

PART II
CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances of the Town of Homer, Louisiana," and may be so cited. (Code 1964, § 1-1)

State law reference—Authority to codify ordinances, R.S. 33:1361 et seq.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the mayor and selectmen.

Charter. Reference to "Charter" or "this Charter" shall mean the Charter of the Town of Homer, Louisiana, as printed in Part I of this volume.

Code. Reference to "this Code" or "the Code" shall mean the "Town of Homer Code," as designated in section 1-1.

Computation of time. Whenever a notice is required to be given or an act to be done, a certain length of time, before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing time, but the day on which such proceeding is to be had shall not be counted.

Court, mayor's court. Whenever the words "court" or "mayor's court" are used herein they shall be construed to mean the mayor's court of Homer.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or a servant, agent or employee.

Mayor. Whenever the word "mayor" is used it shall be construed to mean the mayor of the Town of Homer.

Month. The word "month" shall mean a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officers, boards, commissions. Whenever reference is made to officers, boards, commissions or other agencies by title only, such references shall be read as though followed by the words "of the Town of Homer, Louisiana."

Or, and. "Or" may be read "and," and "and" may be read "or" if the sense requires it.

Owner. The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

Parish. The words "the parish" or "this parish" shall mean the Parish of Claiborne.

Person. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships, and bodies politic and corporate as well as to individuals.

Personal property. The term "personal property" includes every species of property except real property, as herein defined.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Property. The word "property" shall include real and personal property.

Public place. The term "public place" shall mean any park, cemetery, schoolyard or open space adjacent thereto and beaches, canals or other waterways.

Real property. The term "real property" shall include lands, tenements and hereditaments.

Residence. The term "residence" shall be construed to mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one (1) place and sleeps at another, the place where such person sleeps shall be deemed his residence.

R.S. The abbreviation "R.S." shall mean the latest edition of the Louisiana Revised Statutes, as amended.

Selectmen, board of selectmen. Whenever the words "selectmen" or "board of selectmen" are used they shall mean the selectmen of the Town of Homer, Louisiana.

Shall, may, must. "Shall" and "must" are mandatory; "may" is permissive.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription. The words "signature" and "subscription" shall include a mark when the person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of Louisiana.

Street. The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all public highways in the town.

Tenant. The word "tenant" or "occupant" applied to building or land shall include any person holding a written or oral lease of or who occupies, the whole or a part of such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. The words "the town" or "this town" shall be construed as if the words "of Homer, Louisiana," followed them.

Week. The word "week" shall be construed to mean seven (7) days.

Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.
(Code 1964, § 1-2)

State law reference—Interpretation of revised statutes, R.S. 1:1 et seq.

Sec. 1-3. Catchlines and headings.

The catchlines of the several sections of this Code, printed in boldface type, and the chapter, article and division headings are intended as mere catchwords to indicate the contents of the section, chapter, article or division and shall not be deemed or taken to be titles of such section, chapter, article or division, nor, unless expressly so provided, shall they be so deemed when any of such section, chapter, article or division, including the catchlines, are amended or reenacted.

(Code 1964, § 1-3)

Sec. 1-4. History notes and references.

The history notes appearing in parentheses after each section and the references and notes scattered throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

Sec. 1-5. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (1) Any ordinance or resolution promising or guaranteeing the payment of money for the town, or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness, or any contract or obligation assumed by the town;
- (2) Any administrative ordinances or resolutions;
- (3) Any right or franchise granted by any ordinance or resolution to any person;
- (4) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street, alley or other public way;
- (5) The annual appropriation ordinance;
- (6) Any zoning map amendment;
- (7) Any ordinance prescribing the street grades of any street in the town;
- (8) Any ordinance providing for local improvements and assessing taxes therefor;
- (9) Any ordinance prescribing traffic regulations for specific streets or locations;
- (10) Any ordinance creating a special sewerage district;
- (11) Any ordinance dedicating or accepting any plat or subdivision in the town;
- (12) Any ordinance extending or describing the boundaries of the town;
- (13) Any ordinance providing for the acquisition of lands for use as public parks;
- (14) Any ordinance providing for compensation to officers or employees of the town;
- (15) Any annexation ordinance;
- (16) Any ordinance establishing water, gas or sewer rates and deposits;
- (17) Any ordinance pertaining to zoning or subdivision regulations;
- (18) Ordinance No. 601 adopted August 19, 1971, establishing sales and use tax and Ord. No. 734-A adopted on December 2, 1985;
- (19) Any ordinance levying or imposing taxes;
- (20) Any ordinance concerning the town's participation in a risk management agency program;
- (21) Any other ordinance, or part thereof, which is not of a general and permanent nature;
- (22) Any ordinance adopted after January 1, 1990;

and all such provisions shall continue in full force and effect as if fully set forth herein.

Sec. 1-6. Effect of repeal of ordinance.

(a) The repeal of a repealing ordinance shall not revive the first ordinance.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

(Code 1964, § 1-4)

Sec. 1-7. Amendments to Code.

(a) All ordinances enacted into law after the effective date of this Code which amend, repeal or are of a general and permanent public nature may be numbered in accordance with the numbering system employed herein and may be printed or otherwise reproduced for inclusion herein.

(b) The mayor and board of selectmen shall periodically direct that supplements be prepared incorporating herein, in an appropriate place and classification, the text of all such new legislation, assigning to these ordinances an appropriate chapter and section number, if such has not been done in their enactment. Material repealed by new ordinances shall be deleted. All new material deleted shall contain a reference note indicating the source of the legislative action from which it was derived.

(c) Any section in this Code or in any duly authorized subsequent edition thereof, or any duly authorized supplement thereto, may be amended or repealed by reference to the appropriate section number without reference to the ordinance from which the section was derived. Such amendments may be made by using the following language, "BE IT ORDAINED by the Mayor and Board of Selectmen of the Town of Homer, Louisiana, that Section _____ of Chapter _____ of the Code of Ordinances of the Town of Homer, Louisiana, is hereby amended to read as follows: . . ."

(d) In the event a new chapter or section is to be added, the following language may be used: "BE IT ORDAINED by the Mayor and Board of Selectmen of the Town of Homer, Louisiana, that the Code of Ordinances of the Town of Homer is hereby amended to add a new chapter (or section) to be numbered _____, which said chapter (or section) shall read as follows: . . ."

(Code 1964, § 1-6)

Sec. 1-8. Supplementation of Code.

(a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the mayor and board of selectmen. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the mayor and board of selectmen during the period covered by the supplement, shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that,

when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-9. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with the Code in any manner whatsoever which will cause the law of the town to be misrepresented thereby.

(Code 1964, § 1-7)

Sec. 1-10. Severability of parts of Code.

If any phrase, clause, sentence, paragraph, section, or chapter of this Code shall be declared unconstitutional, invalid, or unenforceable by a judgment of any court of competent jurisdiction, such action shall not affect the other phrases, clauses, sentences, paragraphs, sections and chapters of this Code. If the application of the Code or any of its provisions to any person or circumstance is held invalid, the application of this Code and its provisions to other persons or circumstances shall not be affected thereby.

(Code 1964, § 1-5)

Sec. 1-11. General penalty; continuing violations.

It shall be unlawful for any person to violate or fail to comply with any provisions of this Code and any such person in violation of any provisions of this Code shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding thirty (30) days or by both such fine and imprisonment within the discretion of the court. Each day any violation of any provision of this Code shall continue, constitutes a separate offense. Any such person violating any of the provisions of this Code shall become liable to the town for any expense, loss or damage occasioned the town by reason of such violation. Where no specific penalty is provided therefor in this Code, the violation of any provision shall be punishable as herein set forth.

(Code 1964, § 1-8)

Charter reference—Maximum penalty for violations of town police regulations, § 5.

Sec. 1-12. Prisoners may be worked.

Persons imprisoned for violation of this Code or the ordinances of the town may be compelled to work on the streets or other public works of the town.

(Code 1964, § 1-9)