Chapter 14

Municipal Court

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Article I, In General

Sec. 14.1. Establishment of Municipal Court.

There is hereby established a municipal court for the Town, which shall be a part of the unified judicial system for the State of South Carolina, for the trial and determination of cases within its jurisdiction.

Sec. 14.2 Recorder, Election, Term, Salary.

The Court shall be presided over by one or more full time or part time judges appointed by the council, to serve for a term of two years and until his/her successor shall be elected and qualified. The compensation of the municipal judge shall be fixed by the council and shall not be increased or diminished during his/her term of office. Vacancies shall be filled in accordance with S. C. Code, 1976, 14-25-25.

Sec. 14.3. Clerk of Court.

The council shall designate a clerk of the municipal court, who shall keep all such records and make such reports as may be required by the municipal judge or the state court administration.

Sec. 14.4. Jurisdiction

The municipal court shall have jurisdiction to try and determine all cases arising under the ordinances of the Town and shall have all such judicial 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 empowered to municipal courts by state law. The Court shall have no jurisdiction in civil matters.

Sec. 14.5. Imposition of Penalty.

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 amount permitted by State law. State law reference similar provisions, S.C. Code 1976, § 14-25-75.

Sec. 14.6. Sentencing.

In addition to imposition of the foregoing penalties, 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. State law reference similar provisions, S.C. Code 1976, § 14-25-75.

Sec. 14.7. Collection of Fines.

All fines and penalties collected by the municipal court shall be forthwith turned over to the clerk for deposit to the general fund of the Town. State law reference similar provisions, S.C. Code 1976, § 14-25-85.

Sec. 14.8. Appeals.

Any party shall have the right to appeal from the sentence or judgment of the municipal court to the court of general sessions. 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 shall be deemed waived. State law reference similar provisions, S.C. Code 1976, § 14-25-105.

Sec. 14.9. Returns.

In the event of an appeal, the municipal judge shall make a return to the court of general sessions as provided by S.C. Code 1976, § 14-25-105.

Sec. 14.10. Trial by Jury.

Any person to be tried in the municipal court may, prior to trial, demand a jury trial, and such jury when demanded shall be composed of six persons drawn from the qualified electors of the Town 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. State law reference similar provisions, S.C. Code 1976, § 14-25-125.

Sec. 14.11. Jury Commissioners.

The town council shall serve as jury commissioners for the municipal court. State law reference similar provisions, S.C. Code 1976, § 14-25-135.

Sec. 14.12. Reserved

Sec. 14.13. Juries.

Jury boxes shall be maintained, jury lists prepared, juries selected and jury service conducted in the manner prescribed in S.C. Code 1976, §§ 14-25-145 through 14-25-185.

Sec. 14.14. Recording Testimony at Trial.

Section 14-25-195 gives any party the right to have testimony in a jury trial taken stenographically or mechanically by a reporter. If the party does not provide for the mechanical recording of the proceeding himself, but requests the court to do so, he must pay the charges of the municipal court reporter for the taking and transcribing of the testimony.

Sec. 14.15. Duties of Law Enforcement.

The chief law enforcement officer of the town, as designated in Section 17.1, for which a court is established, or someone designated by him, shall attend upon the sessions of court. The chief law enforcement officer and other law enforcement officers of the town shall be subject to the orders of the court and shall execute the orders, writs and mandates thereof and perform such other duties in connection therewith as may be prescribed by the ordinances of the Town. The chief law enforcement officer and other law enforcement officers shall also be invested with the same powers and duties as are provided for magistrates' constables. State law reference similar provisions, S.C. Code 1976, § 14-25-55.