONTAINED FOOD WASTE, LEAKING FLUIDS, AND OTHER OFFENSIVE MATERIAL; CLEANING OF THE AFFECTED AREA; TEMPORARY SECURING OF A DUMPSTER, CONTAINER, OR OPENING; AND ENGAGEMENT OF A LICENSED CONTRACTOR OR PEST-CONTROL PROVIDER.
3. AS SOON AS PRACTICABLE AFTER THE TOWN DETERMINES TO PROCEED UNDER THIS SUBSECTION, AND IN ANY EVENT WITHIN THREE (3) BUSINESS DAYS AFTER ABATEMENT BEGINS, THE TOWN SHALL GIVE WRITTEN NOTICE TO THE OWNER AT THE OWNER'S LAST KNOWN ADDRESS BY FIRST-CLASS MAIL AND BY POSTING THE PROPERTY, STATING THAT EMERGENCY ABATEMENT HAS BEEN OR WILL BE UNDERTAKEN, DESCRIBING THE CONDITION AND THE WORK, AND ADVISING THAT THE COST WILL BE BILLED TO THE OWNER SUBJECT TO THE APPEAL RIGHTS IN SUBSECTION F.
4. THIS SUBSECTION IS INDEPENDENT OF THE NOTICE, OBJECTION, AND PRE-ABATEMENT HEARING PROCEDURES IN § 131-7 AND § 131-9. NOTHING IN § 131-7 OR § 131-9 SHALL BE CONSTRUED TO DELAY OR CONDITION EMERGENCY ABATEMENT UNDER THIS SUBSECTION.

E. RECOVERY OF EMERGENCY-ABATEMENT COSTS.

1. THE TOWN SHALL KEEP AN ITEMIZED ACCOUNT OF THE REASONABLE COSTS OF EMERGENCY ABATEMENT, INCLUDING LABOR, EQUIPMENT, CONTRACTOR AND PEST-CONTROL CHARGES, DISPOSAL FEES, AND A REASONABLE ADMINISTRATIVE CHARGE NOT TO EXCEED FIFTEEN PERCENT (15%) OF THE DIRECT COSTS.
2. THE TOWN SHALL MAIL AN INVOICE FOR THOSE COSTS TO THE OWNER AT THE OWNER'S LAST KNOWN ADDRESS BY FIRST-CLASS MAIL. THE

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INVOICE SHALL IDENTIFY THE PROPERTY, THE DATE AND NATURE OF THE WORK, THE ITEMIZED COSTS, THE DATE PAYMENT IS DUE, AND THE RIGHT TO APPEAL THE INVOICE UNDER SUBSECTION F.

3. PAYMENT SHALL BE DUE THIRTY (30) DAYS AFTER THE DATE OF THE INVOICE, UNLESS A TIMELY APPEAL IS FILED UNDER SUBSECTION F. IF AN APPEAL IS FILED, PAYMENT OF ANY AMOUNT SUSTAINED OR MODIFIED BY THE MAYOR AND COUNCIL SHALL BE DUE THIRTY (30) DAYS AFTER THE DATE OF THE COUNCIL'S WRITTEN DECISION.
4. IF THE AMOUNT DUE IS NOT PAID WHEN DUE, THE TOWN ADMINISTRATOR SHALL PLACE A CHARGE AGAINST THE OWNER FOR SUCH COST AND MAY COLLECT THE SAME BY ENTERING IT ON THE TAX RECORDS AS A TAX UPON THE REAL ESTATE, BY CIVIL SUIT, OR BOTH. THE CHARGE SHALL CONSTITUTE A LIEN ON THE REAL PROPERTY UNTIL PAID AND SHALL BE COLLECTED IN THE SAME MANNER AS TOWN REAL PROPERTY TAXES.

F. APPEAL OF EMERGENCY-ABATEMENT INVOICE; JUDICIAL REVIEW.

1. THE OWNER MAY APPEAL THE INVOICE, BUT NOT THE TOWN'S DECISION TO UNDERTAKE EMERGENCY ABATEMENT AFTER THE WORK HAS BEGUN OR BEEN COMPLETED, BY FILING A WRITTEN NOTICE OF APPEAL WITH THE TOWN ADMINISTRATOR WITHIN THIRTY (30) DAYS AFTER THE DATE OF THE INVOICE. THE NOTICE SHALL STATE THE SPECIFIC GROUNDS OF APPEAL AND MAY CONTEST THE EXISTENCE OF AN EMERGENCY, THE REASONABLENESS OF THE SCOPE OF WORK, OR THE AMOUNT OF THE CHARGES.
2. THE FILING OF A TIMELY APPEAL STAYS COLLECTION OF THE INVOICE BUT DOES NOT REQUIRE THE TOWN TO UNDO OR SUSPEND COMPLETED OR ONGOING EMERGENCY WORK.
3. THE MAYOR AND COUNCIL SHALL HOLD A PUBLIC HEARING ON THE APPEAL AT THE NEXT REGULAR MEETING HELD NOT LESS THAN TEN (10) DAYS AFTER THE APPEAL IS FILED, OR AT A SPECIAL MEETING CALLED FOR THAT PURPOSE. THE OWNER SHALL BE GIVEN WRITTEN NOTICE OF THE HEARING DATE. THE OWNER MAY APPEAR IN PERSON OR BY COUNSEL, PRESENT EVIDENCE, AND CROSS-EXAMINE WITNESSES. THE TOWN ADMINISTRATOR OR CODE ENFORCEMENT OFFICER SHALL PRESENT THE BASIS FOR THE EMERGENCY DETERMINATION AND THE ITEMIZED COSTS.
4. AFTER THE HEARING, THE MAYOR AND COUNCIL SHALL ISSUE A WRITTEN DECISION SUSTAINING, MODIFYING, OR VACATING THE INVOICE. THE DECISION SHALL BE MAILED TO THE OWNER WITHIN FIFTEEN (15) DAYS AFTER THE HEARING AND SHALL CONSTITUTE A

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FINAL ADMINISTRATIVE DECISION OF THE TOWN.

5. ANY PERSON AGGRIEVED BY THE FINAL DECISION OF THE MAYOR AND COUNCIL MAY SEEK JUDICIAL REVIEW IN THE CIRCUIT COURT FOR KENT COUNTY IN ACCORDANCE WITH TITLE 7, CHAPTER 200 OF THE MARYLAND RULES. THE FILING OF A PETITION FOR JUDICIAL REVIEW SHALL NOT STAY THE DECISION OR THE OBLIGATION TO PAY ANY AMOUNT SUSTAINED OR MODIFIED UNLESS THE COURT ORDERS A STAY.

* * *

§ 131-9. COMMERCIAL DUMPSTERS.

A. CAPACITY AND OVERFLOW.

1. EACH COMMERCIAL DUMPSTER SHALL BE OF SUFFICIENT SIZE AND CAPACITY TO CONTAIN ALL WASTE GENERATED BETWEEN SCHEDULED COLLECTIONS.
2. NO DUMPSTER SHALL BE FILLED BEYOND ITS DESIGNATED CAPACITY. GARBAGE, RUBBISH, BAGS, BOXES, OR OTHER WASTE SHALL NOT BE PLACED OR PERMITTED TO ACCUMULATE ON TOP OF, BESIDE, BEHIND, OR OTHERWISE OUTSIDE OF A DUMPSTER.
3. THE OWNER OR OPERATOR SHALL ARRANGE FOR ADDITIONAL COLLECTIONS OR A LARGER CONTAINER WHEN NECESSARY TO PREVENT RECURRING OVERFLOW.

B. BAGGING OF GARBAGE.

1. ALL WET GARBAGE, FOOD WASTE, PERISHABLE REFUSE, AND OTHER WASTE REASONABLY CAPABLE OF-LEAKING, PRODUCING OFFENSIVE ODORS, OR ATTRACTING RODENTS, INSECTS, OR OTHER PESTS SHALL BE SECURELY CONTAINED IN CLOSED, LEAK-RESISTANT PLASTIC BAGS BEFORE BEING DEPOSITED INTO A COMMERCIAL DUMPSTER.
2. LOOSE OR UNCONTAINED WET GARBAGE IS PROHIBITED.

C. LIDS AND DOORS.

1. ALL COMMERCIAL DUMPSTERS SHALL BE EQUIPPED WITH TIGHT-FITTING AND PROPERLY FUNCTIONING LIDS, DOORS, OR COVERS.
2. LIDS AND DOORS SHALL REMAIN COMPLETELY CLOSED WHEN THE DUMPSTER IS NOT ACTIVELY BEING LOADED, UNLOADED, EMPTIED, OR SERVICED.
3. MISSING, DAMAGED, WARPED, OR OTHERWISE INOPERABLE LIDS OR DOORS SHALL BE REPAIRED OR REPLACED PROMPTLY.

D. LEAKAGE AND STRUCTURAL CONDITION.

1. EVERY COMMERCIAL DUMPSTER SHALL BE MAINTAINED IN GOOD WORKING CONDITION AND SHALL BE CONSTRUCTED AND MAINTAINED SO AS TO PREVENT THE ESCAPE OF GARBAGE, LIQUIDS,

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OR OTHER WASTE.

2. DRAIN OPENINGS SHALL CONTAIN PROPERLY FITTED AND SECURED DRAIN PLUGS.
3. A DUMPSTER WITH A RUSTED OR DETERIORATED BOTTOM, MISSING DRAIN PLUG, DAMAGED DOOR, HOLE, CRACK, OR OTHER DEFECT THAT PERMITS WASTE OR LIQUID TO ESCAPE SHALL BE REPAIRED OR REPLACED.
4. NO LIQUID, GREASE, LEACHATE, OR OTHER WASTE FROM A DUMPSTER MAY BE DISCHARGED OR PERMITTED TO FLOW ONTO ADJOINING PROPERTY, SIDEWALKS, STREETS, PARKING AREAS, STORM DRAINS, OR OTHER PUBLIC OR PRIVATE PROPERTY.
5. PERMANENT COMMERCIAL DUMPSTERS SHALL BE LOCATED ON A STABLE, DURABLE, AND REASONABLY CLEANABLE SURFACE, SUCH AS CONCRETE OR ASPHALT, UNLESS OTHERWISE APPROVED BY THE TOWN.
6. THE DUMPSTER AND SURROUNDING AREAS SHALL BE MAINTAINED SO THAT WASTE, LIQUIDS, AND DEBRIS DO NOT MIGRATE ONTO ADJOINING PROPERTY OR PUBLIC WAYS.

E. CLEANLINESS AND SANITATION.

1. THE OWNER OR OPERATOR SHALL MAINTAIN THE DUMPSTER AND THE AREA IMMEDIATELY SURROUNDING IT IN A CLEAN AND SANITARY CONDITION AND FREE FROM OFFENSIVE OR NOXIOUS ODORS, GARBAGE, LITTER AND SCATTERED DEBRIS, GREASE AND ACCUMULATED RESIDUE, STANDING OR LEAKING LIQUIDS, FLIES, INSECTS, RODENTS AND OTHER PESTS, OVERFLOWING WASTE, AND ANY OTHER CONDITION CONSTITUTING A PUBLIC NUISANCE.
2. COMMERCIAL DUMPSTERS SHALL BE CLEANED, DEODORIZED, WASHED, OR SANITIZED AS FREQUENTLY AS REASONABLY NECESSARY TO PREVENT NUISANCE CONDITIONS.

F. PEST AND RODENT CONTROL.

1. THE OWNER OR OPERATOR SHALL TAKE REASONABLE MEASURES TO PREVENT AND CONTROL RODENTS, INSECTS, AND OTHER PESTS IN AND AROUND THE DUMPSTER AREA.
2. WHEN EVIDENCE OF RODENT OR INSECT ACTIVITY EXISTS, THE TOWN MAY REQUIRE THE OWNER OR OPERATOR TO OBTAIN APPROPRIATE PEST-CONTROL SERVICES AT THE OWNER OR OPERATOR'S EXPENSE AND PROVIDE DOCUMENTATION DEMONSTRATING THAT CORRECTIVE MEASURES HAVE BEEN TAKEN.
3. THE LIDS AND DOORS SHALL REMAIN COMPLETELY CLOSED AND SECURED, INCLUDING BY A LOCK OR OTHER EFFECTIVE FASTENING

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DEVICE WHERE PRACTICABLE, WHEN THE DUMPSTER IS NOT ACTIVELY BEING LOADED, UNLOADED, EMPTIED, OR SERVICED WHEN EVIDENCE OF RODENT OR INSECT ACTIVITY EXISTS. IF A LOCK IS USED, THE OWNER OR OPERATOR SHALL PROVIDE ACCESS TO AUTHORIZED USERS AND TO THE WASTE HAULER.

G. SERVICE AND COLLECTION.

1. ANY COMMERCIAL DUMPSTER USED FOR DISPOSAL OF WET GARBAGE OR OTHER ODOR-PRODUCING WASTE SHALL BE EMPTIED NOT LESS THAN ONCE PER WEEK AND MORE FREQUENTLY WHEN NECESSARY TO PREVENT NUISANCE CONDITIONS OR AS ORDERED BY THE TOWN ADMINISTRATOR. ANY OTHER COMMERCIAL DUMPSTER SHALL BE EMPTIED NOT LESS THAN ONCE EVERY TWO WEEKS AND MORE FREQUENTLY WHEN NECESSARY TO PREVENT NUISANCE CONDITIONS.
2. WASTE HAULERS SHALL TAKE REASONABLE PRECAUTIONS TO PREVENT GARBAGE, RUBBISH, LIQUIDS, OR OTHER MATERIALS FROM SPILLING DURING THE EMPTYING, REMOVAL, OR TRANSPORTATION OF DUMPSTER CONTENTS.
3. ANY MATERIAL SPILLED DURING SERVICING SHALL BE PROMPTLY REMOVED BY THE PERSON OR ENTITY RESPONSIBLE FOR THE SPILL.
4. EACH COMMERCIAL DUMPSTER SERVICED BY A WASTE HAULER SHALL CONSPICUOUSLY DISPLAY THE NAME AND TELEPHONE NUMBER OF THE WASTE HAULER RESPONSIBLE FOR SERVICING THE CONTAINER.
5. A COMMERCIAL DUMPSTER LOCATED WITHIN THREE HUNDRED (300) FEET OF A RESIDENTIAL DWELLING SHALL NOT BE EMPTIED, EXCHANGED, DELIVERED, REMOVED, OR OTHERWISE SERVICED BEFORE 7:00 A.M. OR AFTER 8:00 P.M.

H. RESPONSIBILITY.

1. THE OWNER OF THE REAL PROPERTY AND ANY OPERATOR OF A COMMERCIAL DUMPSTER LOCATED ON THAT PROPERTY SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR COMPLIANCE WITH THIS SECTION.
2. A WRITTEN LEASE, MANAGEMENT AGREEMENT, OR HAULING CONTRACT SHALL NOT RELIEVE THE OWNER OF RESPONSIBILITY TO THE TOWN.

I. NOTICE AND ADMINISTRATIVE ABATEMENT.

1. EXCEPT AS PROVIDED IN § 131-5.C THROUGH F OF THIS CHAPTER FOR CONDITIONS PRESENTING AN IMMEDIATE THREAT TO PUBLIC HEALTH OR SAFETY, IT SHALL BE THE DUTY OF THE TOWN ADMINISTRATOR OR THE TOWN ADMINISTRATOR'S DESIGNEE TO NOTIFY THE OWNER

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OR OWNERS OF ANY PROPERTY WHERE THERE EXISTS A PUBLIC NUISANCE OR VIOLATION DESCRIBED IN THIS § 131-9 TO REMOVE OR ABATE SUCH NUISANCE WITHIN TEN (10) DAYS, INCLUSIVE OF SUNDAYS AND HOLIDAYS, AFTER THE DATE OF SUCH NOTICE. SUCH NOTICE SHALL BE GIVEN BY PLACING THE SAME IN THE UNITED STATES MAIL, ADDRESSED TO THE LAST KNOWN ADDRESS OF SUCH PERSON OR PERSONS AND WITH SUFFICIENT POSTAGE PREPAID, OR BY ANY OTHER MANNER DEEMED EQUALLY SUITABLE BY THE TOWN ADMINISTRATOR.

2. UPON FAILURE OF SAID OWNER TO REMOVE OR ABATE SAID PUBLIC NUISANCE WITHIN THE SPECIFIED TIME, THE NUISANCE SHALL BE REMOVED OR ABATED BY THE TOWN AND THE COST THEREOF BE CHARGED TO SAID OWNER UNLESS CAUSE TO THE CONTRARY BE SHOWN BY FILING OBJECTIONS, IN WRITING, WITH THE TOWN ADMINISTRATOR ON OR BEFORE THE EXPIRATION DATE OF SUCH NOTICE.
3. IF SUCH WRITTEN OBJECTIONS ARE FILED, IT SHALL BE THE DUTY OF SAID OWNER TO APPEAR BEFORE THE MEETING OF THE MAYOR AND COUNCIL AT ITS NEXT MEETING, WHEN A PUBLIC HEARING SHALL BE ACCORDED TO SAID OWNER.
4. IF SAID PUBLIC NUISANCE IS NOT REMOVED OR ABATED WITHIN THE TIME SPECIFIED IN SUCH NOTICE, AND NO WRITTEN OBJECTIONS HAVE BEEN FILED OR SUCH OBJECTIONS HAVE BEEN OVERRULED BY THE MAYOR AND COUNCIL, THE TOWN ADMINISTRATOR SHALL CAUSE THE PUBLIC NUISANCE TO BE REMOVED OR ABATED, AND THE TOWN ADMINISTRATOR IS AUTHORIZED TO INCUR THE NECESSARY EXPENSE IN SO DOING, AND SHALL PLACE A CHARGE AGAINST THE PROPER PERSON OR PERSONS FOR SUCH COST AND PROCEED TO COLLECT THE SAME BY ENTERING SAME ON THE TAX RECORDS AS A TAX UPON SUCH REAL ESTATE, OR BY A SUIT IN A COURT OF COMPETENT JURISDICTION IF DEEMED NECESSARY, OR BOTH. *[Revisor's Note: Adapted from existing § 131-7.A through D.]*
5. NOTHING IN THIS SUBSECTION SHALL LIMIT THE TOWN'S AUTHORITY TO ISSUE A MUNICIPAL INFRACTION CITATION UNDER § 131-10, TO SEEK INJUNCTIVE RELIEF, OR TO REQUIRE CORRECTIVE ACTION WITHIN TWENTY-FOUR (24) HOURS UNDER § 131-5.C. EMERGENCY CONDITIONS DESCRIBED IN § 131-5.C MAY BE ABATED, AND THE COST THEREOF RECOVERED AND APPEALED, SOLELY UNDER § 131-5.C THROUGH F OF THIS CHAPTER AND NOT UNDER THIS § 131-9.

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§ 131-~~9~~10. Violations and penalties.

Any person, firm or corporation who fails to abate a nuisance, as defined in this chapter, OR WHO VIOLATES ANY PROVISION OF THIS CHAPTE, shall be guilty of a municipal infraction and shall be fined not less than \$100 nor more than \$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, we hereby affix our signatures.

THE TOWN OF GALENA

Tyler J. Carpenter, Mayor

Sarah E. Merrell, Council Member

Cheryl A. Richwine, Council Member

John T. Carroll, Jr., Council Member

John W. Duhamell, Jr., Council Member

ATTEST:

Marisa R. Pisapia, Town Administrator

APPROVED AS TO FORM:

Kevin J. Best, Town Attorney

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