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CHAPTER 7. COURT

ARTICLE I. IN GENERAL

7.101. ESTABLISHMENT OF MUNICIPAL COURT.

There is hereby established a Municipal Court which shall be a part of the unified judicial system of the State of South Carolina, pursuant to Act No. 480 of 1980 of the South Carolina Legislature, for the trial and determination of all cases within its jurisdiction.

7.102. JURISDICTION.

The Court shall have jurisdiction to try and determine all cases arising under the ordinances of the town and shall have all such judicial powers and duties as are conferred by the laws of the State of South Carolina. The Court shall have all such powers, duties, and jurisdiction in criminal cases as are now conferred by law upon Magistrates appointed and commissioned in this county, but provided, however, that the Court shall not have the authority of a Magistrate to appoint a Constable nor preside over civil matters.

7.103. APPOINTMENT. COMPENSATION. OATH. TERM.

The Court shall be presided over by a part-time judge, at the discretion of Council. The Judge shall be appointed by Council for a term not to exceed four (4) years and shall receive such compensation as determined by Council. Before entering upon the duties of his office, the Judge shall take and subscribe to the usual oath of office, pursuant to the 1976 South Carolina Code 5-7-230 and 14-25-15.

7.104. ACTING JUDGE.

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

(1976 SC Code 14-25-25)

7.105. CLERK OF COURT.

The Council may designate a Clerk of Court who shall keep such records and make such reports as may be required by the Judge or the State Court Administrator. Council may designate the Town Clerk or other municipal employee to serve as Clerk of Court.

7.106. SESSIONS OF THE COURT.

The Council shall establish a regular place for the Court to hold its sessions.

(Editor's Note. The Code of Laws of S. C. refers to the municipal court as the "Municipal Court." Some cities refer to their court accordingly, some cities prefer the term "Recorder's Court. For consistency with state law, the term "Municipal Court" is used herein.)

ARTICLE II. JURIES

(1976 South Carolina Code, Title 14, Chapter 25)

7.201. JURY COMMISSIONERS. DUTIES.

The Town Council shall act as Jury Commissioners of the municipality, or shall appoint not less than three nor more than five persons to serve in lieu thereof. Before the first thirty days 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.

(1976 SC Code 14-25-135, 145)

7.202. DRAWING JURY LIST.

In all cases arising where a jury is demanded, the Recorder shall appoint a person who is not connected with the trial who shall draw thirty 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.

(1976 SC Code 14-25-165)

7.203. SELECTION OF JURY FROM LIST.

The thirty 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.

(1976 SC Code 14-25-165)

7.204. 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.

(1976 SC Code 14-25-175)

7.205. NEGLECT, 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.

7.206. NEGLECT, REFUSAL TO APPEAR AS 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.

7.207. NEGLECT, REFUSAL OF DEFENDANT TO APPEAR.

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.

7.208. JURORS TO BE PAID.

A fee of ten dollars (\$10.00) shall be paid to each person serving as a juror in Municipal Court, but no other fees shall be paid for meals, travel, etc.

(Ord. #46. 12-08-88)

ARTICLE III. PENALTIES AND FINES

7.301. PENALTIES.

If the Municipal Judge shall find a party guilty of violating an ordinance or a state law within the jurisdiction of his court, he may impose a fine or imprisonment, or both, not to exceed five hundred (\$500.00) dollars or thirty (30) days.

(1976 SC Code 14-25-65) (Ord. #101. 9-19-93)

7.302. FINES.

All revenues arising from fines shall be turned over by the Clerk of Court to the Treasurer of the municipality.

(1976 SC Code 14-25-85)

CHAPTER 8. FINANCE, BUDGET AND TAXATION

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