

## PART I

### CHARTER\*

#### **Sec. 1. Incorporation; boundaries; general powers; powers to tax.**

(Act No. 111 of 1850, § 1; Act No. 36 of 1876, § 1; Act No. 326 of 1974, § 1)

**Editor's note**—The boundaries of the town have been changed from time to time by annexation ordinances which are not printed in this volume but are on file in the town clerk's office. For an enumeration of other powers of the mayor and selectmen see section 16 of the Charter.

#### **Sec. 2. Qualifications of voters; elections generally; filling vacancies.**

That all citizens who are entitled to vote for members of the General Assembly of Claiborne Parish, and who have been bona fide residents of said corporation for thirty (30) days immediately preceding any election held therein, shall be entitled to vote at all elections by the people of said corporation for their municipal officers; that municipal officer election dates shall coincide with congressional elections; [and the election shall be held] by three (3) commissioners, qualified voters of said town, appointed by the mayor and selectmen of said town for that purpose, who shall also hold elections to fill vacancies, and who shall take an oath before the mayor, clerk of the district court, or any justice of the peace to faithfully discharge their duties as commissioners of election. That on election days they shall open the polls at eight o'clock a.m., and close at four o'clock p.m., at which time they shall make up a statement of the election returns under oath, and deliver the same to the mayor and selectmen, who shall declare the result, and the officers thus declared elected shall enter upon the discharge of their duties as such within ten (10) days thereafter by taking the oath of office before the clerk of the district court, mayor, or any justice of the peace, which oath shall be filed by the clerk of the board of mayor and selectmen. When the office of mayor becomes vacant it shall be the duty of the selectmen, or any one of them, to order an election to fill said vacancy, after giving ten (10) days' notice thereof by public advertisement, said election to be conducted in the same manner as the annual election, except that the returns shall be made to the selectmen, who shall declare the result. That when a vacancy occurs in the office of any selectman the mayor shall order an election to fill said vacancy by giving ten (10) days' notice thereof by public advertisement, which shall be conducted in the same manner, except that the returns shall be made to the mayor. That should a vacancy occur in all the offices any justice in and for ward

\***Editor's note**—The Town of Homer was incorporated by Act No. 111 of 1850, which act was amended in its entirety by Act No. 36 of 1876. Sections 1 through 14 hereof contain the provisions of the 1876 act, which constitutes the basic Charter of the town. Later amendments to the Charter which did not expressly amend the 1876 act have been codified beginning with section 15. Parenthetical history notes following the Charter sections give the date of the act(s) or ordinance(s) from which the section derives. Material in brackets [ ] has been added for clarity.

number seven shall order an election by giving ten (10) days' notice thereof as required above, and shall appoint the commissioners for holding the same, who shall make their returns to the justice ordering the election, who shall declare the result.

(Act No. 111 of 1850, § 2; Act No. 36 of 1876, § 2; Ord. No. 734, 11-4-85)

**Editor's note**—The provisions relating to the opening and closing hours of the polls have been superseded by the hours set out in R.S. 18:541.

**Sec. 3. Number, residence and term of office of mayor and selectmen; ineligibility of mayor and selectmen for election to more than two consecutive terms of office; compensation.**

*No. 1.* There shall be one (1) mayor for the Town of Homer. There shall be five (5) selectmen for the Town of Homer, one (1) selectman to be elected from each of the five (5) single-member selectman districts into which the Town of Homer is divided, the specific boundaries of which selectmen districts shall be determined from time to time as a result of the Federal census and reapportionment in accordance with law.

*2nd.* To be eligible for election to and to continue in the office of mayor, an individual must reside and be domiciled within the corporate limits of the Town of Homer. To be eligible for election to and to continue in the office of selectman, an individual must reside and be domiciled within the corporate limits of the Town of Homer and within the boundaries of the selectman district for which he or she seeks election. An individual residing and being domiciled within the boundaries of one (1) selectman district shall not be eligible for election to or to continue in the office of selectman for another selectman district.

*3rd.* The mayor and selectmen for the Town of Homer shall serve a term of office for four (4) years, and neither the mayor nor the selectmen shall be eligible for election to more than two (2) consecutive terms of office.

*4th.* The compensation of the mayor, commencing June 1, 1976, and thereafter, shall be seven thousand two hundred dollars (\$7,200.00) per year, payable monthly. The compensation of each selectman, commencing February 1, 1989, and thereafter, shall be four thousand eight hundred dollars (\$4,800.00) per year, payable monthly. The board of selectmen may increase the compensation of the mayor and of the selectmen by majority vote, however any such increase in the compensation of the selectmen shall not be effective during the current term of office.

(Act No. 111 of 1850, § 3; Act No. 36 of 1876, § 3; Ord. No. 540, § 2, 4-13-64; Ord. No. 640, § 2, 5-10-76; Ord. No. 734, 11-4-85; Ord. No. 762, 1-23-89; Ord. No. 800, § 2, 10-4-93)

**Sec. 4. Vacancy in office of mayor or selectmen.**

That in case of the absence of the mayor or any selectman of said town, or refusal to act for more than one (1) month, the office shall be vacant and filled in accordance with the provisions of this act.

(Act No. 111 of 1850, § 4; Act No. 36 of 1876, § 4)

**Sec. 5. Judicial power of mayor; maximum penalty; duties of mayor; regulator, authority of mayor and selectmen.**

*No. 1.* That the mayor of said town be and is hereby invested with judicial power, which shall only extend to the cognizance of all cases arising under the policy regulations of said Town of Homer, with authority to try summarily all parties who may be brought before him for violation of the police regulations of said town, and his authority shall extend to fine and imprisonment of parties convicted before him, the fine in no case to exceed five hundred dollars (\$500.00) for each offense, and the imprisonment not to exceed thirty (30) days; and it shall be the duty of the mayor to see that all the regulations and ordinances of said town are faithfully executed; to preside at all meetings of the selectmen, but he shall have no vote except in case of a tie; that said mayor and selectmen shall have power to pass any bylaws for their own government and the government of the officers of the said town, and any regulations and ordinances in writing not inconsistent with the constitution and the laws of the United States or of this state, as they may deem proper in relation to the public markets, streets, alleys, highways and sidewalks, and to disorderly houses and drinking saloons, and nuisances generally; to establish facilities for protection against fire to town watch and police; to levy and collect taxes and license [fees], and to determine the mode of assessing and collecting the same; to impose such fines and penalties for a breach of their bylaws, regulations and ordinances as they think proper, subject to the limitations of this act.

*2nd.* The selectmen in their discretion may, upon request of the mayor, appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the mayor and may from time to time be designated by the mayor to serve in his stead as the presiding official over the mayor's court. Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court.

(Act No. 111 of 1850, § 5; Act No. 36 of 1876, § 5; Ord. No. 540, § 3, 4-13-64; Ord. No. 757, 8-6-87; Ord. No. 871, § 2, 4-1-91)

**Sec. 6. Repealed.**

That section six of said Act No. 111 [of 1850] be and is hereby repealed.  
(Act No. 111 of 1850, § 6; Act No. 36 of 1876, § 6)

**Sec. 7. Appointment, term, removal, compensation of treasurer, clerk, assessor, collector, marshal.**

That the mayor and selectmen of said town shall, at the first regular meeting after each annual election, elect by ballot suitable persons to fill the offices of treasurer and clerk, assessor, collector and marshal of said corporation, who shall hold their offices for one (1) year, unless sooner removed for cause, at which election the mayor shall be entitled to vote, and the said mayor and selectmen shall fill any vacancy in said offices within ten (10) days after it occurs, in the same manner as above provided; and the office of assessor and collector and marshal may be conferred upon the same person, and the mayor and selectmen shall have the power to remove any one of said officers for cause, and declare the office vacant; and it is made the imperative duty of the mayor and selectmen to remove the assessor and collector should he fail to make satisfactory monthly settlements with the treasurer. That the compensation of the assessor and collector shall be fixed by the mayor and selectmen, not to exceed six (6) per centum on the amount of taxes and licenses collected; they shall also fix the compensation of the clerk and treasurer of the corporation. The marshal, in addition to his salary, shall receive such compensation for removing nuisances, and for making arrests and summoning witnesses, as may be fixed by the mayor and selectmen; his fee for arrests and for summoning witnesses to be paid by the party convicted, and shall not exceed the rates paid the sheriff for like services.

(Act No. 111 of 1850, § 7; Act No. 36 of 1876, § 7)

**Editor's note**—Section 3 of the Charter as amended provides for four-year terms of office for the mayor and selectmen and supersedes the contrary provisions of this section. Similarly, an amendment to the Charter, section 15, provides for the election of the marshal, assessor and collector of taxes and licenses and supersedes the contrary provisions of this section.

**Sec. 8. Oath of office.**

That said mayor and selectmen, clerk, treasurer, marshal, assessor and collector shall, before entering upon the duties of their respective offices, take an oath before the clerk of the district court or a justice of the peace to discharge faithfully and impartially all the duties imposed by this act, which oath shall be written in a bound book to be kept by the mayor and subscribed by the officers taking the oath.

(Act No. 111 of 1850, § 8; Act No. 36 of 1876, § 8)

**Sec. 9. Bonds of officers; collection of taxes; powers, duties of marshal.**

That the treasurer, marshal, and assessor and collector, before entering upon the discharge of their duties, shall give a bond and such security for the faithful performance of their duties as the mayor and selectmen may deem sufficient, which bond shall be by notarial act, and recorded in the mortgage records of the parish, and the said assessor and collector shall,

within such time as shall be provided for by the ordinances of the corporation, after the receipt of his warrant for assessing and collecting any taxes and licenses that may have been levied, proceed to collect the same, and pay it into the hands of the treasurer and take his receipt therefor, and for that purpose he shall have the same power and means to enforce the payment of the corporation taxes and licenses levied by the mayor and selectmen as are given to assessors and collectors of state and parish taxes to enforce the payment of taxes and licenses due the state and parishes. The marshal shall be chief of police, shall attend all meetings of the mayor and selectmen, shall arrest all parties whom he may see violating the police regulations of the town, or who may be charged with the same, and carry them before the mayor for trial; that he shall be the executive officer of the mayor in all proceedings before him, when acting as police magistrate; be keeper of the town prison or calaboose; collect all fines assessed by the mayor and imprison in the said lock-up anyone sentenced to imprisonment by the mayor, and see that they are properly fed and cared for while in prison at the expense of the corporation, and be allowed the same pay for feeding prisoners as is allowed the sheriff or jailor for state prisoners; that he shall pay over to the treasurer of the corporation at the close of each month all fines by him collected due the corporation and take his receipt therefor; that he shall be authorized, when necessary, to appoint such a number of special deputies to aid in preserving order as the mayor may deem proper, who shall receive such compensation as may be allowed by the mayor and selectmen, and whose power for the time being shall be coextensive with the marshal.

(Act No. 111 of 1850, § 9; Act No. 36 of 1876, § 9)

**Sec. 10. Duties of treasurer.**

That it shall be the duty of the treasurer of said town to receive and receipt for all moneys paid over to him by the marshal; to keep an account of all receipts and disbursements in a well bound book; to make monthly reports of the condition of the treasury, and submit his books and accounts to the mayor and selectmen whenever required, and pay out no money except in pursuance of an ordinance of the corporation and upon the warrant of the mayor.

(Act No. 111 of 1850, § 10; Act No. 36 of 1876, § 10)

**Sec. 11. Duties of clerk; when ordinances effective.**

It shall be the duty of the clerk to record in a well bound book all the proceedings, bylaws, ordinances and police regulations adopted by the mayor and selectmen, and to cause the same to be promulgated by publication in the newspapers of the town, and that no bylaw, ordinance or police regulation shall have effect until it shall have been so published for ten (10) days.

(Act No. 111 of 1850, § 11; Act No. 36 of 1876, § 11)

**Sec. 12. Repealed.**

That section twelve of said Act No. 111 [of 1850] be and the same is hereby repealed.  
(Act No. 36 of 1876, § 12)

**Sec. 13. Conflicting laws repealed.**

That all laws or parts of laws incompatible or in conflict with the provisions of this act shall be, so far as they affect the corporation of the Town of Homer, and they are hereby repealed. (Act No. 36 of 1876, § 13)

**Sec. 14. Effective date.**

That this act shall take effect on and after the first day of May, 1876. (Act No. 36 of 1876, § 14)

**Editor's note**—The following sections of the Charter, sections 15 and 16, are amendments to the Charter of the town but did not expressly amend specific sections of either Act No. 111 of 1850 or Act No. 36 of 1876 which make up sections 1 through 14 of the Charter; therefore, the editor has assigned these provisions arbitrary section numbers beginning with section 15.

**Sec. 15. Marshal to be elected; residence and term of office of marshal.**

*No. 1.* There shall be one (1) marshal for the Town of Homer, who shall be chief of police. The marshal shall be elected by the qualified voters of said corporation to serve a term of four (4) years.

*2nd.* To be eligible for election to and to continue in the office of marshal, an individual must reside and be domiciled within the corporate limits of the Town of Homer. (Ord. No. 820, approved 11-4-96)

**Sec. 16. Powers of mayor and selectmen specified.**

*No. 1.* The mayor and selectmen shall have power to purchase and hold real estate and personal property, to purchase and hold real estate within the corporate limits, for all proper municipal purposes and for parks, cemeteries, hospitals, schoolhouses, houses of correction, waterworks, electric lights, and sewers. Land within the corporate limits may be owned under purchase, grant or devise heretofore and hereafter made. (Ord. No. 61, approved 12-4-01)

*2nd.* To compel the owner or owners of property or grounds within the bounds of said town to erect and maintain railings, safeguards and barriers along or around the same whenever it may be necessary to the public safety or convenience to do so. (Ord. No. 60, approved 9-16-01)

The mayor and selectmen shall also have the following additional powers:

*3rd.* To make regulations to secure the general health of the municipality, to prevent [or] to remove and abate nuisances, to regulate or prohibit the construction of privy vaults or cesspools and to regulate or suppress those already constructed; to compel and regulate the construction [connection] of all property with sewers and drains; to suppress hog pens, slaughterhouses, and stockyards, or to locate same with the approval of the board of health, or to regulate same and to prescribe and enforce regulations for cleaning and keeping the same in order and the cleaning and keeping in order [of] warehouses, stables, alleys, yards, private

ways, outhouses and other places where offensive matter is kept or permitted to accumulate, and to compel and regulate the removal of garbage and filth beyond the corporate limits. (Ord. No. 60, approved 9-16-01)

*4th.* To regulate parks, public grounds, depots, depot ground and places of storage of freight and goods within the corporate limits, and provide for and regulate the construction and passage of railways and street railroads through the streets, avenues, alleys, or lanes and public grounds of the municipality, but a person or company to whom the right and privilege shall at any time be granted by the authorities of the municipality to construct railroads and street railroads through the municipality shall not have the exclusive privilege to do so. (Ord. No. 60, approved 9-16-01)

*5th.* To grant the right for the construction of telegraph, electric light, or telephone poles, posts and wires, along and upon any of the streets, alleys or ways of the municipality, and change, modify and regulate the same. But such privilege shall not be exclusive. (Ord. No. 60, approved 9-16-01)

*6th.* To grant to any person or corporation the use of the streets, alleys and public grounds for the purpose of laying gas, water, sewer or steam pipes or conduits for electric lights to be used in furnishing or supplying the municipality and inhabitants or any person or corporation with gas, water, sewerage, steam or hot air for heating purposes or light, but a franchise, right-of-way, or privilege of any character whatever shall not be granted for a longer period than twenty-five (25) years, and such privilege shall not be exclusive. (Ord. No. 60, approved 9-16-01)

*7th.* To prescribe rules for the weighing, and measurements of any commodity sold in the municipality, in all cases not otherwise provided for by law, and provided for the measuring of wood and fuel and the weighing of coal, and determine the place or places for the sale of same and fix fees and duties of the person authorized to perform the duties herein named; and provide for the inspection and condemnation of coal oil, naphtha, gasoline, and all other inflammable and combustible oil fluid or gases used for heating or lighting purposes, where the same shall not be of the quality and standard prescribed by ordinance. (Ord. No. 60, approved 9-16-01)

*8th.* To establish and maintain and provide for the government and regulation of markets, market houses and places and meat shops, and to collect a license tax therefor and determine the amount of license to be paid therefor and when the municipality owns a market house or houses to fix the rental value thereof and of stalls and booths therein. (Ord. No. 60, approved 9-16-01)

*9th.* To make all needful police regulations necessary for the preservation of good order and the peace of the municipality and to prevent injury to, destruction of or interference with public or private property. (Ord. No. 60, approved 9-16-01)

*10th.* To elect one (1) of the aldermen [selectmen] to be mayor pro tempore and who shall preside at all meetings, and perform all duties of [the] mayor, in the absence or disability of the mayor and in the absence of both the mayor and the mayor or pro tempore, to elect another councilman [selectman] to preside temporarily and perform the duties, and the mayor pro





tempore, when occupying the place of the mayor, shall have the same powers and perform the same duties. (Ord. No. 60, approved 9-16-01)

*11th.* To cause to be constructed and maintained sidewalks, determine the material, plans and specifications and grades of the same, and levy and collect taxes, by special assessment, for the payment of the same. (Ord. No. 60, approved 9-16-01)

*12th.* To exercise full jurisdiction in the matter of streets, sidewalks, sewers and parts [parks], to open, lay out and construct the same; to repair, maintain, pave, sprinkle, adorn and light the same. (Ord. No. 60, approved 9-16-01)

*13th.* To erect, purchase, maintain and operate waterworks and to regulate the same; and prescribe the rates at which water shall be supplied to the inhabitants and to acquire by purchase, donation or condemnation in the name of the municipality, suitable ground, within or without the corporate limits, upon which to erect waterworks, and also the right-of-way to and from such works and also the right-of-way for laying water pipes, within the corporate limits and from such waterworks to the municipality and to extend such right from time to time or to contract with any person for the erection and maintenance of waterworks, for a term not exceeding twenty-five (25) years, fixing water rates in the contract subject to municipal regulations. But a contract for the erection, purchase or maintenance of waterworks shall not be entered into until submitted to a vote of the qualified electors and approved by a majority of them. (Ord. No. 60, approved 9-16-01)

*14th.* To regulate, suppress and impose a privilege tax on all circuses, shows, theaters, billiard tables, bowling alleys, concerts, illicit sellers of medicine, corn doctors, pet bear exhibitors for pay, fortunetellers, cane or knife racks, and like devices, gift enterprises, lung testers, musicians, menageries, feather renovators, muscle testers or developers, peddlers, flying jennies, pistol or shooting galleries, theatrical exhibition, tenpin alleys (without regard to the number of pins used), skating rinks, roller coasters and other like things. (Ord. No. 60, approved 9-16-01)

*15th.* To make regulations to prevent the introduction and spread of contagious or infectious diseases, to make quarantine laws not contrary to the general state laws on the subject, and to enforce the same within five (5) miles of the corporate limits, to establish pesthouses within or without the corporate limits and to provide for the support and government of the same. (Ord. No. 60, approved 9-16-01)

*16th.* To prohibit and suppress tippling shops, saloons, dramshops, clubrooms; to restrict, prohibit and suppress slaughterhouses, houses of prostitution, disreputable houses, games and gambling houses and rooms, keno-rooms, desecration of the Sabbath day and all kinds in indecency [of indecent] and other disorderly practices, disturbance of the peace, and provided [to provide] for the punishment of the persons engaged therein. (Ord. No. 60, approved 9-16-01)

*17th.* To contract with the police jury, which is empowered in the premises for the use of the parish jail for the use of the municipality, to provide for the working of the streets by municipal prisoners and to contract with the parish for such work for [the] parish by parish

prisoners for the working of parish roads by municipal prisoners. (Ord. No. 60, approved 9-16-01)

*18th.* To provide for the prevention and extinguishment of fires, and to organize, establish and maintain a fire department and to regulate the same; to establish fire limits, to regulate, restrain and prohibit the construction of wooden buildings within such limits as may be prescribed by ordinance, and to provide for the removal of same at the expense of the owner thereof when erected contrary to the ordinances of the municipality, to regulate and prevent the storing of green hides and the carrying on of manufactures, dangerous in causing or producing fires, injurious to health, or obnoxious or offensive to the inhabitants, to appoint a fire marshal, who may be the mayor, [or] city or town marshal, with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same and to compel any person present to aid in the extinguishment of such fire or the preservation of property exposed to the danger of the same, and in preventing goods from being purloined thereat, and with such powers and duties as may be prescribed by ordinance. (Ord. No. 60, approved 9-16-01)

*19th.* To regulate the storage of powder, pitch, turpentine, rosin, hemp, hay, cotton, and all other combustible and inflammable materials, and the storing of lumber, in yards or on lots, within the fire limits as may be prescribed by ordinance, and the use of lights and candles in stables, shops and other places, to remove or prevent the construction of any fireplace, chimney, stove, oven, boiler, kettle, or any apparatus, used in the house, building, manufactory, or business, which may be dangerous in causing or producing fires, to direct the safe construction of deposits for ashes, and to enter into and examine all dwelling houses, lots, yards, enclosures, and buildings, of every description, and other places, in order to ascertain whether any of them are in a dangerous state, and to take down and remove buildings, walls and superstructures that may become insecure or dangerous, and to require owners of insecure or dangerous buildings, walls and other erections to remove or render the same secure and safe at the cost of the owner of such property. (Ord. No. 60, approved 9-16-01)

*20th.* To work and keep in repair highways and turnpikes leading into [the] municipality for a distance not exceeding three (3) miles from the corporate limits, but this shall only be done upon a majority vote of the qualified electors authorizing the same; nor shall anything done hereunder relieve road hands and road overseers from any duty with respect to the road so worked. (Ord. No. 60, approved 9-16-01)

*21st.* To pass all ordinances and to enforce the same by fine not to exceed one hundred dollars (\$100.00), or imprisonment not to exceed thirty (30) days or both. (Ord. No. 61, approved 12-4-01)

**Editor's note**—Ord. No. 60, enacted August 5, 1901 purported to amend the Charter to add items 1—22. The governor approved items 2—20 on Sept. 16, 1901, but disapproved items 1, 21 and 22. Ord. No. 61, enacted Sept. 23, 1901, amended the Charter to add items 1 and 21. Said Ord. No. 61 was approved by the governor on Dec. 4, 1901. All the amendments have been codified as section 16 hereof, items 2—20 being as enacted by Ord. No. 60 and approved, and items 1 and 21 being as enacted by Ord. No. 61 and approved. Item 21 of this section has been superseded by an amendment to section 5 of the Charter which authorizes a fine of not more than five hundred dollars (\$500.00) for a violation of a town ordinance.

[The next page is 59]

## CHARTER COMPARATIVE TABLE

### ACTS

This table shows the location of the sections of the basic Charter and any amendments thereto.

<b>Year</b>	<b>Act Number</b>	<b>Section</b>	<b>Section this Charter</b>
1850	111	1-11	1-11
1876	36	1-14	1-14
1974	326	1	1

## CHARTER COMPARATIVE TABLE

### ORDINANCES

This table shows the ordinances amending the Charter.

<b>Ordinance Number</b>	<b>Approval Date</b>	<b>Section</b>	<b>Section this Charter</b>
	2- 1-1884		15
60	9-16-01		16(2nd—20th)
61	12- 1-01		16(No. 1)
			16(21st)
540	4-13-64	2	3
		3	5
640	5-10-76	2	3
734	11- 4-85		2
			3
757	8- 6-87		5
762	1-23-89		3
787	4- 1-91	2	5(2nd)
800	10- 4-93	2	3
820	11- 4-96	2	15

[The next page is 71]