

2010 -- H 7121

LC00105

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO TOWNS AND CITIES -- GENERAL POWERS

Introduced By: Representative Brian C. Newberry

Date Introduced: January 13, 2010

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 45-2 of the General Laws entitled "General Powers" is hereby amended by adding thereto the following section:

45-2-59. Town of North Smithfield -- Municipal court. -- (a) The town council of the town of North Smithfield may establish a municipal court and confer upon the court original jurisdiction, notwithstanding any other provisions of the general laws, to hear and determine causes involving the violations of the town of North Smithfield Charter, Code of Ordinances, including minimum housing ordinances of the town and any violation of the provisions of chapter 24.3 of this title, entitled the "Rhode Island Housing Maintenance and Occupancy Code"; provided, however, that any defendant found guilty of any offense, excluding violation of the minimum housing ordinances or chapter 24.3 of this title, may within seven (7) days of conviction, file an appeal from the conviction to the superior court for Providence County and be entitled in the latter court to a trial de novo; and provided further, however, that any defendant found guilty of any violation of a minimum housing ordinance or of chapter 24.3 may, within seven (7) days of the conviction, file an appeal from the conviction to the sixth division of the district court and be entitled to a trial de novo in accordance with subsections 8-8-3(a)(4) and 8-8-3.2.

(b) With respect to violations of either municipal ordinances dealing with minimum housing or chapter 24.3, et seq. of this title dealing with housing maintenance and occupancy, the 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 judge of the district court in accordance with section 8-18-11. Any person desiring to appeal an

12 adverse decision of the municipal court for violations enumerated in section 8-18-3, may seek

13 review thereof pursuant to the procedures set forth in section 31-41.1-8.

14 (d) The town council of the town of North Smithfield is authorized and empowered to

15 appoint a judge and clerk of the municipal court. The town council of the town of North

16 Smithfield is authorized and empowered to enact ordinances governing the personnel, operation

17 and procedure to be followed in the court and to establish a schedule of fees and costs, and to

18 otherwise provide for the operation and management of the court. The municipal court may

19 impose a sentence not to exceed thirty (30) days in jail and impose a fine not in excess of five

20 hundred dollars (\$500), or both. The court is empowered to administer oaths, compel the

21 attendance of witnesses and punish persons for contempt and to execute search warrants to the

22 extent the warrants could be executed by a judge of the district court.

23 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 authorize the town council of the town of North Smithfield to establish a
2 municipal court in the town.
3 This act would take effect upon passage.

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