

BROOKNEAL, TOWN OF
County of Campbell.

Established as Brooke Neal January 14, 1802, by Chapter 65 of the Acts of Assembly.

Incorporation and charter, 1908, c. 60; repealed 1964, c. 420.

Charter, 1926, c. 287; repealed 1964, c. 420.

Charter, 1964, c. 420.

Amended 1970, cc. 221, 482 (§§ 3, 8)
 1973, c. 46 (§ 3)
 1977, c. 118 (§§ 2, 7, 8 [repealed], 15 [repealed])
 1985, c. 47 (§ 26 [added])
 2003, c. 123 (§ 3)
 2007, c. 323 (§ 19).

§ 1. The inhabitants of the territory embraced within the present limits of the Town of Brookneal, or as the same may be hereafter altered or established by law, shall constitute, and continue a body politic and corporate, to be known and designated as the Town of Brookneal, and as such shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and as completely as though all such powers were specifically enumerated herein. (1964, c. 420)

§ 2. The administration and government of the town shall be vested in one principal officer, denominated the mayor, and a council which shall consist of six members, all of whom shall be residents and qualified voters of the town. The council shall elect a vice-mayor from one of their number, who, in the absence of the mayor, shall be responsible for and perform all duties of the mayor. Each councilman may receive a salary for his services as such, the amount thereof to be fixed by the council. The mayor may receive a salary for his services, the amount to be fixed by the council. In either event no increase in salary for the mayor or members of council shall take effect until an election for such offices has been held and the mayor or councilmen so elected take office. (1964, c. 420; 1977, c. 118)

§ 3. (a) The mayor shall be elected by the qualified voters of the town at the time of the November general election in 2002, and every two years thereafter. The mayor shall take office on the first day of January, after his election. In the event of the death, resignation, removal or disqualification of the mayor for any reason or cause, the vice-mayor shall act as mayor for the remainder of the term of office and until his successor shall be elected and qualified.

(b) Council members shall be elected by the qualified voters of the town to four-year terms at the time of the November general election of every even-numbered year in the manner herein provided. Three council members shall be elected in the municipal election held in November 2002, and in municipal elections held every four years thereafter. Three council members shall be elected in the municipal election held in November 2004, and in municipal elections held every four years thereafter. The members of the council shall take office on the first day of January, after their election.

(c) In the event of death, resignation, removal, or disqualification of a council member for any reason or cause, the council shall elect a person who is a resident and a

qualified voter of the town to fill the unexpired term of the said council member. (1964, c. 420; 1970, cc. 221, 482; 1973, c. 46; 2002, c. 123)

§ 4. The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor or any three councilmen. At least twelve hours' notice shall be given to the other members of the council, of the purpose, place and time of any such special meeting. Special meetings may also be held at any time without notice, provided all members of the council are present. No business shall be transacted at any such special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof. However, in case of an emergency, which is certified to be an emergency by a quorum of the council, a special meeting may be held to handle emergency matters. (1964, c. 420)

§ 5. The council shall appoint a clerk and a treasurer, and may appoint a town attorney and such other officers and create such boards and departments as it deems necessary or proper, and define their duties and functions. Such officers so appointed shall hold office during the pleasure of the council, shall give such bonds as the council requires, and shall receive such compensation as the council prescribes. The same person may hold two or more of such offices, in the discretion of the council. (1964, c. 420)

§ 6. The council of the town shall be empowered to borrow such sum or sums of money as may be requisite or necessary, subject to such limitations that are now or may be imposed by the Constitution of and the Laws of the Commonwealth of Virginia. The council of the town shall be empowered to issue revenue bonds as may be requisite or necessary, in the manner prescribed by law. (1964, c. 420)

§ 7. The council shall appoint a sergeant or a Chief of Police, as determined and designated in the sole judgment of the council, and such other officers as may be requisite who shall qualify as provided by law, and give bond in such amount as the council requires. Those appointed shall be conservators of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town and to a distance of one mile beyond the same. They shall perform such other duties and receive such compensation as the council prescribes, and shall hold office during the pleasure of the council. (1964, c. 420; 1977, c. 118)

§ 8. (1964, c. 420; 1970, cc. 221, 482; repealed 1977, c. 118)

§ 9. In addition to, and supplementary of the powers conferred upon towns and town councils by general law, the Town of Brookneal and its council shall have the powers set forth in the following sections of this charter. (1964, c. 420)

§ 10. The town is empowered to acquire, establish, enlarge, maintain and operate such water works and systems as the council deems necessary for the purpose of providing an adequate supply of water to consumers within the corporate limits of the town and within such adjacent territory as the council deems it expedient or proper to serve at such rates as the council prescribes, any or all of which rates the council may alter at any time without notice.

The council may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for the payment thereof, for so long as such default continues. (1964, c. 420)

§ 11. The town is empowered to establish, construct, enlarge and maintain such sanitary sewer lines and sewerage disposal systems as the council deems necessary or

expedient, and when the health or development of an area demands, after a public hearing and ordinance duly enacted, require owners or occupiers of real estate within the corporate limits of the town, which fronts or abuts on any such sewer line, to make connection with and use the same; and shall have power to assess and collect reasonable fees and rates for making sewer connections and for sewer services, the reasonableness of which the council shall be the sole judges. Sewer service may be discontinued for default in payment for such service within the time prescribed by the council for payment thereof, for so long as such default continues. (1964, c. 420)

§ 12. The town is empowered to acquire by purchase, condemnation or otherwise property, real or personal, either within or without its corporate limits, as the council deems necessary for the purpose of establishing, enlarging, maintaining, or operating its water system, sewer system, and for streets, sidewalks, roads, rights-of-way and recreational purposes. (1964, c. 420)

§ 13. Insofar as not expressly prohibited by general law, the town is empowered (a) to control and regulate the operation upon its streets and alleys, of motor vehicles carrying passengers or freight for hire, and to require the owners or operators of such carriers to provide and maintain within the town, suitable terminals for the convenient loading and unloading of passengers and freight; (b) to regulate the fares to be charged by operators of taxicabs or other motor vehicles operating from established stands within the town, for carrying passengers within its corporate limits, and to require that the drivers of such vehicles be of such moral character as meets with the approval of the council; and, (c) to prescribe rules and regulations with respect to motor traffic of all kinds, within the town, and the parking of motor vehicles on its streets and alleys. (1964, c. 420)

§ 14. The town is empowered (a) to regulate the holding of shows, carnivals, fairs and other similar public exhibitions, or to prohibit the holding of same, or any of them, within its corporate limits or within one mile thereof; (b) except as prohibited by general law, to impose and collect a license tax for the privilege of doing within the town anything upon which the State imposes a license tax provided that the town may, unless expressly prohibited by general law, impose a higher license tax on any such thing, than that imposed by the State on the same thing, the amount of the license tax imposed by the town to be, in each instance, in the discretion of the council. (1964, c. 420)

§ 15. (1964, c. 420; repealed 1977, c. 118)

§ 16. The town is empowered to prohibit encroachments upon the streets or alleys, or upon parks or other public places of the town by any fence, building, porch, or other projection, and to require the removal of any such encroachment heretofore or hereafter made unless made with the consent and approval of the council, and to punish for any such encroachment hereafter made without such consent first obtained; and any such encroachment made without such consent shall be deemed a nuisance, of which the town may compel the abatement and removal by and through appropriate court action or proceeding, against which right of the town, no statute of limitation shall run. (1964, c. 420)

§ 17. The town is empowered to permit and regulate, or to prohibit, the erection of poles and wires for electric telegraph or telephone service or the laying of any kinds of pipes in the streets or alleys of the town, and to prescribe, assess and collect annual or other periodical charges for the doing of any such things under permits hereafter granted; and the power to require the owners or operators of any such electric light, telephone or

telegraph lines to change the location of any of their poles whenever the council deems any such change expedient; and to require all wires or cables carrying electric current, whether heretofore or hereafter installed to be placed in suitable conduits, underground, in the discretion of the council; provided that none of the powers above enumerated shall be exercised in a manner inconsistent with the provisions of any franchise granted by the town. (1964, c. 420)

§ 18. The town is empowered to exercise all such police powers as the council deems reasonably necessary for the promotion and protection of the health, morals, safety and general welfare of the inhabitants of the town, for the protection of the property of the town and its inhabitants, for the preservation of peace and good order, and for the general welfare; and the council is empowered to make ordinances and by-laws for the purpose of carrying into effect the enumerated powers conferred upon the town by this charter, including police powers, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor, and provided further, that all ordinances, by-laws and resolutions made and adopted by the council shall become effective thirty days after their passage, unless a different date is specified in any such ordinance, by-laws or resolution, upon which the same shall become effective. (1964, c. 420)

§ 19. Town manager.—(a) The council may appoint a town manager who shall be the chief administrative officer of the town and shall be chosen solely on the basis of his executive and administrative qualifications, and shall have some knowledge of civil, mechanical, and electrical engineering. He need not, when appointed, be a resident of the town, or of the Commonwealth of Virginia, but shall during his term of office, reside within the Commonwealth of Virginia, and shall be appointed for such term as he and the council agree upon, not to exceed town years, but in any event, to end with the term of the council making the appointment. The town manager may be suspended or removed by the council for any cause it deems sufficient, provided that no order of suspension or removal shall be made until after he shall have been given at least five days' notice in writing, stating the cause for such suspension or removal and fixing a day when he may be heard thereon. The action of the council, suspending or removing the town manager, shall be final. The council may place the control and supervision of the police force of the town under either the mayor or the town manager.

(b) Except as otherwise provided in this charter, the town manager may, with the consent of the council, appoint or employ and remove or discharge, such officers, employees and assistants as he deems necessary to carry on the work of such departments of the town as are committed to him by the council, in all their respective details, in an economical and satisfactory manner. The salary or compensation, and the terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to approval by the council; and his actions in all respects shall be subject to review by the council, and he shall be accountable to the council only. (1964, c. 420; 2007, c. 323)

§ 20. Subdivisions.—The council may provide by ordinance that no plat of any subdivision within the corporate limits of the town or within one mile thereof shall be recorded in the Clerk's Office of Campbell County unless and until it shall have been approved by the council, and the council shall not approve any plat of any such

subdivision unless the streets, alleys or other roadways provided for therein conform to the subdivision control ordinance of said town or any amendment thereto. (1964, c. 420)

§ 21. The council may annually levy a real estate and personal property tax on the property located within the corporate limits of said town and may appoint annually an assessor to assess the real estate and personal property within said town and said assessor may impose a greater or less valuation than that made by the State or county. If no assessor is appointed, the assessment made by the commissioner of revenue of the County of Campbell may be used to determine the value of real estate and personal property located within the corporate limits of said town. (1964, c. 420)

§ 22. The council shall have the authority, unless prohibited by general law, to impose a specific license tax upon all professions, businesses and callings conducted in any way within the corporate limits; to prescribe all pursuits which may not be followed within the corporate limits without a license as a requisite to doing business and to fix the terms upon which the licenses shall issue. (1964, c. 420)

§ 23. The council may levy and assess taxes and charge license fees upon motor vehicles, trailers and semitrailers, located within the corporate limits of said town; the amount of the license fee or tax shall not be greater than that imposed by the State on vehicles of like class. (1964, c. 420)

§ 24. All ordinances now in force in the Town of Brookneal not inconsistent with this charter, shall be and remain in full force and effect until altered, amended or repealed by the council of the town after the effective date of this act. (1964, c. 420)

§ 25. The powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia as in force on July 1, 1964, are hereby conferred on and vested in the Town of Brookneal. (1964, c. 420)

§ 26. Notwithstanding any contrary provision of Title 22.1 of the Code of Virginia, the town council shall have the right to appoint one member, and thereafter his successor, from the town to serve on the Campbell County school board. Such member shall serve a four-year term commencing on the first day of July of the year in which appointed. The Campbell County school board shall be increased by one to accommodate the member provided herein. (1985, c. 47)