

**THE CITY OF WARWICK
STATE OF RHODE ISLAND**

RESOLUTION OF THE CITY COUNCIL

NO.....R-25-117..... DATE..11-18-25.....

APPROVED..........MAYOR

**A RESOLUTION REQUESTING THE GENERAL ASSEMBLY AMEND TO THE
JURISDICTION, POWERS, PROCEDURES, AND PENALTIES OF THE
WARWICK MUNICIPAL COURT**

Resolved that,

WHEREAS, the health, safety and welfare of the citizens of Warwick are matters of paramount importance to the City Council; and

WHEREAS, RIGL § 45-2-19 authorizes the City of Warwick's Municipal Court to have jurisdiction over certain matters including violations of any ordinance, as well as housing maintenance and occupancy codes; and

WHEREAS, the Mayor requests expansion of the jurisdiction of the Municipal Court to hear and determine causes involving Zoning Ordinances of the City, as well as the state's Zoning Enabling Act, Historical Zoning Act, Minimum Housing Standards Act, Housing Maintenance and Occupancy Code, Subdivision and Land Development Act, Building Code and related regulations and ordinances thereunder; and

WHEREAS, the Mayor requests revision of the Municipal Court's authority to impose fines of \$500 for each violation, and to remove the authority to jail violators; and

WHEREAS, the Warwick City Council desires that the General Assembly enact legislation to amend the jurisdiction, powers, procedures and penalties of the Municipal Court as requested by the Mayor.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Warwick respectfully requests the General Assembly to enact legislation amending R.I.G.L. § 45-2-19 as follows:

"It is enacted by the General Assembly as follows:

SECTION 1. Section 45-2-19 of the General Laws in Chapter 45-2 entitled "General Powers " is hereby amended to read as follows:

45-2-19. City of Warwick — Municipal court.

(a) *The city council of the city of Warwick 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 violation of any ordinance, including minimum housing ordinances, of the city and any violation of the provisions of chapter 24.3 of this title, entitled the Rhode Island Housing Maintenance and Occupancy Code; provided, that any defendant found guilty of any offense, excluding violations of the minimum housing ordinances or chapter 24.3 within the jurisdiction of the court, may, within five (5) days of the conviction, file an appeal from the conviction to the superior court and be entitled in the latter court to a trial de novo; and provided further, that any defendant found guilty of any violation of a minimum housing ordinance, or of chapter 24.3, may, within five (5) days of the conviction, file an appeal from the conviction to the third division of the district court and be entitled to a trial de novo in accordance with §§ 8-8-3(a)(4) and 8-8-3.2.*

(b) In addition to the jurisdiction conferred in subsection (a), above, the municipal court shall have original jurisdiction, notwithstanding any other provisions of the general laws, to hear and determine causes involving the violation of the zoning ordinances of the City and any violation of the provisions of chapter 24 of this title (the Rhode Island zoning enabling act of 1991); any violation of chapter 24.1 of this title (the Historical Zoning Act); any violation of chapter 24.2 of this title (Minimum Housing Standards Act); any violation of chapter 24.3 of this title (Housing Maintenance and Occupancy Code); any violation of chapter 23 of this title (Subdivision and Land Development Act); any violation of any local Warwick ordinance or regulation enacted pursuant to these chapters; and any violation of the provisions of chapter 27.3 of title 23 (the Rhode Island state building code); and any violation of the provisions of those regulations promulgated by the state building code commission including, without limitation, SBC-1 Rhode Island state building code; SBC-2 Rhode Island state one- and two-family (2) dwelling code; SBC-3 Rhode Island state plumbing code; SBC-4 Rhode Island state mechanical code; SBC-5 Rhode Island state electrical code; SBC-6 state property maintenance code; SBC-8 Rhode Island state energy conservation code; and SBC-20 Rhode Island state fuel and gas code; and provided, further, that any party

aggrieved by a final judgment, decree, or order of the municipal court in any of these matters may file an appeal in the same manner and timeframe as set forth in subsection (a), above, to the superior court and be entitled in the latter court to a trial de novo.

~~(c) With respect to violations of either municipal ordinances dealing with minimum housing or chapter 24.3 of this title dealing with housing maintenance and occupancy matters within the jurisdiction of the municipal court, the city council may also confer upon the municipal court, in furtherance of the court's jurisdiction, the power to proceed according to equity:~~

- ~~(1) To restrain, prevent, enjoin, abate, or correct a violation;~~
- ~~(2) To order the repair, vacation, or demolition of any dwelling existing in violation;~~
- ~~(3) To otherwise compel compliance with all of the provisions of the ordinances and statutes; or~~
- ~~(4) To utilize and apply the provisions set forth in chapter 44 of title 34 (Abandoned Property).~~

~~(e)(d) The mayor of the city is authorized and empowered to appoint a judge of the municipal court with the advice and consent of the city or town council. The city council is authorized and empowered to enact ordinances governing the operation and procedure to be followed in the court and to establish a schedule of fees and costs. The municipal court may impose a sentence not to exceed thirty (30) days in jail and impose a fine not in excess of five hundred dollars (\$500) for each violation, or both. The municipal court may also order the destruction of any vehicle impounded in accordance with any ordinance enacted pursuant to § 31-12-12(c). The court is empowered to administer oaths, compel the attendance of witnesses, and punish persons for contempt.~~

BE IT FURTHER RESOLVED, that the City Clerk send a copy of this Resolution to the City's Representatives and Senators in the Rhode Island General Assembly, and the Chairs and Clerks of the House Committee on Municipal Government and Housing and Senate Committee on Housing and Municipal Government.

This Resolution shall take effect upon passage.

SPONSORED BY: COUNCIL PRESIDENT SINAPI
ON BEHALF OF MAYOR PICOZZI

COMMITTEE: INTERGOVERNMENTAL