

2019 -- H 6125

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO TOWNS AND CITIES -- GENERAL POWERS

Introduced By: Representatives Tanzi, Fogarty, McEntee, and Filippi

Date Introduced: May 20, 2019

Referred To: House Municipal Government

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 **45-2-67. Town of South Kingstown -- Municipal court.**

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

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

1 chapter 27.3 of title 23 (the Rhode Island state building code); and any violation of the provisions
2 of those regulations promulgated by the state building code commission entitled SBC-1 Rhode
3 Island state building code; SBC-2 Rhode Island state one and two (2) family dwelling code; SBC-
4 3 Rhode Island state plumbing code; SBC-4 Rhode Island state mechanical code; SBC-5 Rhode
5 Island state electrical code; SBC-6 state property maintenance code; SBC-8 Rhode Island state
6 energy conservation code; and SBC-19 Rhode Island state fuel and gas code; and provided,
7 further, that any party aggrieved by a final judgment, decree, or order of the South Kingstown
8 housing court may, within twenty (20) days after entry of this judgment, decree, or order, file an
9 appeal to the Washington County superior court and be entitled in the latter court to a trial de
10 novo.

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

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

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

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

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

22 (d) The town council of the town of South Kingstown is authorized and empowered to
23 appoint a judge and clerk of the municipal court. The town council of the town of South
24 Kingstown is also authorized to appoint a judge and clerk of the housing court, who may be, but
25 is not required to be, the same person(s) holding the judgeship over the municipal court. The town
26 council is authorized and empowered to enact ordinances governing the personnel, operation, and
27 procedure to be followed in the court and to establish a schedule of fees and costs and to
28 otherwise provide for the operation and management of the court. The municipal court may
29 impose a fine not in excess of five hundred dollars (\$500) for each offense. The court is
30 empowered to administer oaths; compel the attendance of witnesses; punish persons for
31 contempt; and to execute search warrants to the extent the warrants could be executed by a judge
32 of the district court.

1 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

1 This act would authorize the town council of the town of South Kingstown to create a
2 municipal court and housing court and defines the respective jurisdiction of those two courts.

3 This act would take effect upon passage.

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