

Chapter 42

MUNICIPAL COURT

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Sec. 42-1. Established.

Pursuant to G.L. 1956, § 45-2-19, as amended, there is established a municipal court in the city.
(Code 1971, § 13 1/2-1)

Sec. 42-2. Appointment, term and qualifications of judges; chief judge.

- (a) *Number and selection of judges.* The court shall be comprised of a number of judges, the exact number of which shall be set from time to time by the mayor. Such judges shall be selected by the mayor with the advice and consent of the city council.
- (b) *Term of judges.* The term of appointment shall be three years commencing from the date of appointment.
- (c) *Qualifications of judges.* The judges of the municipal court shall be a lawyer admitted to practice before the supreme court of the state and shall have had at least two years' experience in the active practice of law.
- (d) *Designation of chief judge.* The mayor may designate a chief judge of the court and shall assign certain duties to that judge regarding administration of the court.
- (e) *Appointment of staff.* The chief judge of the municipal court may appoint with the approval and consent of the mayor such additional staff as may be necessary. All such staff shall be subject to the unclassified provisions of chapter 48, entitled "Personnel Merit System."
- (f) *Powers and duties of chief judge.* The chief judge shall have charge of all judicial matters coming before the court and is empowered to set the schedule of all associate justices. The chief judge shall be the sole arbiter of the jurisdiction of the municipal court in accordance with all provisions of the city Charter and the Code of Ordinances of the city. The chief judge and the city clerk shall confer on the preparation of the

annual budget of the court and the finalized proposed budget shall be presented by the chief judge.

(g) *Establishment of rules of procedure.* The chief judge of the municipal court may promulgate rules of procedure and practice for the adjudication of matters before the municipal court.
(Code 1971, § 13 1/2-2; Ord. No. O-95-11, § I, 5-8-95)

Sec. 42-3. Power to compel attendance; subpoenas.

Said court shall have the power to issue writs of summons for witnesses, and compel their attendance, and to punish for contempt by fine or imprisonment. Such court may also issue writs of habeas corpus ad testificandum, upon continuance of any complaint or proceeding before it, and may take recognizance to the state, with surety or sureties in such sums as the court shall think proper with condition to appear before the court and make further answer to such complaint or proceeding, and in the meantime to keep the peace; and in want thereof may commit the same to the state correctional institution until such recognizance shall be given or the parties lawfully discharged therefrom.

(Code 1971, § 13 1/2-3)

Sec. 42-4. Alternate judge.

The judge of probate court shall perform the services of the municipal court in the case of sickness, absence from the city, or other disability or ineligibility of the municipal court judge. In the event the probate judge is unable to perform the duties of municipal judge for the reasons set forth herein, or any other reason, then the mayor shall appoint a former City of Warwick Municipal Judge or a municipal court judge from any other city or town to perform the services of municipal judge. The municipal court judge from any other city or town shall be paid an hourly rate of \$100.00. The acts of the probate judge or other municipal judge in the performance of these duties shall have the same effect as if performed by the municipal court judge.

(Code 1971, § 13 1/2-4; Ord. No. O-03-16, § I, 8-27-03)

Sec. 42-5. Designation of clerk.

The city clerk or his/her designee shall assume all of the duties of the clerk of the municipal court.

(Code 1971, § 13 1/2-5; Ord. No. O-95-11, § I, 5-8-95)

Sec. 42-6. Duties of clerk.

The clerk of the court shall have charge of all administrative duties and shall supervise the day-to-day operation of the court with regard to oversight of all office personnel and the collection and gathering of all monies due to the court. The clerk of the court shall keep a regular docket of all cases disposed of; shall record the judgments, orders and sentences of the court; and shall furnish certified copies thereof when required, for which copies the clerk shall charge the same fees by law allowed to clerks of the superior court. He/she shall keep his/her office open to the public during such hours as the court shall determine and shall also serve defendant until the court is in session. Additionally, he/she shall perform such additional duties and carry out such additional responsibilities as set forth in the rules of the court, and as directed by the chief judge.

(Code 1971, § 13 1/2-6; Ord. No. O-95-11, § I, 5-8-95)

Sec. 42-7. Seal; oaths.

(a) The municipal court shall have a seal, which shall contain such words and device as the mayor and the city council shall adopt and approve.

(b) The judge or clerk of the municipal court shall have the power to administer oaths and affirmations.

(c) The seal of the municipal court shall be circular and shall contain "Municipal Court" on the top portion of the circle and "City of Warwick" on the bottom portion of the circle. In the center of the circle there shall be embossed the seal of the city.

(Code 1971, § 13 1/2-7; Ord. No. O-93-30, § I, 11-15-93)

Sec. 42-8. Time and place of sessions.

The municipal court shall be considered to be in session at all times, at such place or places in the same city as the court or the justice holding same shall appoint; subject, however, to the provision that a usual court session shall be held at such time and place to be determined by the mayor.

(Code 1971, § 13 1/2-8)

Sec. 42-9. Jurisdiction generally.

(a) The city council hereby confers upon the municipal court original jurisdiction to hear and determine causes involving violations of or requirements of any ordinance of the city.

(b) The municipal court in addition, shall have jurisdiction over those matters enumerated in the municipal court compact, G.L. 1956, § 8-18-1 et seq.; provided, however, that any defendant found guilty of any ordinance may, within five days of such conviction, file and appeal from the conviction to the county 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 violation may, within five days of such conviction, file an appeal from said conviction to the third division of the district court and be entitled to a trial de novo in accordance with G.L. 1956, §§ 8-8-3(d) and 8-8-3.2, as amended.

(c) With respect to violations of either municipal ordinances dealing with minimum housing, or G.L. 1956, § 45-24.3-1 et seq., dealing with housing maintenance and occupancy, the city council hereby confers upon the municipal court in furtherance of the aforementioned 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 the structure existing in violation; or

(3) To otherwise compel compliance with all provisions of such ordinance and statutes.

(Code 1971, § 13 1/2-9; Ord. No. O-94-21, § II, 9-19-94)

Sec. 42-10. Imposition of penalties.

The municipal court may impose a sentence not to exceed 30 days in jail and impose a fine not in excess of \$500.00, or both, and shall be empowered to punish persons for contempt, except where fines are specifically stated in any chapter of this Code or the Rhode Island General Laws.

(Code 1971, § 13 1/2-10)

Cross References: General penalty, § 1-4.

Sec. 42-11. Complaints, warrants and writs.

It shall be lawful for the judge of the court to prescribe and vary the form of all complaints, warrants, writs or other process, as to make the same consistent with the organization, style and jurisdiction of the court; and such complaints, warrants, writs and other process shall have the same effect, validity and extent, and be served, obeyed, enforced and returned in the same manner and by the same officers, as if issued from the district courts; and they may be served by any constables of the city who are authorized to serve process in civil or criminal cases.

(Code 1971, § 13 1/2-11)

Sec. 42-12. Costs.

Costs taxed by the municipal court shall be in a sum not to exceed \$50.00 as provided in G.L. 1956, § 8-18-4(g), for each violation of any city ordinance or of violation of G.L. 1956, § 45-24.3-1 et seq., and the payment of such costs shall be a part of the sentence to the extent they would be in district court. No costs shall be waived by the judge of the municipal court on any violation in which there is a finding of guilty or a plea of nolo contendere.

(Code 1971, § 13 1/2-12)

Sec. 42-13. Violations of animal regulations.

(a) The municipal court is hereby authorized to receive the fine directly from any person charged with a violation of chapter 4, and such money so received and collected shall be turned over by the municipal court to the finance director. All such charges, records and payments shall be entered forthwith by the municipal court and the books of such court containing records of such violations, their dispositions, and money received as fines therefrom shall be audited not less than once every three months by the finance director. In the event such offender refuses or neglects to dispose of such charge within seven days of notification thereof, then he/she shall be brought before the municipal court for trial and for such disposition of such case as such court may decide to be meet and proper, in which case the provisions of the General Laws of 1956, as amended, relating to fines and the disposition thereof shall prevail.

(b) All persons charged with three violations of the provisions of chapter 4 within one calendar year shall be summoned to appear before a justice of the municipal court.

(Code 1971, § 3-18)

Cross References: Animals and fowl, ch. 4.

Sec. 42-14. Violations of traffic or parking regulations.

(a) *Appearance, admission of guilt and payment of fine.*

(1) Whenever a person shall be charged with a violation of an ordinance of the city relative to traffic

or to parking, the jurisdiction and cognizance of which is in the municipal court, and such person is notified in writing by a police officer to appear on a day and date and hour stated in such notice to answer such charge before the municipal court having jurisdiction thereof, such person, instead of personally appearing in court, may, in person or by one duly authorized in writing, appear at the city municipal court, admit the truth of such charge, and pay to the city municipal court such fine as the board of public safety or the city council may from time to time establish for such violation, not to exceed in any case the maximum fine imposed by law; provided, however, that such appearance, admission and payment shall be made at the city municipal court within 14 days of such notification, and failure to appear within such time shall be deemed a waiver of the right to dispose of such charge without personal appearance in the municipal court. Failure to dispose of any parking violation within 14 days of such notification either by mail or by personal appearance as set forth herein shall result in a doubling of the fine for the specific violation as set by ordinance or by the board of public safety. Failure to dispose of any parking violation within 28 days of such notification either by personal appearance or by mail as set forth herein shall result in a tripling of the fine for the specific violation as set by ordinance by the board of public safety. These doubling and tripling provisions shall not apply to any such person who shall timely deny any violation as provided by law.

- (2) The payment of the fine to the city municipal court shall act as a final disposition of such charge and such proceedings shall not be deemed criminal. The notice above provided shall indicate the offense charged and shall contain such information as will enable the person charged to take advantage of the provisions of this section.
- (3) Notwithstanding the foregoing, whenever a person shall be charged with a violation of article IV of chapter 76, such person may pay such fine by mail in accordance with the provisions established by ordinance for payment of nonmoving traffic violations by mail.

(b) *Postmark on fines paid by mail.* Fines paid by mail must be deposited in a depository maintained by the United States Postal Service for the collection of mails not more than seven days from the date of the offense, and the postage cancellation shall be prima facie evidence of the time of deposit.

(c) *Address of fines paid by mail.* Mail containing payments of fines shall be addressed to the Warwick Municipal Court, Warwick, Rhode Island.

(d) *Medium of payment for fines paid by mail.* When the mail is used for the payment of a fine, such fine may be paid in cash, by check or by money order. Checks or money orders shall be made payable to the city. A penalty of not less than \$15.00 shall be added for attempted payment by a check written against insufficient funds.

(e) *Disposition of fines; records; failure of offender to dispose of charge.* The city municipal court is hereby authorized to receive the fine directly from any person charged with a violation of an ordinance of the city relating to traffic, and any such money so received and collected shall be turned over by the municipal court to the finance director. All such charges, records and payments shall be entered forthwith by the municipal court, and the books of such municipal court containing records of such violations, their dispositions, and money received as fines therefrom shall be audited not less than once a year by the finance director. In the event such offender refuses or neglects to dispose of such charge within 14 days of notification thereof, then he/she

shall be before the municipal court of the city for trial and for such disposition of such case as such court may decide to be just and proper.

(Code 1971, §§ 22-33--22-37)

Cross References: Traffic, ch. 76.

Sec. 42-15. Violations relating to maintenance of commercial and industrial buildings.

Jurisdiction is hereby conferred upon the municipal court of the city to hear complaints for violations of the provisions of section 26-451 et seq. and impose the penalties provided in section 26-455.

(Code 1971, § 4-45)

Cross References: Maintenance of commercial and industrial buildings, § 26-451 et seq.