

2017 -- S 0768

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO TOWNS AND CITIES - GENERAL POWERS

Introduced By: Senators Lynch Prata, McCaffrey, and Calkin

Date Introduced: April 12, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-2-19 of the General Laws in Chapter 45-2 entitled "General
2 Powers" is hereby amended to read as follows:

3 **45-2-19. City of Warwick -- Municipal court.**

4 (a) The city council of the city of Warwick 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 violation of any ordinance, including minimum housing
7 ordinances, of the city and any violation of the provisions of chapter 24.3 of this title, entitled the
8 Rhode Island Housing Maintenance and Occupancy Code; provided, that any defendant found
9 guilty of any offense, excluding violations of the minimum housing ordinances or chapter 24.3
10 within the jurisdiction of the court, may, within five (5) days of the conviction, file an appeal
11 from the conviction to the superior court and be entitled in the latter court to a trial de novo; and
12 provided further, that any defendant found guilty of any violation of a minimum housing
13 ordinance, or of chapter 24.3, may, within five (5) days of the conviction, file an appeal from the
14 conviction to the third division of the district court and be entitled to a trial de novo in accordance
15 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 city council may also confer upon the municipal court, in furtherance of the court's jurisdiction,
19 the power to proceed according to equity:

- 1 (1) To restrain, prevent, enjoin, abate, or correct a violation;
2 (2) To order the repair, vacation, or demolition of any dwelling existing in violation; or
3 (3) To otherwise compel compliance with all of the provisions of the ordinances and
4 statutes.

5 [\(4\) To utilize and apply the provisions set forth in chapter 44 et seq. of title 34](#)
6 [\(Abandoned Property\).](#)

7 (c) The mayor of the city is authorized and empowered to appoint a judge of the
8 municipal court with the advice and consent of the city or town council. The city council is
9 authorized and empowered to enact ordinances governing the operation and procedure to be
10 followed in the court and to establish a schedule of fees and costs. The municipal court may
11 impose a sentence not to exceed thirty (30) days in jail and impose a fine not in excess of five
12 hundred dollars (\$500) or both. The court is empowered to administer oaths, compel the
13 attendance of witnesses, and punish persons for contempt.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO TOWNS AND CITIES - GENERAL POWERS

- 1 This act would allow the city council of Warwick to confer upon its municipal court the
- 2 jurisdiction to apply the provisions of chapter 44 of title 34 regarding abandoned property.
- 3 This act would take effect upon passage.

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