

2013 -- H 6293

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO TOWNS AND CITIES - GENERAL POWERS

Introduced By: Representative Larry Valencia

Date Introduced: June 26, 2013

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           **45-2-63. Town of Richmond - Municipal court.** – (a) The town council of the town of  
4 Richmond may establish a municipal court and confer upon the court original jurisdiction,  
5 notwithstanding any other provisions of the general laws, to hear and determine causes involving  
6 violation of the town of Richmond code of ordinances, including any minimum housing  
7 ordinances of the town, and violations of the provisions of chapter 45-24.3, entitled the Rhode  
8 Island housing maintenance and occupancy code; provided, however, that any defendant found  
9 guilty of any violation of the Richmond code of ordinances, excluding any minimum housing  
10 ordinances, may, within seven (7) days of conviction, file an appeal from the conviction to the  
11 superior court for Washington County and be entitled in the latter court to a trial de novo; and,  
12 provided further, however, that any defendant found guilty of any violation of any minimum  
13 housing ordinances or of chapter 45-23.3 may, within seven (7) days of the conviction, file an  
14 appeal from the conviction to the fourth division of the district court and be entitled to a trial de  
15 novo in accordance with subdivision 8-8-3(a)(4) and section 8-8-3.2.

16           (b) With respect to violations of any minimum housing ordinance and violations of  
17 chapter 45-24.3 et seq., of this title dealing with housing maintenance and occupancy, the town  
18 council may also confer upon the municipal court, in furtherance of the court's jurisdiction, the  
19 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; and  
3           (3) To otherwise compel compliance with all of the provisions of the ordinances and  
4 statutes.

5           (c) The municipal court shall have concurrent jurisdiction with the Rhode Island traffic  
6 tribunal to hear and adjudicate those violations enumerated in section 8-18-3. Adjudication of  
7 summons by the municipal court shall be in conformance with section 8-18-4. The municipal  
8 court shall hear and decide traffic matters in a manner consistent with the procedures of the traffic  
9 tribunal, and shall be subject to review by the chief magistrate of the traffic tribunal in accordance  
10 with section 8-18-11. Any person desiring to appeal an adverse decision of the municipal court  
11 for violations enumerated in section 8-18-3 may seek review thereof pursuant to the procedures  
12 set forth in section 31-41.1-8.

13           (d) The town council of the town of Richmond is authorized and empowered to appoint a  
14 judge and a clerk of the municipal court; to enact ordinances governing the personnel, operation,  
15 and procedure to be followed in the court; to establish a schedule of fees and costs; and to  
16 otherwise provide for the operation and management of the court. The municipal court may  
17 impose a sentence not to exceed thirty (30) days in jail and impose a fine not in excess of five  
18 hundred dollars (\$500) per violation, or both. The court is empowered to administer oaths,  
19 compel the attendance of witnesses, and punish persons for contempt and to execute search  
20 warrants to the extent the warrants could be executed by a judge of the district court.

21           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

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- 1 This act would establish a municipal court in the town of Richmond.
- 2 This act would take effect upon passage.

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