

MCKENNEY, TOWN OF
County of Dinwiddie.
Incorporated by order of the Circuit Court, April 29, 1922.

Charter, 1944, c. 308.

Amended 1956, c. 276 (§ 10.1 [added])
 1972, c. 28 (§§ 4, 7).

§ 1. The inhabitants of the Town of McKenney, in Dinwiddie County, as its boundaries are described by § 2 hereof, or as its boundaries may be hereafter established, be and continued to be a body politic and corporate, in part and in name, to be known and designated as the Town of McKenney, 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 the laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive. (1944, c. 308)

§ 2. The territory contained within the limits of the said town is described as follows: Beginning at the corner of the First Baptist (Colored) Church property and Jones land, thence along the line of said Church property, N. 88.30 E. 17.15 chains to a stake east of the Depot Road, thence S. 30.15 E. 95.10 chains to a stake, thence S. 65.45 W. 13.55 chains to a stake, thence N. 70 W. 65.90 chains to a stake near and west of R. A. Haskins dwelling thence N. 51.30 W. 37.95 chains to a point near C. G. Zehmer's dwelling, thence N. 43 E. 56.20 chains to the point of beginning and shown on plat of survey made by W. C. Rives & Bro., Surveyors, of record in the clerk's office of the Circuit Court of Dinwiddie County, Virginia. (1944, c. 308)

§ 3. Creation of Council.--There is hereby created a council which shall have full power and authority, except as herein otherwise stated, to exercise all the powers conferred upon the town, and to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general laws of the State and of this charter. (1944, c. 308)

§ 4. Composition of council and vacancies.--The council shall consist of a mayor and five other electors of the town, who shall be denominated the council of said town. The mayor and councilmen shall be elected for a term of two years at a general election held for that purpose on the first Tuesday of May, 1972, and the first Tuesday in May every two years thereafter as provided by law, and the persons so elected shall enter upon the duties of their office on the first day of July next succeeding their election, and shall continue in office until their successors are qualified.

Every person elected a councilman of the town, shall, on or before the day on which he enters upon the performance of his duties, qualify by taking and subscribing an oath faithfully to execute the duties of his office to the best of his judgment; and the person elected mayor shall take and subscribe the oath prescribed by law for State officers.

Any such oath of councilmen and mayor may be taken before any officer authorized by law to administer oaths, and shall, when so taken and subscribed, be forthwith returned to the recorder of the town, who shall enter the same on record on the minute book of the council.

The councilmen shall judge of the election, qualification and returns of its members; may fine them for disorderly behavior, and, with the concurrence of two-thirds of its membership expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held in the town on such date as the council may prescribe, except that where there shall be vacancies in the majority of the council, the circuit court of Dinwiddie County, or the judge thereof in vacation, shall fill such vacancies. Any vacancy occurring otherwise during the term for which any of the said persons have been elected may be filled by the council by the appointment of anyone eligible for such office. A vacancy in the office of the mayor may be filled by the council from the electors of said town. (1944, c. 308; 1972, c. 28)

§ 5. Qualification of mayor and councilmen.--Any person, qualified to vote in the town in the election in which he offers shall be eligible to the office of mayor or councilman. (1944, c. 308)

§ 6. Disqualification of mayor and councilmen.--Any member of the council who shall have been convicted of a felony while in office shall forfeit his office. (1944, c. 308)

§ 7. Organization and meetings of council.--At eight o'clock postmeridian on the first day in July following a regular municipal election, or if such day be a Sunday or a legal holiday, then on the day following, the council shall meet at the usual place for holding its meetings, at which time the newly elected mayor and councilmen, after first having taken the oaths prescribed by law, shall assume the duties of their offices. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution. The mayor or any three members of the council may call specific meetings of the council at any time after giving at least twelve hours written notice to the other members of the purpose, place, and time of such special meeting. Special meetings may also be held at any time without notice, provided all members of the council attend.

A majority of all members shall constitute a quorum, but a smaller number may adjourn from time to time, and compel the attendance of absentees.

The council shall fix the compensation of its members and of all other officers and/or agents and employees of the town. (1944, c. 308; 1972, c. 28)

§ 8. Powers of mayor.--The mayor shall be the chief executive officer of the town. He shall control the police of the town, and may appoint special police officers when he deems it necessary.

All by-laws and ordinances, before they become valid and operative, shall have his signature, but the mayor shall vote only in cases where the vote is a tie.

In the absence or disability of the mayor, his duties shall be performed by such member of the council as may be designated and appointed by the council.

In addition to the powers and duties herein specifically enumerated, the mayor shall be vested with all such other powers and charged with all such other duties, not in conflict herewith, as are provided by the Constitution and general laws of the State. (1944, c. 308)

§ 9. The town sergeant.--There shall be a sergeant for said town who shall be elected by the council, who shall serve at the will and pleasure of the council. The sergeant shall be the chief police officer of the town and shall perform such duties and be invested with such authority as is provided by the general law for sergeants of towns, and

shall perform such other duties and be invested with such other authority as the council may prescribe. (1944, c. 308)

§ 10. Other officers.--The council may create, appoint, or elect such other officers, assessors, attorneys, or agents, departments, bodies or boards for the town as may be deemed necessary or proper, and may fix their compensation and define their duties, and require such bond as may seem necessary. (1944, c. 308)

§ 10.1. The council may appoint pursuant to the provisions of §16-129 of the Code of Virginia, a trial justice for the town who shall serve for a term of two years or until his successor is appointed by the council and qualifies. The mayor, or any other qualified voter of the town of McKenney whom the council deems qualified, may be appointed by it as such trial justice. If the mayor is appointed as trial justice he shall discharge such duties as the trial justice of the town under this charter and not as mayor of the town, in addition to the execution of the duties of the mayor imposed upon him by this charter; and his powers, duties, authority and jurisdiction as such trial justice shall be as hereinafter provided for the trial justice; he may receive the salary of mayor provided by the council for the discharge of his duties as mayor as well as such salary of trial justice as may be provided by the council, if any.

The trial justice is hereby vested with the right and authority to issue warrants, summon witnesses and try cases involving violations of town ordinances, or the collection of town taxes or assessments, or any other debts due and owing to the town.

Fees and costs shall be assessed by the trial justice and shall be collected as provided by the laws of the State of Virginia relating to trial justices as the same shall now be or as hereafter amended. All fees and costs collected by the said trial justice and all fines collected for violations of all ordinances of the town shall be paid into the town treasury for the use and benefit of the town.

Removals may be taken, and appeals from the decisions of the trial justice may be taken, to the Circuit Court of Dinwiddie County in the same manner, upon the same terms and shall be tried in the same way as removals, or as appeals from the decision of trial justices, as the case may be, are provided to be taken and tried by the laws of the State of Virginia, relating to trial justices as the same shall now be or as hereafter amended.

The council may also appoint such clerk or clerks as may in their discretion be necessary, provide for just compensation therefor and provide necessary records.

The council of said town shall provide a salary to compensate such trial justice in such amount and payable at such times as the council shall deem proper, and the council may provide also for a vacation period, either with or without pay, and for such duration as in the judgment of the council may be proper.

Like provisions may be made for a substitute justice, and when such substitute acts, he shall receive the compensation which would have been paid him had the principal acted, and which compensation shall be deducted from salary or allowance made to the principal.

The town of McKenney may combine with the county of Dinwiddie for the use of one trial justice and one substitute trial justice for such combined town and county, in such manner as may be provided by the laws of the State of Virginia relating to trial justices; and if the town of McKenney and the county of Dinwiddie shall at any time combine for the use of one trial justice and one substitute trial justice for the said town

and the said county, the laws of the State of Virginia relating to trial justices, so far as applicable, shall control and not this section of this charter. (1956, c. 276)

§ 11. Powers of the town.--In addition to the powers mentioned in § 1 hereof, the said town of McKenney shall have the following powers:

First: To raise annually by taxes and assessments in said town such sums of money as the council thereof shall deem necessary for the purposes of said town, and in such manner as said council shall deem expedient, in accordance with the Constitution of this State and the United States, and of the general laws of the State in pursuance thereof.

Second: To impose special or local assessments for local improvements and enforce payment thereof, subject however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

Third: To contract debts, borrow money, and make and issue evidence of indebtedness.

Fourth: To expend the money of the town for all lawful purposes.

Fifth: To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within or without said town for any of the purposes of the town; and to hold, improve, sell, lease, or dispose of the same or any part thereof, including property now owned by the town.

Sixth: To own, operate, and maintain water works and to acquire within or without said town such water lines, property rights, and riparian rights as the council of said town may deem necessary for the purpose of providing an adequate water supply for said town, and of piping or conducting the same into the town; to lay all necessary mains and service lines, either within or without the corporate limits of said town with which to distribute said water, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations, filter plants, or other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution; and to do all things necessary in order to provide an adequate public water system for the town.

Seventh: To establish, construct, and maintain sanitary sewers, sewer lines, sewerage disposal plants and systems, and to require the owners or occupiers of real estate within the corporate limits of the town, which may front or abut on the line of any such sewer system to make connection therewith, and to use such sewer facilities as may be furnished by the town, under such ordinances and regulations as the council may deem necessary or proper for the proper disposal of sewerage and to improve and secure sanitary conditions; to charge, assess and collect reasonable fees, rentals, or assessments or costs of service for connecting with and using such sewers, and to make regulations for the use, enjoyment, protection, and care of such sewers and sewer systems; and the power to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties for noncompliance thereof, as other fines and penalties for violation of the ordinances of the town are collected.

Eighth: In every case where a street, alley, park or public property of the town has been, or shall be, occupied or encroached upon a fence, building, porch, projection, or otherwise, without first having obtained consent thereto from the town council or a franchise thereof, such occupancy or encroachment shall be deemed a nuisance, and the owner or occupant of the premises encroaching, upon conviction of so doing, shall be

fined not less than five (\$5.00) nor more than fifty (\$50.00) dollars, and each day's continuance of the said occupancy or encroachment shall constitute a separate offense, such fine to be recovered in the name of the town and for its use, and the town council may require the owner of the premises encroaching, if known, or if not known, the occupant thereof, to remove the encroachment within a reasonable time, and if such removal be not made within the time prescribed by the council, to cause the encroachment to be removed, and collect from the owner, or if the owner be not known, the occupant, all reasonable charges therefor with costs, by the same process that they are authorized by law to collect taxes.

No encroachment upon any street or alley, however long continued, shall constitute any adverse possession to, or confer any rights upon the person claiming thereunder, as against the town.

Ninth: To issue bonds in such manner and for such purposes as are provided in chapter one hundred and twenty-two of the Code of Virginia.

Tenth: To inspect, test, measure, and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license, and inspect weights, meters, measures and scales.

Eleventh: To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them, within the town or within one mile thereof.

Twelfth: To require every owner of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of the said town, or such other person as may be designated by the council of the said town to issue said license and to require the said owner to pay an annual license fee therefor to be fixed by the council; provided that the said license fee shall not exceed the amount charged by the State on the said machine.

Thirteenth: To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town; and to acquire by condemnation or otherwise, all lands, riparian and other rights, and easements necessary for such improvements, or any of them, either within or without the town, and to construct, maintain, and aid therein roads and bridges to any property owned by the said town and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid purposes, by condemnation or otherwise.

Fourteenth: To charge and to collect fees for permits to use public facilities and for public services and privileges. The said town shall have the power and right to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar service to citizens within the corporate limits.

Fifteenth: To compel the abatement and removal of all nuisances within the town or upon property owned by the town beyond its limits at the expense of the person or persons causing the same, or the owner or occupant of the ground or premises whereon the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots, or other premises within the town, to be kept clean and sanitary and

free from stagnant water, weeds, filth and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate, or prevent slaughter houses or other noisome or offensive business within the said town, keeping of hogs or other animals, poultry or other fowls therein or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation, and maintenance of billboards, signs, advertising. and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience, and welfare of the inhabitants of the town, and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice and snow.

Sixteenth: To provide for regular and safe construction of houses in the town for the future, and to provide a building code for the town, to provide setback lines on the streets beyond which no building may be constructed, to require the standard of all dwelling houses to be maintained in residential sections in keeping with the majority of residences therein, and to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

Seventeenth: To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace and safety of the town, from coming to said town from without the same; and also to expel therefrom any such person who has been in said town less than twelve months.

Eighteenth: To restrain and punish drunkards, vagrants, and street beggars, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to prevent and punish lewd, indecent and disorderly exhibitions in said town; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

Nineteenth: To offer and pay rewards for the apprehension and conviction of criminals.

Twentieth: To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon conviction of such violation.

Twenty-first: Insofar as not prohibited by general law, to pass and enforce all by-laws, rules, regulations and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens of their property and to do such other things and pass such other laws as may be necessary or proper to carry into full effect, all powers, authority, capacity or jurisdiction, which is or shall be granted to or vested in said town, or in the council, court, or officers thereof, or which may be necessarily incident to a municipal corporation.

Twenty-second: To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town, or its inhabitants.

Twenty-third: To prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provision of this charter, not exceeding five hundred dollars fine or twelve months' imprisonment in jail or both.

Twenty-fourth: To own, operate and maintain electric light works, either within or without the corporate limits of the town and to supply electricity whether the same be generated or purchased by said town, to its customers and consumers both without and within the corporate limits of said town, at such price and upon such terms as it may prescribe, and to that end it may contract and purchase electricity from the owners thereof upon such terms as it may deem expedient.

Twenty-fifth: To exercise the power of eminent domain within this State with respect to lands and machinery, equipment or improvements thereon, for any lawful purposes of the said town.

Twenty-sixth: Except when prohibited by general law, the town may levy a tax or a license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the State or not, and may provide penalties for any violation thereof.

Twenty-seventh: A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the town, together with all penalties and interest due thereon, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provided in the general law for the State, to the same extent as if the provisions of said general law were herein set out at length. The said town shall have the benefit of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law.

Twenty-eighth: To extinguish and prevent fires, and to establish, regulate and control a fire department or division, to regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such a manner as the public safety and convenience may require; to remove and require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other cause may be dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged, or repaired and to direct that any or all buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron, or other fireproof material; to construct dams across any of the streams within said town for the purpose of providing an adequate supply of water with which to combat fires, and to prohibit the release of the water contained in such dams within said town as may be now owned or hereafter constructed by others, in times of drought, in order to provide an adequate supply of water with which to combat fires; and to enact such laws as may be necessary to provide for the protection of the citizens and property of the town from fire, or for securing the safety of persons from fires in halls and buildings used for public assemblies.

Twenty-ninth: To regulate the keeping of gunpowder, nitroglycerin, or other explosive or combustible substance; and to regulate or prohibit the exhibition or

possession of fireworks, the discharge of firearms, and the making of bonfires within the said town.

Thirtieth: To prohibit from and punish minors for frequenting, playing in, and loitering in any public pool room, billiard parlor, or bowling alley, and to punish any proprietor or agent thereof for permitting same.

Thirty-first: Except when prohibited by general law, to prohibit any person, firm or corporation from pursuing or conducting any trade, business, profession, occupation, employment, or calling within the boundaries of the town on the Sabbath.

Thirty-second: Except when prohibited by general law the said town shall have the power to regulate the speed and manner in which all vehicles, motor driven or otherwise, shall operate in the said town. (1944, c. 308)

§ 12. The present mayor and council, and other officers of the Town of McKenney shall continue in office until the expiration of the term for which they were respectively elected. (1944, c. 308)

§ 13. If any clause, sentence, paragraph, or part of this act, shall for any reason be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not affect, impair, or invalidate the remainder of said act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1944, c. 308)

§ 14. All contracts and obligations heretofore or hereafter made by the Town of McKenney, not inconsistent with this charter or the Constitution or the general laws of this State, shall be, and are hereby declared to be valid and legal; and all ordinances, rules or regulations now in force in said town, not inconsistent with this charter, the Constitution or the general laws of this State shall be and remain in force until altered, amended, or repealed by the council of the town. (1944, c. 308)