

2012 -- S 2502

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO TOWNS AND CITIES - PAWTUCKET MUNICIPAL HOUSING COURT

Introduced By: Senators Doyle, Crowley, and Nesselbush

Date Introduced: February 16, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-2-13 of the General Laws in Chapter 45-2 entitled "General
2 Powers" is hereby amended to read as follows:

3 **45-2-13. City of Pawtucket -- Municipal police court -- Municipal housing court. --**

4 (a) The city council of the city of Pawtucket may establish a municipal police 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; provided, that any defendant
7 found guilty of any offense, excluding violations of the city's minimum housing ordinances and
8 zoning ordinances, may, within seven (7) days of conviction, file an appeal from the conviction to
9 the Providence superior court and be entitled in the latter court to a trial de novo.

10 (b) The city council of the city of Pawtucket may establish a municipal housing court
11 and confer upon the court original jurisdiction, notwithstanding any other provisions of the
12 general laws, to hear and determine causes involving the violation of the ~~minimum housing~~
13 ~~ordinances and~~ zoning ordinances of the city and any violation of the provisions of ~~chapter 24.3~~
14 ~~of this title, entitled the Rhode Island housing maintenance and occupancy code, and~~ chapter 24
15 of this title, entitled the Rhode Island zoning enabling act of 1991, and any violation of the
16 provisions of chapter 27.3 of title 23 entitled the Rhode Island state building code, and any
17 violation of the provisions of those regulations promulgated by the state building code
18 commission entitled SBC-1 Rhode Island state building code, SBC-2 Rhode Island state one and
19 two (2) family dwelling code, SBC-3 Rhode Island state plumbing code, SBC-4 Rhode Island

1 [state mechanical code, SBC-5 Rhode Island state electrical code, SBC-6 state property](#)
2 [maintenance code, and SBC-8 Rhode Island state energy conservation code](#); and provided,
3 further, that any party aggrieved by a final judgment, decree or order of the Pawtucket housing
4 court may, within twenty (20) days after entry of this judgment, decree or order, petition to the
5 supreme court for the state of Rhode Island for a writ of certiorari to review any errors involved.
6 The petition for the writ of certiorari shall state the errors claimed. Upon the filing of a petition
7 with the clerk of the supreme court, the supreme court may, if it sees fit, issue a writ of certiorari
8 to the Pawtucket housing court to certify to the supreme court the record of the proceedings of the
9 case together with and transcript of the proceedings by the petitioner at his expense.

10 (c) With respect to violations of either municipal ordinances dealing with minimum
11 housing or zoning regulations, or chapter 24.3 et seq., of this title dealing with housing
12 maintenance and occupancy, or chapter 24 et seq., of this title dealing with enforcement of zoning
13 regulations, the city council may also confer upon the Pawtucket housing court, in furtherance of
14 its jurisdiction, the power to proceed according to equity:

- 15 (1) To restrain, prevent, enjoin, abate, or correct a violation;
- 16 (2) To order the repair, vacation, or demolition of any dwelling existing in violation;
- 17 (3) To otherwise compel compliance with all of the provisions of those ordinances and
18 statutes; or
- 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 which shall be binding upon all those claiming by, through, under,
21 or by virtue of any inferior liens or encumbrances pursuant to chapter 44 et seq., of title 34.

22 (d) The city council of the city of Pawtucket is authorized and empowered to appoint a
23 judge to serve as both the municipal police court judge and the municipal housing court judge.
24 The city council of the city is authorized and empowered to enact ordinances governing the
25 personnel, operation, and procedure to be followed in the court and to establish a schedule of fees
26 and costs and to otherwise provide for the operation and management of the court. The municipal
27 courts created by this section may impose a sentence not to exceed thirty (30) days in jail and
28 impose a fine not in excess of one thousand dollars (\$1,000), or both. The courts are empowered
29 to administer oaths, compel the attendance of witnesses, and punish persons for contempt, and to
30 execute search warrants to the extent the warrants could be executed by a judge of the district
31 court.

32 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 expand the jurisdiction of the Pawtucket Housing Court to act upon
2 violations of the Rhode Island State Building Code and violations of certain regulations
3 promulgated by the State Building Code Commission for properties located in the city of
4 Pawtucket.

5 This act would take effect upon passage.

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