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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO CITIES AND TOWNS - THE TOWN OF PORTSMOUTH MUNICIPAL  
COURT

Introduced By: Senator Christopher S. Ottiano

Date Introduced: April 25, 2013

Referred To: Senate Judiciary

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           **45-2-62. Town of Portsmouth - Municipal court.** – (a) The town council of the town of  
4 Portsmouth may establish a municipal court and confer upon the court original jurisdiction,  
5 notwithstanding any other provisions of the general laws, to hear and determine causes involving  
6 the violations of any ordinance, including minimum housing ordinances of the town and any  
7 violation of the provisions of chapter 24.3 of this title, entitled the "Rhode Island Housing  
8 Maintenance and Occupancy Code"; provided, however, that any defendant found guilty of any  
9 offense, excluding violation of the minimum housing ordinances or chapter 24.3 within the  
10 jurisdiction of the court, may, within seven (7) days of conviction, file an appeal from the  
11 conviction to the superior court for Newport County and be entitled in the latter court to a trial de  
12 novo; and provided further, however, that any defendant found guilty of any violation of a  
13 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 subdivision 8-8-3(a)(4) and section 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  
8 enumerated in section 8-18-3. Adjudication of summons by the municipal court shall be in  
9 conformance with section 8-18-4. The municipal court shall hear and decide traffic matters in a  
10 manner consistent with the procedures of the traffic tribunal, and be subject to review by the chief  
11 magistrate of the traffic tribunal in accordance with section 8-18-11. Any person desiring to  
12 appeal an adverse decision of the municipal court for violations enumerated in section 8-18-3,  
13 may seek review thereof pursuant to the procedures set forth in section 31-41.1-8.

14 (d) The town council of the town of Portsmouth is authorized and empowered to appoint  
15 a 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. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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COURT

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- 1 This act would authorize the town of Portsmouth to create a municipal court.
- 2 This act would take effect upon passage.

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