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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO TOWNS AND CITIES -- GENERAL POWERS

Introduced By: Senator Louis P. DiPalma

Date Introduced: March 20, 2018

Referred To: Senate Judiciary

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-2-37 of the General Laws in Chapter 45-2 entitled "General
2 Powers" is hereby amended to read as follows:

3 **45-2-37. Town of Middletown -- Municipal court.**

4 (a) The town council of the town of Middletown may establish a municipal court and
5 confer upon the court original jurisdiction, notwithstanding any other provisions of the general
6 laws, to hear and determine causes involving the violation of any ordinance, including minimum
7 housing ordinances of the town and any violation of the provisions of chapter 24.3 of this title,
8 entitled the Rhode Island Housing Maintenance and Occupancy Code; provided, however, that
9 any defendant found guilty of any offense, excluding violation of the minimum housing
10 ordinances or chapter 24.3 within the jurisdiction of the court, may within seven (7) days of
11 conviction, file an appeal from the conviction to the superior court for Newport county and be
12 entitled in the latter court to a trial de novo; and provided further, however, that any defendant
13 found guilty of any violation of a minimum housing ordinance or of chapter 24.3, may, within
14 seven (7) days of the conviction, file an appeal from the conviction to the second division of the
15 district court and be entitled to a trial de novo in accordance 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 town 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 (c) The town council of the town of Middletown is authorized and empowered to appoint
6 a judge of the municipal court. The town council of that town is authorized and empowered to
7 enact ordinances governing the personnel, operation and procedure to be followed in the court
8 and to establish a schedule of fees and costs, and to otherwise provide for the operation and
9 management of the court. The municipal court may impose a sentence not to exceed thirty (30)
10 days in jail and impose a fine of not in excess of five hundred dollars (\$500), ~~or both~~; provided
11 however, that for violations of the town of Middletown's short-term residential lease ordinance,
12 the court may impose a fine not in excess of one thousand dollars (\$1,000); and provided further,
13 that a violation of said ordinance shall be considered to be a civil violation. The court is
14 empowered to administer oaths, compel the attendance of witnesses and punish persons for
15 contempt and to execute search warrants to the extent the warrants could be executed by a judge
16 of the district court.

17 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 Middletown municipal court to impose fines not exceeding
- 2 one thousand dollars (\$1,000) for violation of the towns short-term residential lease ordinance.
- 3 Such violation shall be considered to be a civil violation.
- 4 This act would take effect upon passage.

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