



RICHARD P. LEYDUB
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
CIVIL DIVISION
BATON ROUGE
70804-9005

One American Place
301 Main Street, Suite 600
P.O. Box 94005
TEL.: (225) 342-7013
FAX: (225) 342-2090

July 29, 2003
OPINION 03-0280

Honorable John Eason
Mayor
1714 Hwy 845
P.O. Box 360
Clarks, LA 71415

71 MUNICIPALITIES

R.S. 33:382; R.S. 1:3

A village reclassified as a town is required by law to have five members serving on the board of aldermen.

Dear Mayor Eason:

You advise this office that the Village of Clarks has been reclassified as a town.¹ You ask what effect this change will have on the required number of aldermen.

The provisions of R.S. 33:382 are applicable and pertinently provide:

§382. Number of aldermen; election; municipal districts; divisions of the board

A. The number of aldermen in a city shall not be less than five nor more than nine; the number of aldermen in a town shall be five; and the number of aldermen in a village shall be three.

The language of the statute requires that the number of aldermen in a town shall be five. The use of the word "shall" is mandatory, not permissive. See R.S. 1:3.² Thus the Town of Clarks must now have five members serving on the board of aldermen.

¹ R.S. 33:341 defines municipalities and provides:

§ 341. Division into cities, towns and villages

Municipal corporations shall be divided into three classes: cities, towns, and villages. Those having five thousand inhabitants and more are cities; those having less than five thousand but more than one thousand inhabitants are towns; and those having one thousand and fewer inhabitants are villages.

² R.S. 1:3 provides:

§3. Words and phrases; how construed

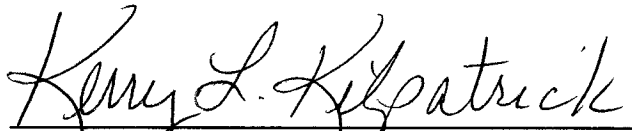
Words and phrases shall be read with the context and shall be construed according to the common and approved usage of the language. Technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning. The word "shall" is mandatory and the word "may" is permissive.

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We hope the foregoing is helpful to you. Should you have other questions in which we may provide assistance, please contact this office.

Very truly yours,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY: 
KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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