

CHAPTER 12

MUNICIPAL COURT

- Sec. 12-1. Court established; jurisdiction.
- 12-2. Election of judge; temporary appointee.
- 12-3. Proceedings to be summary; jury trial under certain conditions.
- 12-4. Penalty upon conviction; disposition of fines.
- 12-5. Jury commissioners to prepare box and select names.
- 12-6. Drawing of jury list.
- 12-7. Selection of jurors from list.
- 12-8. Subsequent drawings.
- 12-9. Penalty for failure or refusal of juror to respond.
- 12-10. Court duties of police chief and policemen.
- 12-11. Stenographic transcription under certain conditions.
- 12-12. Appeal of sentence or judgment.
- 12-13. Return of municipal judge upon appeal.

Sec. 12-1. Court established; jurisdiction.[1]

The Municipal Court of the Town of Sullivan's Island hereby is established.

The Municipal Court shall have jurisdiction to try and determine all cases arising under the ordinances of Sullivan's Island and also all such powers, duties and jurisdiction in criminal cases as are conferred by State Law upon magistrates of the County of Charleston.

The Municipal Court Judges shall have the same power as a magistrate to compel attendance of witnesses and require them to give evidence upon trial before them of any person.

Sec. 12-2. Election of judge; temporary appointee.

The Town Council shall elect at its annual meeting a judge or judges of the Municipal Court, who shall serve until a successor is elected and qualified. The salary of the Judges

shall be determined by Town Council and shall not be increased or diminished during the term of office. Before entering upon his duties, a judge shall take the oath prescribed by the state constitution.

The Mayor may, in the absence, sickness, incapacity or disqualification for any reason whatsoever of a judge, appoint a disinterested practicing attorney or other competent person residing in Sullivan's Island to serve temporarily as acting judge. Such appointee shall take the prescribed oath of office before entering upon his duties.

Sec. 12-3. Proceedings to be summary; jury trial under certain conditions.

Persons charged in Municipal Court shall be speedily tried in a summary manner without a jury unless jury trial is demanded by the accused. (3-21-00)[2]

Sec. 12-4. Penalty upon conviction; disposition of fines.[3]

Any person convicted of violation of this Code, any amendment thereof, any ordinance or regulation adopted pursuant thereto, or any state law triable in Municipal Court shall be punished by fine not exceeding five (\$500) hundred dollars or imprisonment not exceeding thirty (30) days, in the discretion of the Municipal Judge, unless a different penalty for said offense is specifically imposed by the Code section, ordinance or state law violated.

All fines and forfeitures recovered and collected in Municipal Court for any offense whatsoever shall belong to the Town and shall be paid into the treasury thereof. (9-23-97)

Sec. 12-5. jury commissioners to prepare box and select names.[4]

The Mayor and members of Town Council shall be the jury commissioners for the Municipal Court. They shall prepare a box to be known as the "Jury Box" which shall contain two apartments designated as "A" and "B" respectively. On or before May 1 of each year they shall prepare and place in apartment "A" of said box the names of not less than seventy-five (75%) per cent of the qualified electors of Sullivan's Island of good moral character and eligible for jury duty. After placing said names in apartment "A" the Municipal Judge shall lock the box and keep it in a place of safety.

Sec. 12-6. Drawing of jury list.[5]

In all criminal cases in said court in which a jury may be demanded either by the Town or the defendant, said jury shall be selected in the following manner. The Municipal Judge shall draw out of apartment "A" of the jury box eighteen (18) ballots, each containing the name of an eligible juror, and list said eighteen (18) names in duplicate, delivering one copy of the list to the municipal attorney and one copy to the attorney for the defendant.

Sec. 12-7. Selection of jurors from list.[6]

A person appointed by the Municipal Judge shall place the eighteen (18) ballots so drawn in a container and shall draw out one and the person so drawn shall be one of the jury, unless challenged by either party, and the person appointed by the presiding judge shall then proceed until he shall have drawn six (6) who shall not have been challenged, neither party being allowed more than six (6) challenges. If the first twelve (12) drawn shall be challenged and the parties do not agree to a choice, the last six (6) shall be the jury. When any of the six (6) jurors so drawn cannot be found or are disqualified by law to act in said case and the parties do not supply the vacancy by agreement, the person appointed by the judge shall proceed to draw out of the jury box ballots for three times the number of those deficient which shall be disposed of and be drawn as herein provided.

Sec. 12-8. Subsequent drawings.[7]

After a jury has been drawn as provided in this chapter, the municipal judge or person appointed by him shall place all ballots so drawn out of apartment "A" of the jury box in apartment "B" thereof and they shall remain in said apartment until all the names have been exhausted in drawing juries from apartment "A", at which time all names in apartment "B" shall be returned to apartment "A", and thereafter juries shall continue to be drawn therefrom in the manner provided in this chapter until the next annual preparation of the box.

Sec. 12-9. Penalty for failure or refusal of juror to respond.[8]

If any juror duly summoned shall neglect or refuse to appear in obedience to any venire issued by the Municipal Court and shall not within forty-eight (48) hours render to the Municipal Judge a sufficient reason for his delinquency, he shall forfeit and pay a fine of five hundred (\$500) dollars to the treasury of Sullivan's Island, to be assessed by the Municipal Judge and collected on his warrant. A failure to pay forthwith said fines so assessed shall constitute a contempt of court and shall be punished accordingly. (9-23-97)

Sec. 12-10. Court duties of police chief and policemen.[9]

The Chief of Police shall attend upon the sessions of the Municipal Court. The Chief of Police and the policemen shall be subject to the order of the Court and shall execute the orders, writs and mandates thereof and perform such other duties in connection with the court as may be prescribed by Town ordinances. The Chief of Police and policemen shall also be invested with the same powers and duties as are devolved upon magistrate's constables.

Sec. 12-11. Stenographic transcription under certain conditions.[10]

Any party shall have the right to have the testimony at a jury trial in the Municipal Court taken stenographically by a stenographer appointed by the Municipal Judge; provided, said party shall first tender or pay the charges of such stenographer for taking and transcribing the same.

Sec. 12-12. Appeal of sentence or judgment.[11]

Any party shall have the right to appeal from the sentence or judgment of the Municipal Judge to the Circuit court; provided, notice of intention so to appeal be given in writing and served on the Municipal Judge within five (5) days after sentence is passed or judgment rendered and the party appealing enters into bond, payable to the Town, to appear and defend said appeal at the next term of the Circuit Court or pay the fine assessed. The return shall be filed with the Clerk of Circuit Court as the Municipal Judge shall determine.

Sec. 12-13. Return of Municipal Judge upon appeal.[12]

In the event of an appeal, the Municipal Judge shall make a return to the tribunal to which the appeal is taken and the appeal shall be heard by the presiding judge upon such return. The return of the Municipal Judge shall consist of a written report of the charges preferred, the testimony, the proceedings and the sentence or judgment and, when the testimony has been taken by a stenographer as herein provided, shall embrace the stenographer's report of the testimony. If the appeal is taken to the Circuit Court the return shall be filed with the Clerk of that Court and the cause shall be docketed for trial in the same manner as is not provided in case of appeals from magistrate's courts.

[1] For applicable state law, see SS5-7-30, 5-7-90, 5-7-230 14-25-510 to 14-25-540, 14-25-910 et seq., Code of Laws of S. C., 1976. Also see Act 480 approved June 10, 1980, which becomes effective January 1, 1981.

[2] For applicable state law, see S5-7-90 and S56-5-6220m Code of Laws of S.C> as amended.

[3] For scope of authority to impose penalties, see S5-7-30, Code of Laws of S. C. 1976.

[4] For similar state law, see S14-25-510, Code of Laws of S. C., 1976.

[5] For similar state law, see S14-25-520, Code of Laws of S. C., 1976.

[6] For similar state law, see S14-25-530, Code of Laws of S. C. 1976.

[7] For similar state law, see S14-25-540, Code of Laws of S. C., 1976.

[8] For similar state law, see S14-25-430, Code of Laws of S. C., 1976.

[9] For similar state law, see S14-25-950, Code of Lws of S. C. , 1976.

[10] For similar state law, see S14-25-960 Code of Laws of S. C. 1976.

[11] For similar state law, see S14-25-1000, Code of Laws of S. C. 1976.

[12] For similar state law, see S14-25-1010, Code of Laws of S. C. , 1976.