

Chapter 10

MUNICIPAL COURT*

- Sec. 104. Municipal judge.
- Sec. 10-2. Assistant municipal judge.
- Sec. 10-3. Powers, duties, and jurisdiction.
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- Sec. 10-5. Maximum penalties that court may impose.
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*Cross references—Administration, Ch. 2; offenses and miscellaneous provisions generally, Ch. 12.

State law references—Establishment of municipal courts, S.C. Code 1976, § 14-25-5; 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; appointment and duties of clerk of court, S. C. Code 1976, § 14-25-35; appointment, duties and powers of ministerial recorder, S. C. Code 1976, § 14-25-115.

Sec. 10-1. Municipal judge.

The office of municipal judge is hereby established. The municipal judge shall be appointed by the council to serve for a term of four years or until his successor is appointed or qualified, provided that the council may, by ordinance, fix the term of office of the municipal judge at less than four years. The salary of the municipal judge shall be fixed, by the council and shall not be increased or diminished during the term in office. Before entering upon the discharge of the duties of his office, the municipal judge shall take and subscribe the usual oath of office.

Cross reference—Officers and employees, § 2-101 et seq.

State law reference—Appointment of municipal judge, S.C. Code 1976, § 14-25-15.

Sec. 10-2. Assistant municipal judge.

The office of assistant municipal judge is hereby established by the council for a term of four years or until his successor is appointed and qualified, provided that the council may, by ordinance, fix the term of office at less than four years. The salary of the assistant municipal judge shall be fixed by the council. The assistant municipal judge shall serve only in the absence of the municipal judge and shall be vested with the same authority as the municipal judge in respect to holding municipal court, imposing fines and sentences, and admitting individuals to bail. Before entering upon the discharge of the duties of his office, the assistant municipal judge shall take and subscribe the usual oath of office.

Sec. 10-3. Powers, duties, and jurisdiction.

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

State law references—Jurisdiction of municipal courts, 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.

Sec. 10-4. Powers and duties of chief of police, police officers.

The chief of police of the city shall attend various sessions of the municipal court. The chief of police and the police officers of the city shall be subject to the orders of such court and shall execute the orders, visits, and mandates thereof and perform such other duties in connection therewith as may be prescribed by the ordinances of the city. The chief of police and police officers shall also be invested with the same powers and duties as are provided for magistrate's constables.

State law reference—Powers and duties of chief of police and police officers, S.C. Code 1976, § 14-25-55.

Sec. 10-5. Maximum penalties that court may impose.

Whenever the municipal judge finds a party guilty of violating a town ordinance or a state law within the jurisdiction of the municipal court, the judge may impose a fine or imprisonment, or both, not to exceed \$500.00 or 30 days.

(Ord. No. 93-13-09, 9-13-93)

Cross reference—General penalty, § 1-10.

State law reference—Maximum penalty, S.C. Code 1976, § 14-25-65.

Sec. 10-6. Suspension of 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.

State law reference—Suspension of sentences, S.C. Code 1976, § 14-25-75.

Sec. 10-7. Demand for jury trial; composition of 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 city 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—Jury trial, S.C. Code 1976, § 14-25-125.