

2024 -- H 8028

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO TOWNS AND CITIES -- GENERAL POWERS -- FOSTER MUNICIPAL
COURT

Introduced By: Representative Michael W. Chippendale

Date Introduced: March 06, 2024

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 45-2 of the General Laws entitled "General Powers" is hereby
2 amended by adding thereto the following section:

3 **45-2-68. Town of Foster -- Municipal court.**

4 (a) The town council of the town of Foster may establish a municipal court and confer upon
5 that court original jurisdiction, notwithstanding any other provisions of the general laws, to hear
6 and determine causes involving the violation of any ordinance; provided, however, that any
7 defendant found guilty of any offense, excluding violations outlined in subsection (b) of this
8 section, may, within seven (7) days of conviction, file an appeal from the conviction to the
9 Providence county superior court and be entitled in the latter court to a trial de novo.

10 (b) The town council of the town of Foster may establish a municipal housing court and
11 confer upon the court original jurisdiction, notwithstanding any other provisions of the general
12 laws, to hear and determine causes involving the violation of the zoning ordinances of the town and
13 any violation of the provisions of chapter 24 of this title ("Rhode Island zoning enabling act of
14 1991"); any violation of chapter 24.1 of this title (" historical area zoning"); any violation of chapter
15 24.2 of this title ("minimum housing standards"); any violation of chapter 24.3 of this title ("housing
16 maintenance and occupancy code"); any violation of chapter 23 of this title ("development review
17 act"); any violation of any local Foster ordinance or regulation enacted pursuant to these chapters;
18 and any violation of the provisions of chapter 27.3 of title 23 ("state building code"); and any

1 violation of the provisions of those regulations promulgated by the state building code commission
2 entitled SBC-1 Rhode Island state building code; SBC-2 Rhode Island state one and two (2) family
3 dwelling code; SBC-3 Rhode Island state plumbing code; SBC-4 Rhode Island state mechanical
4 code; SBC-5 Rhode Island state electrical code; SBC-6 state property maintenance code; SBC-8
5 Rhode Island state energy conservation code; and SBC-19 Rhode Island state fuel and gas code;
6 and provided, further, that any party aggrieved by a final judgment, decree, or order of the Foster
7 housing court may, within twenty (20) days after entry of this judgment, decree, or order, file an
8 appeal to the Providence county superior court and be entitled in the latter court to a trial de novo.

9 (c) With respect to violations falling under the jurisdiction of the Foster housing court, as
10 outlined in subsection (b) of this section, the town council may also confer upon the housing court,
11 in furtherance of the court's jurisdiction, the power to proceed according to equity:

12 (1) To restrain, prevent, enjoin, abate, or correct a violation;

13 (2) To order the repair, vacating, or demolition of any dwelling existing in violation;

14 (3) To otherwise compel compliance with all of the provisions of those ordinances,
15 regulations, and statutes; and

16 (4) To order a dwelling into receivership and to order the removal of any cloud on the title
17 to the building or property that shall be binding upon all those claiming by, through, under, or by
18 virtue of any inferior liens or encumbrances pursuant to chapter 44 of title 34.

19 (d) The municipal court shall have concurrent jurisdiction with the Rhode Island traffic
20 tribunal to hear and adjudicate those violations conferred upon the municipal court and enumerated
21 in § 8-18-3. Adjudication of summons by the municipal court shall be in conformance with § 8-18-
22 4. The municipal court shall hear and decide traffic matters in a manner consistent with the
23 procedures of the traffic tribunal, and subject to review by the chief magistrate of the traffic tribunal
24 in accordance with § 8-18-11. Any person desiring to appeal from an adverse decision of the
25 municipal court for violations enumerated § 8-18-3, may seek review thereof pursuant to the
26 procedures set forth in § 31-41.1-8.

27 (e) The town council of the town of Foster is authorized and empowered to appoint a judge
28 and clerk of the municipal court. The town council of the town of Foster is also authorized to
29 appoint a judge and clerk of the housing court, who may be, but is not required to be, the same
30 person(s) holding the judgeship over the municipal court. The town council is authorized and
31 empowered to enact ordinances governing the personnel, operation, and procedure to be followed
32 in the court and to establish a schedule of fees and costs and to otherwise provide for the operation
33 and management of the court. The municipal court may impose a fine not in excess of five hundred
34 dollars (\$500) for each offense. The court is empowered to administer oaths, compel the attendance

1 [of witnesses, and punish persons for contempt.](#)

2 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO TOWNS AND CITIES -- GENERAL POWERS -- FOSTER MUNICIPAL
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- 1 This act would establish a municipal court within the town of Foster.
- 2 This act would take effect upon passage.

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