

2017 -- H 5552

LC001073

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO CRIMINAL OFFENSES-TRESPASS AND VANDALISM

Introduced By: Representative Patricia A. Serpa

Date Introduced: February 16, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-44 of the General Laws entitled "Trespass and Vandalism" is
2 hereby amended by adding the following section:

3 **11-44-12.2. Injury to private property.**

4 (a) As used in this section:

5 (1) "Commercial property" means property operated for commercial purposes or a
6 residential property which contains five (5) or more housing units.

7 (2) "Surface water" means water falling upon or naturally spreading over lands as from
8 rains, melting snow, swamps and/or springs.

9 (b) Every person, firm, corporation, partnership or other entity that owns commercial
10 property abutting private property, shall maintain and control storm water runoff and surface
11 water so as to prevent pooling, flooding, erosion or any other condition causing damage to
12 abutting private properties and shall, in maintaining, redesigning, paving or otherwise modifying
13 the property or structures thereon, use standards consistent with the Rhode Island Storm Water
14 Design and Installation Standards Manual to prevent such pooling, flooding, erosion or other
15 damage.

16 (c) Every person, firm, corporation, partnership or other entity that violates this section
17 shall be subject to a civil fine of up to five hundred dollars (\$500) and shall be ordered to make
18 reasonable restitution to the owner of the property so damaged.

19 (d) The district court of the county in which the properties are located shall have

1 [jurisdiction over any violation hereof.](#)

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would make it civil violation for commercial property owners, to allow surface
2 water or storm water runoff to pool upon, flood, erode or otherwise damage abutting property.
3 Violations of this section would be punishable by a civil fine and order of restitution. Jurisdiction
4 over any violation would lie in the district court.

5 This act would take effect upon passage.

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