

2017 -- H 5874

LC002043

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO TOWNS AND CITIES - WOONSOCKET MUNICIPAL HOUSING COURT

Introduced By: Representatives Morin, Phillips, and Casey

Date Introduced: March 08, 2017

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-2-25 of the General Laws in Chapter 45-2 entitled "General
2 Powers" is hereby amended to read as follows:

3 ~~45-2-25. City of Woonsocket -- Municipal court.~~ **City of Woonsocket -- Municipal**
4 **police court – Municipal housing court.**

5 ~~(a) The city council of the city of Woonsocket may establish a municipal court and confer~~
6 ~~upon the court original jurisdiction, notwithstanding any other provisions of the general laws, to~~
7 ~~hear and determine causes involving the violation of any ordinance, including minimum housing~~
8 ~~ordinances, of the city and any violation of the provisions of chapter 24.3 of this title, entitled the~~
9 ~~Rhode Island Housing Maintenance and Occupancy Code; provided, however, that any defendant~~
10 ~~found guilty of any offense, excluding violations of the minimum housing ordinances or chapter~~
11 ~~24.3, may, within seven (7) days of the conviction, file an appeal from the conviction to the~~
12 ~~superior court and be entitled in the latter court to a trial de novo; and provided further, however,~~
13 ~~that any defendant found guilty of any violation of a minimum housing ordinance, or of chapter~~
14 ~~24.3, may, within seven (7) days of the conviction, file an appeal from the conviction to the~~
15 ~~seventh division of the district court and be entitled to a trial de novo in accordance with §§ 8-8-~~
16 ~~3(a)(4) and 8-8-3.2.~~

17 ~~(b) With respect to violations of either municipal ordinances dealing with minimum~~
18 ~~housing or chapter 24.3 et seq. of this title dealing with housing maintenance and occupancy, the~~
19 ~~city 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; or~~

4 ~~(3) To otherwise compel compliance with all of the provisions of the ordinances and~~
5 ~~statutes.~~

6 ~~(e) The city council of the city of Woonsocket is authorized and empowered to appoint a~~
7 ~~judge of the municipal court. The city council of the city is authorized and empowered to enact~~
8 ~~ordinances governing the personnel, operation, and procedure to be followed in the court and to~~
9 ~~establish a schedule of fees and costs and to otherwise provide for the operation, and management~~
10 ~~of the court. The municipal court may impose a sentence not to exceed thirty (30) days in jail and~~
11 ~~impose a fine not in excess of five hundred dollars (\$500) or both. The court is empowered to~~
12 ~~administer oaths, compel the attendance of witnesses, and punish persons for contempt, and to~~
13 ~~execute search warrants to the extent search warrants could be executed by a judge of the district~~
14 ~~court.~~

15 ~~(d) The municipal court also has original jurisdiction, notwithstanding any other~~
16 ~~provisions of the general laws, to hear and determine violations of §§ 11-9-13 and 11-9-13.1~~
17 ~~pertaining to the sale or delivery of tobacco products to persons under the age of eighteen (18);~~
18 ~~provided, however, that any defendant found guilty of any offense may, within seven (7) days of~~
19 ~~the conviction, file an appeal from the conviction to the district court and be entitled in the latter~~
20 ~~court to a trial de novo in accordance with § 8-8-3.~~

21 (a) The city council of the city of Woonsocket may establish a municipal police court and
22 confer upon the court original jurisdiction, notwithstanding any other provisions of the general
23 laws, to hear and determine causes involving the violation of any ordinance; provided, that any
24 defendant found guilty of any offense, excluding violations of the city's minimum housing
25 ordinances and zoning ordinances, may, within seven (7) days of conviction, file an appeal from
26 the conviction to the Providence superior court and be entitled in the latter court to a trial de
27 novo.

28 (b) The city council of the city of Woonsocket may establish a municipal housing court
29 and confer upon the court original jurisdiction, notwithstanding any other provisions of the
30 general laws, to hear and determine causes involving the violation of the zoning ordinances of the
31 city and any violation of the provisions of chapter 24 of this title, entitled the Rhode Island zoning
32 enabling act of 1991, and any violation of the provisions of chapter 27.3 of title 23 entitled the
33 Rhode Island state building code, and any violation of the provisions of those regulations
34 promulgated by the state building code commission entitled SBC-1 Rhode Island state building

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

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

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

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

19 (3) To otherwise compel compliance with all of the provisions of those ordinances and
20 statutes; or

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

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

34

1 SECTION 2. This act shall take effect upon passage.

=====
LC002043
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES - WOONSOCKET MUNICIPAL HOUSING COURT

1 This act would authorize the city of Woonsocket to establish a municipal housing court to
2 consider potential violations of city zoning ordinances and applicable state laws and code
3 provisions. The act would also authorize the city to establish a municipal police court to hear
4 cases involving any ordinance.

5 This act would take effect upon passage.

=====
LC002043
=====