

2022 -- S 2391

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LC004753
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

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

Introduced By: Senators Seveney, DiPalma, and Murray

Date Introduced: February 15, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-2-62 of the General Laws in Chapter 45-2 entitled "General
2 Powers" is hereby repealed.

3 ~~**45-2-62. Town of Portsmouth -- Municipal court.**~~

4 ~~(a) The town council of the town of Portsmouth may establish a municipal court and confer
5 upon the court original jurisdiction, notwithstanding any other provisions of the general laws, to
6 hear and determine causes involving the violations of any ordinance, including minimum housing
7 ordinances of the town and any violation of the provisions of chapter 24.3 of this title, entitled the
8 "Rhode Island Housing Maintenance and Occupancy Code"; provided, however, that any defendant
9 found guilty of any offense, excluding violation of the minimum housing ordinances or chapter
10 24.3 within the jurisdiction of the court, may, within seven (7) days of conviction, file an appeal
11 from the conviction to the superior court for Newport County and be entitled in the latter court to
12 a trial de novo; and provided further, however, that any defendant found guilty of any violation of
13 a minimum housing ordinance or of chapter 24.3 may, within seven (7) days of the conviction, file
14 an appeal from the conviction to the second division of the district court and be entitled to a trial
15 de novo in accordance with §§ 8-8-3(a)(4) and 8-8-3.2.~~

16 ~~(b) With respect to violations of either municipal ordinances dealing with minimum
17 housing or chapter 24.3, et seq. of this title dealing with housing maintenance and occupancy, the
18 town council may also confer upon the municipal court, in furtherance of the court's jurisdiction,~~

1 ~~the power to proceed according to equity:~~

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

3 ~~(2) To order the repair, vacation or demolition of any dwelling existing in violation;~~

4 ~~(3) To otherwise compel compliance with all of the provisions of the ordinances and~~
5 ~~statutes.~~

6 ~~(c) The municipal court shall have concurrent jurisdiction with the Rhode Island traffic~~
7 ~~tribunal to hear and adjudicate those violations conferred upon the municipal court and enumerated~~
8 ~~in § 8-18-3. Adjudication of summons by the municipal court shall be in conformance with § 8-18-~~
9 ~~4. The municipal court shall hear and decide traffic matters in a manner consistent with the~~
10 ~~procedures of the traffic tribunal, and be subject to review by the chief magistrate of the traffic~~
11 ~~tribunal in accordance with § 8-18-11. Any person desiring to appeal an adverse decision of the~~
12 ~~municipal court for violations enumerated in § 8-18-3, may seek review thereof pursuant to the~~
13 ~~procedures set forth in § 31-41.1-8.~~

14 ~~(d) The town council of the town of Portsmouth is authorized and empowered to appoint a~~
15 ~~judge and clerk of the municipal court. The town council is authorized and empowered to enact~~
16 ~~ordinances governing the personnel, operation and procedure to be followed in the court and to~~
17 ~~establish a schedule of fees and costs, and to otherwise provide for the operation and management~~
18 ~~of the court. The municipal court may impose a sentence not to exceed thirty (30) days in jail and~~
19 ~~impose a fine not in excess of five hundred dollars (\$500), or both. The court is empowered to~~
20 ~~administer oaths, compel the attendance of witnesses and punish persons for contempt and to~~
21 ~~authorize and execute search warrants to the extent the warrants could be authorized and executed~~
22 ~~by a justice of the district court.~~

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

25 **45-2-62.1 Town of Portsmouth -- Municipal court -- Municipal housing court.**

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

32 (b) The town council of the town of Portsmouth may establish a municipal housing court
33 and confer upon the court original jurisdiction, notwithstanding any other provisions of the general
34 laws, to hear and determine causes involving the violation of the zoning ordinances of the town and

1 any violation of the provisions of chapter 24 of this title (the "Rhode Island zoning enabling act of
2 1991"); any violation of chapter 24.1 of this title (the "historical zoning act"); any violation of
3 chapter 24.2 of this title ("minimum housing standards act"); any violation of chapter 24.3 of this
4 title ("housing maintenance and occupancy code"); any violation of chapter 23 of this title
5 ("subdivision and land development act"); any violation of any local Portsmouth ordinance or
6 regulation enacted pursuant to these chapters; and any violation of the provisions of chapter 27.3
7 of title 23 (the "Rhode Island state building code"); and any violation of the provisions of those
8 regulations promulgated by the state building code commission entitled SBC-1 Rhode Island state
9 building code; SBC-2 Rhode Island state one- and two (2)-family dwelling code; SBC-3 Rhode
10 Island state plumbing code; SBC-4 Rhode Island state mechanical code; SBC-5 Rhode Island state
11 electrical code; SBC-6 state property maintenance code; SBC-8 Rhode Island state energy
12 conservation code; and SBC-20 Rhode Island state fuel and gas code; and provided, further, that
13 any party aggrieved by a final judgment, decree, or order of the Portsmouth housing court may,
14 within twenty (20) days after entry of this judgment, decree, or order, file an appeal to the superior
15 court and be entitled in the latter court to a trial de novo.

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

- 19 (1) To restrain, prevent, enjoin, abate, or correct a violation;
20 (2) To order the repair, vacation, or demolition of any dwelling existing in violation;
21 (3) To otherwise compel compliance with all of the provisions of those ordinances,
22 regulations, and statutes; and
23 (4) To order a dwelling into receivership and to order the removal of any cloud on the title
24 to the building or property that shall be binding upon all those claiming by, through, under, or by
25 virtue of any inferior liens or encumbrances pursuant to chapter 44 of title 34.

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

34 (e) The town council of the town of Portsmouth is authorized and empowered to appoint a

1 judge and clerk of the municipal court. The town council of the town of Portsmouth is also
2 authorized to appoint a judge and clerk of the housing court, who may be, but is not required to be,
3 the same person(s) holding the judgeship over the municipal court. The town council is authorized
4 and empowered to enact ordinances governing the personnel, operation, and procedure to be
5 followed in the court and to establish a schedule of fees and costs and to otherwise provide for the
6 operation and management of the court. The municipal court may impose a sentence not to exceed
7 thirty (30) days in jail and impose a fine not in excess of five hundred dollars (\$500), or both. The
8 court is empowered to administer oaths; compel the attendance of witnesses; punish persons for
9 contempt; and to execute search warrants to the extent the warrants could be executed by a judge
10 of the district court.

11 SECTION 3. 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--PORTSMOUTH
MUNICIPAL COURT

1 This act would repeal the current authorization for the town of Portsmouth municipal court
2 and establish an authorization which would expand the jurisdiction of the Portsmouth municipal
3 court to include a municipal housing court to adjudicate violations of the state building code.

4 This act would take effect upon passage.

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