

PEMBROKE, TOWN OF
County of Giles.

Incorporation and charter, Circuit Court of Giles County, 31 December 1947; replaced 1948, c. 422.

Charter, 1948, c. 422.

Amended 1954, c. 36 (§ 3)
 1964, c. 67 (§ 2)
 1972, c. 183 (§§ 2, 3, 7).

§ 1. The inhabitants of the territory embraced within the present limits of the Town of Pembroke, as hereinafter defined, 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 Pembroke, 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 completely as though all such powers were specifically enumerated herein. The territory embraced within the present limits of the Town of Pembroke is described by metes and bounds as follows:

Beginning at a stake, said stake being the northwest corner of the Lilly Heights Addition, a line bears South 86 degrees 30 minutes East, 334.45 feet to a stake between a gum tree and a rock, thence North 60 degrees 57 minutes East, 1399.98 feet to a large white oak, these two lines marking the north line of the Lilly Heights Addition, thence with the east side of said Addition South 46 degrees 02 minutes East, 369.8 feet to a stake, thence South 14 degrees 23 minutes East, 1214.9 feet to a white oak; thence South 55 degrees 10 minutes East, 564.9 feet to a fence post, this post being the southeast corner of the Lilly Heights Addition; thence leaving Lilly Heights Addition North 75 degrees 40 minutes East, 288.0 feet through the lands of the H. W. Snidow Estate to a stake on West bank of Little Stony Creek; thence crossing stream to East bank North 53 degrees 41 minutes 20 seconds East, 102.0 feet to a stake; thence with creek North 6 degrees 10 minutes East, 1398.0 feet; crossing the Raymond Falls land to a stake on the bank of the creek, thence with creek North 11 degrees 30 minutes East, 1491.0 feet, crossing the G. G. Snidow lands to a stake on bank of creek; thence North 30 degrees 15 minutes East, 630.6 feet to the center line of a creek bridge, passing the edge of colored town; thence with creek North 49 degrees 31 minutes East, 854.0 feet to a stake; thence N 41 degrees 12 minutes East, 640.5 feet to the center line of a bridge; thence with fence line along road, crossing State Route 623 at 284.0 feet and up the hill South 81 degrees 30 minutes East, 504 feet to a stake by large cherry tree in the yard of Watson Cahill; thence through the lands of N. S. Stevers to top of ridge South 14 degrees 10 minutes West, 1474.0 feet to a stake; thence down the hill through the H. T. Tucker lands and east of Betty Martin home South 5 degrees 05 minutes West, 1177.0 feet to a stake at a fence intersection thirty feet above a gate leading to W. J. Fisher land, thence through the W. J. Fisher lands South 13 degrees West, 1085.0 feet to a stake in a pile of rocks on west edge of oak grove; thence up the hill along south side of oak grove South 64 degrees 30 minutes East, 579.0 feet to a stake by a large oak tree in old fence corner; thence across Mays Hollow north of the Roy Poff home and across Smith Hollow just north of Joe

Smith home, and through large stump in fence corner on ridge, and across Collins Hollow north of "Doe" Collins home, South 58 degrees East, 3484.0 feet to a stake in a pile of rock in P. M. Johnson field; thence across State Route 460 South 16 degrees 05 minutes West, 1541 feet to a stake near top of ridge; thence North 62 degrees 30 minutes West, 1186 feet, crossing Croft Road, south of Miller Collins home to iron pin in rock pile in fence corner on top of ridge, thence through Williams Estate South 80 degrees 30 minutes West, 2380 feet to a stake by fence line above M. D. Williams home; thence South 56 degrees 14 minutes 50 seconds West, 1802.0 feet, crossing the J. F. Williams Estate to a stake in the land of Homer Snidow on a knoll near several stack poles and a fence corner; thence South 87 degrees 48 minutes 40 seconds West, 1145.1 feet through the Snidow lands and crossing the Virginian Railway center line at 1080 feet to a stake near the bank of New River and on the land of the Albert Snidow Estate land; thence with the river North 04 degrees 48 minutes 10 seconds West, 486.0 feet to a stake; thence North 24 degrees 48 minutes 10 seconds West, 1058.0 feet, crossing Doe Creek bridge approach, and Little Stony Creek to a stake on the land of H. F. Snidow; thence with river and through Snidow land North 71 degrees 11 minutes 50 seconds West, 759.0 feet to a stake in the center line of the Virginian Railway; thence leaving railway and river up a steep bluff North 52 degrees 05 minutes 50 seconds West, 391.6 feet to a stake near a pig sty and orchard; thence North 50 degrees 39 minutes 30 seconds West, 537.0 feet to a stake on the G. B. Price lot, crossing State Route No. 460 center line at 254 feet; thence North 04 degrees 14 minutes 00 seconds West, 824.0 feet through the Price and other lots to a stake in the edge of a corn field; thence North 8 degrees 15 minutes West, 488 feet to a double chestnut stump in West side of Lilly Heights Addition, thence with said Addition North 0 degrees 50 minutes East, 950.0 feet to beginning, and comprising 703.47 acres, more or less. (1948, c. 422)

§ 2. The administration and government of the town shall be vested in a council which shall consist of six members, five of whom shall be denominated the councilmen and one to be denominated the mayor, all of whom shall be residents and qualified voters of the town. Each councilman and the mayor may receive a salary for his services as such, the amount thereof to be fixed by the council, but in no event to be in excess of three hundred dollars per year. (1948, c. 422; 1964, c. 67; 1972, c. 183)

§ 3. Two councilmen and the mayor shall be elected by the qualified voters of the town on the first Tuesday in May, 1972 for a period of two years, their terms ending in 1974 and beginning on the first Tuesday in May, 1974 they shall be elected for a period of four years, their terms ending in 1978.

Three council members whose terms of office end in 1973, shall be elected on the first Tuesday in May, 1973 for a period of one year, their terms ending in 1974. They shall be elected every four years thereafter beginning the first Tuesday in May, 1974. Mayor and councilmen shall take office on July first next following the election. (1948, c. 422; 1954, c. 36; 1972, c. 183)

§ 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' written 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. (1948, c. 422)

§ 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. (1948, c. 422)

§ 6. The council shall appoint a sergeant who shall qualify as provided by law, and give bond in such amount as the council requires. The sergeant shall be a conservator 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, as were formerly had and performed by constables, He shall perform such other duties and receive such compensation as the council prescribes, and shall hold office during the pleasure of the council. (1948, c. 422)

§ 7. The mayor shall be a conservator of the peace, and shall, unless and until a police justice is appointed as hereinafter provided, have power to issue warrants and summon witnesses, and exclusive original jurisdiction to try cases involving violations of town ordinances, or the collection of town taxes or assessments, or any other form of debts owing to the town, and shall have like powers in the matter of collecting fines and costs imposed by him, as are vested by law in trial justices. The fees and costs in connection with such cases shall be the same as are authorized by law to be charged, taxed and collected by the mayor for similar services, and such fees, and all fines collected by the mayor shall be promptly paid by him into the town treasury, unless the council by ordinance directs some other disposition; provided that the council may, at any time it deems the same expedient, appoint a police justice for the town, who shall be a resident and qualified voter of Giles County, shall give such bond as the council requires, shall serve during the pleasure of the council, and shall receive such compensation as the council prescribes.

In the event of the appointment of such police justice, he shall have, during such time as he serves, and to the exclusion of the mayor, the same powers and jurisdiction as are hereinabove conferred upon and vested in the mayor, and shall exercise the same in like manner as they are above authorized and directed to be exercised by the mayor. (1948, c. 422; 1972, c. 183)

§ 8. In addition to, and supplementary of the powers conferred upon towns and town councils by general law, the Town of Pembroke and its council shall have the powers set forth in the following sections of this charter. (1948, c. 422)

§ 9. 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, provided that the rates charged consumers without the corporate limits shall not be less than, nor more than double, the rates charged consumers within the town for similar services, 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. (1948, c. 422)

§ 10. The town is empowered to establish, construct, enlarge, and maintain such sanitary sewer lines and systems as the council deems necessary or expedient, and to require owners or occupiers of real estate fronting or abutting on any 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 service, of the reasonableness of which the council shall be the sole judge; and 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.

The town is empowered to acquire by condemnation or otherwise, such properties or interests or estate therein, either within or without its corporate limits, as the council deems necessary for the purpose of establishing, enlarging, maintaining or operating any such sewer line or lines. (1948, c. 422)

§ 11. The town is empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, including that of providing playgrounds, parks, golf courses and other recreational facilities, and to otherwise handle and deal with such properties in such manner as the council deems proper or expedient; and shall have power to acquire by condemnation or otherwise, rights of way from the town to any property acquired by it under any of the provisions of this charter, which lies without its corporate limits, and to construct and maintain upon such rights of way, such roads or bridges as may be reasonably necessary for the full enjoyment thereof, and shall also have power to sell such properties or any of them, or any other property owned by the town, whenever the council deems it expedient to do so. (1948, c. 422)

§ 12. 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. (1948, c. 422)

§ 13. 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. (1948, c. 422)

§ 14. The town is empowered (a) to provide a building code for the town; to provide for the orderly and safe construction of houses and other buildings; to prescribe

setback lines on designated streets; to designate standards to be observed in the construction of dwellings and business houses on designated streets and in designated sections; and (b) to adopt a comprehensive plan concerning the subdivision of lands within the corporate limits of the town or within two miles thereof; to require that plats of all such subdivisions shall, after having been approved by the council as hereinafter provided, be recorded in the Clerk's Office of Giles County; and the term "sub-division," when and as used in this charter, means the division of a tract of land into two or more lots, with appropriate streets and alleys, and with the intention on the part of the owner of the land, of developing the same, or making it available for development by others, for residential and business purposes. (1948, c. 422)

§ 15. The town is empowered (a) to prohibit, and to punish for mischievous or wanton damage to school property or any other property, either public or private, within the town; (b) to prohibit minors from frequenting or loitering in public pool rooms, billiard parlors or bowling alleys, and prescribe punishment therefor, and to punish the proprietors of such places, or their agents in charge, for permitting the same; (c) to compel persons sentenced to confinement in jail for violations of town ordinances, to work on the streets or other public places of the town. (1948, c. 422)

§ 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. (1948, c. 422)

§ 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 kind 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. (1948, c. 422)

§ 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 and safety 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 and resolution, upon which the same shall become effective. (1948, c. 422)

§ 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 State of Virginia, but shall during his term of office, reside within the corporate limits of the town, and shall be appointed for such term as he and the council agree upon, not to exceed two 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. (1948, c. 422)

§ 20. Subdivisions.--No plat of any subdivision within the corporate limits of the town or within two miles thereof shall be recorded in the Clerk's Office of Giles 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 are of such widths and grades and are so located as to, in the opinion of the council, meet the probable traffic needs in the reasonably near future. Before approving any such plat, the council may in its discretion, require the owner of the land so subdivided to enter into an agreement in writing, and to give satisfactory security for the performance thereof, to the effect that he will, when and as the same becomes necessary, grade and surface the streets, alleys or roadways shown thereon, in such manner as to meet with the approval of the council.

The approval of any such plat by the council shall not be construed or held to impose any obligation upon the town to grade or surface such streets, alleys, or roadways unless and until the same is, in the opinion of the council, for the best interest and general welfare of the town and its inhabitants. (1948, c. 422)

§ 21. All ordinances now in force in the Town of Pembroke, 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. (1948, c. 422)

§ 22. The charter herein is in lieu of and a complete substitute for the charter of the Town of Pembroke granted by the Circuit Court of the county of Giles on December 31, 1947. (1948, c. 422)