

CHAPTER 7. COURT

ARTICLE I. IN GENERAL

- 7.101. Municipal Court.
- 7.102. Jurisdiction. Contempt.
- 7.103. Civil Matters.
- 7.104. Judge. Appointment. Term. Oath.
- 7.105. Same. Compensation.
- 7.106. Same. Residency.
- 7.107. Acting Judge.
- 7.108. Same. Qualifications.
- 7.109. Restriction of Judge to Practice in His Court.
- 7.110. Sessions of the Court.
- 7.111. Suspended Sentences. Public Service.
- 7.112. Rules of Procedure.
- 7.113. Fines to be Deposited in General Fund.
- 7.114. Clerk of Court. Records.
- 7.115. Maximum Penalties Court May Impose.

ARTICLE II. JURIES

- 7.201. Jury Commissioners. Town Council May Act.
- 7.202. Jury Box. Compartments.
- 7.203. Jury List. Computer Generated.
- 7.204. Juries. Single Trials. Trial Terms. Etc.
- 7.205. Refusal to Appear as Juror.
- 7.206. Refusal to Appear as Defendant.
- 7.207. Compensation.

ARTICLE III. PENALTIES

- 7.301. Penalty.

CHAPTER 7. COURT

ARTICLE I. IN GENERAL

Editor's Note. In 1980, the General Assembly adopted Act No. 480 which required all municipalities in this state to conform to the South Carolina Unified Judicial System by establishing a Municipal Court. (The previous provision for a Recorder was rescinded.)

The act also specified procedures to be followed. This chapter follows those requirements and of SC Code §14-25-5, et seq.

This chapter derives from the provisions of that authority and Questions No. 31 and 32 of the Yemassee Questionnaire.

7.101. MUNICIPAL COURT.

A Municipal Court is hereby established which shall become a part of the Unified Judicial System of the State of South Carolina, as provided by law.

(1976 SC Code §14-25-5)

7.102. JURISDICTION. CONTEMPT.

a. The Municipal Court shall have jurisdiction to try and determine all cases arising under the ordinances of the town and all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon Magistrates.

b. The Municipal Court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on Municipal Courts.

(1976 SC Code §14-25-45)

7.103. CIVIL MATTERS.

The Municipal Court shall have no jurisdiction in civil matters.

(1976 SC Code §14-25-45)

7.104. JUDGE. APPOINTMENT. TERM. OATH.

a. The Municipal Court shall be presided over by a Municipal Judge, appointed by the Town Council for a term not to exceed four (4) years and until his successor is appointed and qualified.

(1976 SC Code §5-7-230, §14-25-15) (YQ 31)

b. Before entering upon his duties, the Municipal Judge shall take the oath of office as prescribed by Article VI, Section 5, of the South Carolina Constitution.

c. All Councilmen and the Mayor are ineligible to serve as Municipal Judge.

(1976 SC Code §5-7-230) (See §2.108, this code, as to the actual oath.)

7.105. SAME. COMPENSATION.

The compensation for the Municipal Judge shall be included in the annual budget.

(1976 SC Code §14-25-15)

7.106. SAME. RESIDENCY.

The Municipal Judge shall not be required to be a resident of the town.

7.107. ACTING JUDGE.

a. The Council may appoint an Acting Judge, during the absence, sickness, incapacity or other disqualification of the Municipal Judge.

(1976 SC Code §14-25-25)

b. The acting Judge shall possess the qualifications of the Municipal Judge.

c. The Council may contract with the county to employ a Magistrate to preside over its court, in the absence of the Municipal Judge.

(1976 SC Code §14-25-25)

7.108. SAME. QUALIFICATIONS.

The qualifications required of Magistrates are hereby imposed upon the Municipal Judge.

(1976 SC Code §22-1-10, subsection c)

7.109. RESTRICTION OF JUDGE TO PRACTICE IN HIS COURT.

The Municipal Judge shall not practice law in the Municipal Court for which he is appointed.

(1976 SC Code §14-25-15)

7.110. SESSIONS OF THE COURT.

The Municipal Judge shall establish a regular place and time for the Court to hold its sessions.

7.111. SUSPENDED SENTENCES. PUBLIC SERVICE.

The Municipal Judge may suspend sentences imposed by him upon such terms and conditions, as he deems proper including, without limitation, restitution or public service employment.

(1976 SC Code §14-25-75)

7.112. RULES OF PROCEDURE.

The Municipal Judge shall establish and prescribe all necessary and proper rules of procedure for the Municipal Court; provided, however, the same shall not conflict in any manner with existing state, county or municipal laws.

7.113. FINES TO BE DEPOSITED IN GENERAL FUND.

All fines and penalties collected by the Municipal Court shall be forthwith turned over to the Clerk/Treasurer who shall provide monthly accounting therefor to the Town Council.

(1976 SC Code §14-25-85)

7.114. CLERK OF COURT. RECORDS.

a. The Town Clerk or other municipal employee may be appointed by Council to serve as Clerk of Court.

b. He shall keep such records and make such reports as may be required by the Municipal Judge or the State Court Administrator.

(1976 SC Code §14-25-35)

7.115. MAXIMUM PENALTIES COURT MAY IMPOSE.

Whenever the Municipal Judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, he may impose a fine as prescribed in §7.301 of this code.

(1976 SC Code §14-25-65)

ARTICLE II. JURIES

Editor's Note. This article derives from Title 14, Chapter 25 of the 1976 South Carolina Code of Laws and the Yemassee Questionnaire No. 31 and 32.

7.201. JURY COMMISSIONERS. TOWN COUNCIL MAY ACT.

a. The Council shall appoint not less than three (3) nor more than five (5) persons to serve as Jury Commissioners.

b. The Council may act as Jury Commissioners, in lieu of appointing such commissioners.

(1976 SC Code §14-25-135) (YQ 32)

7.202. JURY BOX. COMPARTMENTS.

a. The commissioners shall, within the first thirty (30) days of each year, prepare a box to be known as the jury box.

b. Such box shall contain two (2) compartments, designated as "A" and "B," respectively.

(1976 SC Code §14-25-145)

c. Compartment "A" shall contain a separate ballot or number for each name on the jury list.

(1976 SC Code §14-25-155, as to c)

d. Compartment "B" shall contain the names of jurors, following selection.

e. When all names or numbers in Compartment "A" have been exhausted, the names or numbers shall be returned from Compartment "B" to compartment "A." Thereafter jurors shall continue to be drawn therefrom in the manner provided herein.

(1976 SC Code §14-25-175, et seq.)

7.203. JURY LIST. COMPUTER GENERATED.

a. A jury list shall be composed of all names on the official list of qualified electors of the town furnished to the town by the State Election Commission each year, or copied from the official voter registration list of the municipality.

(1976 SC Code §14-25-155)

b. Computer generated lists may be used in lieu of the jury box in the manner the Supreme Court by order directs.

(1976 SC Code §14-25-170)

7.204. JURIES. SINGLE TRIALS. TRIAL TERMS. ETC.

The method of drawing and selecting juries, conducting trials and the use of peremptory challenges shall conform in all respects to §14-25-165, et seq., of the 1976 South Carolina Code of Laws.

(Editor's Note. In 1981, the General Assembly completely rewrote §14-25-165. Due to its length, it is referenced here to avoid lengthy repetition.)

7.205. REFUSAL TO APPEAR AS JUROR.

It shall be unlawful for any person to fail, refuse or neglect to appear before the Municipal Court after having been duly summoned to serve as a juror therein, when lawfully required to do so.

(1976 SC Code §14-25-185)

7.206. REFUSAL TO APPEAR AS DEFENDANT.

In the event any person charged with any offense against the ordinances of the town shall be summoned to appear, if he has not already been arrested and given bail and answered to said charges, at a day therein fixed, not later than five (5) days after the date of said summons, and such person so summoned neglects, refuses or fails to appear at the time specified, the Municipal Court shall proceed with the trial of said case, as though the defendant were present.

7.207. COMPENSATION.

Jurors shall serve without compensation.

(YQ 32)

ARTICLE III. PENALTIES

7.301. PENALTY.

a. Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)