

**THE TOWN OF GALENA
CHARTER AMENDMENT RESOLUTION NO. 2026-01**

A CHARTER AMENDMENT RESOLUTION OF THE COUNCIL OF THE TOWN OF GALENA AMENDING SECTION 1304 (MISDEMEANORS), OF THE CHARTER OF THE TOWN OF GALENA, MARYLAND THEREBY AUTHORIZING AN INCREASE IN THE MAXIMUM FINE THAT THE TOWN MAY IMPOSE FOR A MUNICIPAL INFRACTION OR MISDEMEANOR FROM \$1,000 TO \$5,000; AND GENERALLY RELATING TO PENALTIES FOR VIOLATING TOWN ORDINANCES.

WHEREAS, the Town Council is authorized by Article XI-E, § 4 of the Constitution of the State of Maryland and Subtitle 3 of Title 4 of the LG Article of the Annotated Code of Maryland, to amend its Charter by a resolution of the legislative body of the municipal corporation; and

WHEREAS, the General Assembly of Maryland passed HB 615 during the 2018 session effective July 1, 2018, requiring the legislative body of a municipality to hold a public hearing and give at least 21-days’ notice by posting the notice in a public place before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter; and

WHEREAS, a new law, enacted as Senate Bill 820 (also cross-filed as House Bill 1506) effective October 1, 2025, increased the maximum fine that municipalities may impose for a municipal infraction from \$1,000 to \$5,000 and the increase is intended to provide local governments with greater flexibility in addressing persistent violations and to act as a stronger deterrent for repeat offenders, who previously sometimes viewed the \$1,000 fine for municipal infractions or misdemeanors as a mere “cost of doing business;” and

WHEREAS, Section 1304 (Misdemeanors) of the Town Charter, which despite the new higher authorization under SB 820 serves as a local restriction on the Mayor and Council’s power, and states, in part, that misdemeanors and municipal infractions are subject to a monetary fine not exceeding one thousand dollars (\$1000.00) and for municipal infractions the initial fine for the first violation is limited by the Charter at \$500; and

WHEREAS, under LG Article, Section 5-205(d) of the Annotated Code of Md., the Town is authorized to impose certain fees and charges (i.e., as opposed to a fine or tax) provided the fees are not intended merely to raise revenues such as a tax but instead must be reasonably related to the cost attendant upon the expense, trouble and labor of regulating, supervising or licensing an activity and properly tied to the cost recovery for providing a governmental or proprietary function; and

WHEREAS, Title 6 of the LG Article of the Annotated Code of Md. authorizes municipalities to provide that violations of ordinances are punishable as either criminal misdemeanors or municipal infractions provided further that the fine does not exceed \$5,000 and is payable within twenty (20) calendar days of service of the citation for the violation; and

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WHEREAS, the Mayor and Council of the Town of Galena for the same or similar reasons cited by the General Assembly of Md. when it enacted SB 820/HB 1506 deems it appropriate and in the best interest the Town Government to raise the maximum fines for ordinance violations limited by Charter from \$1,000 to \$5,000 (\$1,000 for first time municipal infractions) as indicated below.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF GALENA on this ____ day of _____ 2026 that Section 1304 (Misdemeanors) of the Charter of The Town of Galena shall be and is hereby amended and readopted to read as follows:

* * *

**ARTICLE XIII
General Provisions**

* * *

Section 1304. Misdemeanors AND CIVIL INFRACTIONS.

(1) Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, unless otherwise provided shall be punishable upon conviction before the District Court of Maryland or in the Circuit [~~County~~] COURT for Kent County by a fine not exceeding [~~one~~] FIVE thousand dollars (\$[+]5,000.00) or imprisonment for six (6) months in the county jail, or both, in the discretion of the court or trial magistrate. The party aggrieved shall have the right to appeal as is now provided under the general laws of the State. Where the act or omission is of a continuing nature and is persisted in, a conviction for one offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(2) The Commission may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the state or other ordinance. For purposes of this section a municipal infraction is a civil offense. A fine not to exceed \$[5]1,000.00 may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the Town within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed \$[+]5,000.00 for each repeat [~~offence~~] OFFENSE, and each day a violation continues shall constitute a separate offense. Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the town in writing of this intention at least five days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the court. Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

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SECTION 2. AND BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted on the aforementioned date and that upon adoption by the Council of the Town of Galena a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Hall for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in the Town of Galena not less than four (4) times at weekly intervals within the forty (40) days following the adoption of this Charter Amendment Resolution.

SECTION 3. AND BE IT FURTHER RESOLVED that the Amendment initiated in this Charter Amendment Resolution shall not be subject to veto or final approval by the Mayor unless there is a tie vote, but shall take effect and shall become and be considered the Charter of the Town of Galena, upon the fiftieth day after being so adopted or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Council of the Town of Galena or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

SECTION 4. AND BE IT FURTHER RESOLVED that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk-Treasurer shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services within ten (10) days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Council of the Town of Galena or a referendum election; and (iv) the effective date of the Charter Amendment.

SECTION 5. AND BE IT FURTHER RESOLVED that under the supervision of the Town Administrator of the Town of Galena, the staff is specifically instructed to carry out the provisions of Sections 2, 3 and 4 hereof, as evidence of compliance herewith, the Town Clerk-Treasurer shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Council Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 4, and shall further complete and execute the Certificate of Effect attached hereto.

THIS CHARTER AMENDMENT RESOLUTION IS INTRODUCED AND ADOPTED BY THE COUNCIL OF THE TOWN OF GALENA this ___ day of _____, 2026.

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THE TOWN OF GALENA

Tyler J. Carpenter, Mayor

Sarah E. Merrell, Councilmember

Cheryl A. Richwine, Councilmember

John T. Carroll, Jr., Councilmember

John W. Duhamell, Jr., Councilmember

ATTEST:

Marisa R. Pisapia, Town Administrator

APPROVED AS TO FORM:

Kevin J. Best, Town Attorney

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CERTIFICATE OF EFFECT

I, HEREBY CERTIFY THAT THE FOREGOING CHARTER AMENDMENT RESOLUTION OF THE COUNCIL OF THE TOWN OF GALENA DESIGNATED CHARTER AMENDMENT RESOLUTION NO. 2026-01, WAS DULY INTRODUCED, READ, AND WAS ADOPTED BY THE COUNCIL AT A DULY ANNOUNCED PUBLIC MEETING AND THEREAFTER POSTED AND ADVERTISED FOR FOUR (4) SUCCESSIVE WEEKS, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND AND CHARTER OF THE TOWN OF GALENA.

ATTEST:

Susan M. Bisbee, Town Clerk-Treasurer
The Town of Galena

CHARTER AMENDMENT RESOLUTION (“CAR”) SCHEDULE

DATE OF 21-DAY PUBLIC HEARING NOTICE _____
DATE OF CAR INTRODUCTION/PASSED _____
40-DAY POSTING END DATE: _____
FAIR SUMMARY NEWSPAPER _____
WEEKLY PUBLICATION DATES (x 4): _____

EFFECTIVE (50TH DAY) DATE: _____

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