Chapter 10

COURT*

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*   **State Law References:** Establishment of municipal court, S.C. Code 1976, § 14-25-5; powers, duties and jurisdiction of municipal court, S.C. Code 1976, § 14-25-45; trial jurisdiction of municipal courts for violations of uniform act regulating traffic, S.C. Code 1976, § 56-5-6150; trial of persons charged with violations of ordinances or state law, S.C. Code 1976, § 5-7-90; municipal judges generally, S.C. Code 1976, § 14-25-15; appointment and duties of clerk of court, S.C. Code 1976, § 14-25-35; maximum penalties imposed by municipal court, S.C. Code 1976, § 14-25-65; judge may suspend sentences, S.C. Code 1976, § 14-25-75; disposition of fines and penalties, S.C. Code 1976, § 14-25-85; appeals to Court of Common Pleas, S.C. Code 1976, § 14-25-95; municipal judge to make return, S.C. Code 1976, § 14-25-105.

ARTICLE I.

IN GENERAL

Sec. 10-1. Establishment of municipal court.

There is hereby established a municipal court for the city, which shall be a part of the unified judicial system of the state, for the trial and determination of all cases within its jurisdiction. Nothing in this chapter shall prohibit the city from contracting with the county for provision of municipal court services.
(Code 1989, § 7.101)

Sec. 10-2. Jurisdiction.

The municipal court shall have jurisdiction to try all cases arising under the ordinances of the city. The court shall also have all such powers, duties, and jurisdiction in criminal cases made under state law and conferred upon magistrates. The court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts. The court shall have no jurisdiction in civil matters. (Code 1989, § 7.102)

Sec. 10-3. Municipal judge.

(a)   *Composition.* The court shall be presided over by one or more fulltime or parttime judges, at the discretion of council.

(b)   *Appointed.* The municipal judge shall be appointed by council for a term fixed by council not to exceed four years, nor less than two years.

(c)   *Compensation.* The compensation of the municipal judge shall be as from time to time may be determined by council.

(d)   *Vacancies.* Vacancies shall be filled in accordance with S.C. Code 1976, § 14-25-25.

(e)   *Residency.* The municipal judge shall not be required to be a resident of the city.
(Code 1989, § 7.103)

Sec. 10-4. Clerk of court.

The council shall designate a clerk of municipal court, who shall keep such records and make such reports as may be required by the municipal judge or the state court administrator. Council may designate the municipal clerk or other municipal employee to serve as clerk of the court.
(Code 1989, § 7.104)

Sec. 10-5. Sessions of the court.

The council shall establish a regular place for the court to hold its sessions.
(Code 1989, § 7.105)

Sec. 10-6. Municipal ordinance uniform summons.

(a)   Any person or entity violating any provisions of this Code, or any code adopted pursuant thereto, within the corporate limits of the city may be issued a uniform ordinance summons. Issuance of the uniform ordinance summons shall vest jurisdiction in the municipal court to hear and dispose of the charge for which the uniform ordinance summons was issued and served. The uniform ordinance summons may be issued by city law enforcement officers or any other city employees designated by the council as code enforcement officers. The bond amount for violations shall be prescribed by the chief municipal court judge. City law enforcement or code enforcement officers are prohibited from accepting bonds. Bonds are to be posted in the manner prescribed in the uniform ordinance summons. The uniform ordinance summons shall not be used to perform a custodial

arrest.

(b)   This section does not apply to any ordinance which regulates the use of motor vehicles on the public roads.
(Code 1989, § 7.106; Ord. No. 93-1, 4-5-1993)

Secs. 10-7--10-30. Reserved.

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ARTICLE II.

JURIES

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Sec. 10-31. Commissioners; duties.

(a)   The city council shall serve as jury commissioners for the municipal court, or shall appoint not less than three nor more than five persons to serve in lieu thereof.

(b)   Prior to January 30 of each year, the jury commissioners shall prepare a jury box with two compartments, labeled A and B, respectively. The jury commission shall place in compartment A the names of all qualified electors of the municipality. The box shall then be locked and stored in a safe place.
(Code 1989, § 7.201)

Sec. 10-32. List procedure.

In all cases arising where a jury is demanded, the judge shall then appoint a person who is not connected with the trial who shall draw 30 names from the jury box, compartment A, and deliver a list of the names to both the attorney for the municipality and the attorney for the defendant.
(Code 1989, § 7.202)

Sec. 10-33. Selection from list; compensation.

(a)   The 30 names drawn from compartment A of the jury box shall be placed in a box, and the names drawn from the box by the appointed person. The names so drawn shall be one of the jury, unless challenged by either party, until six jurors and four alternates, which have not been challenged, are drawn. Neither party shall have more than six challenges to jurors nor more than four to alternates and such other challenges for cause as the court may permit. When any of the six jurors, unchallenged, cannot be found or are disqualified by law and the parties do not supply the vacancy by agreement, names shall be randomly drawn from compartment A until sufficient jurors and alternates are selected.

(b)   Each juror shall be paid $10.00.
(Code 1989, § 7.203)

Sec. 10-34. Return of ballots to box; subsequent drawings.

After a jury has been drawn, all the names drawn from compartment A of the jury box shall be placed in compartment B of the jury box. When all of the names in compartment A are exhausted, all of the names from

compartment B shall be transferred to compartment A and, thereafter, juries shall be drawn as provided in this article.
(Code 1989, § 7.204)

Sec. 10-35. Neglect or refusal to appear--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.
(Code 1989, § 7.105)

Sec. 10-36. Same--Witness.

It shall be unlawful for any person to fail, refuse or neglect to appear before the municipal court after having been duly summoned to give evidence in any cause there pending for trial, or to refuse to testify as a witness, when lawfully required to do so.
(Code 1989, § 7.206)

Sec. 10-37. Same--Defendant.

When any person charged with an offense against municipal ordinances or laws of this state shall be summoned to appear, and he has not already been arrested and answered to said charges, and such person 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.
(Code 1989, § 7.207)

Sec. 10-38. Jury trial.

Any person to be tried in the municipal court may, prior to trial, demand a jury trial. Such jury, when demanded, shall be composed of six persons drawn from the qualified electors of the municipality in the manner prescribed by law. The right to a jury trial shall be deemed to have been waived, unless demand is made prior to trial.
(Code 1989, § 7.208)

Sec. 10-39. Suspended sentences.

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.
(Code 1989, § 7.209)

Sec. 10-40. Appeals.

Any party shall have the right to appeal from the sentence or judgment of the municipal court to the court of common pleas. Notice of intention to appeal, setting forth the grounds for appeal, shall be given in writing and served on the municipal judge or the clerk of the municipal court within ten days after sentence is passed or judgment rendered, or the appeal at the next term of the court of common pleas or shall pay the fine assessed.

(Code 1989, § 7.210)

Sec. 10-41. Return to court of common pleas.

In the event of an appeal, the municipal judge shall make a return to the court of common pleas as provided by S.C. Code 1976, § 14-25-105.
(Code 1989, § 7.211)

Secs. 10-42--10-70. Reserved.

ARTICLE III.

PENALTIES AND FINES

Sec. 10-71. Penalties.

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 or imprisonment, or both, not to exceed the maximum permitted under state law.
(Code 1989, § 7.301)

State Law References: Maximum penalties, S.C. Code 1976, § 14-25-65.

Sec. 10-72. Fines.

All fines and penalties collected by the municipal court shall be forthwith turned over to the city clerk for deposit to the general fund of the city.
(Code 1989, § 7.302; Ord. of 12-1-1980)