

COURT

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CHAPTER 7. COURT

ARTICLE I. IN GENERAL

Editor's Note. Effective January 1, 1981, Chapter 25 of Title 14, 1976 S.C. Code of Laws, established a Municipal Court system.

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.

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. The Court shall not have the authority of a Magistrate to appoint a Constable. It shall have no jurisdiction in civil matters.

7.103. APPOINTMENT. TERM. COMPENSATION. OATH. RESIDENCE. SEE REVISED SECTION

The Court shall be presided over by a Municipal Judge who shall be appointed by the Council for a term not to exceed four (4) years and shall receive such compensation as determined by Council. Before entering upon the discharge of the duties of his office, he shall take and subscribe the oath of office prescribed by Article VI, Section 5, of the South Carolina Constitution. The Judge shall not be required to be a resident of the town.

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.

7.106. SESSIONS OF THE COURT.

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

ARTICLE II. JURIES

Editor's Note. This article derives from Title 14, Chapter 25, 1976 SC Code of Laws.

7.201. JURY COMMISSIONERS. DUTIES.

The Town Council shall act as Jury Commissioners of the municipality, or shall appoint not less than three (3) nor more than five (5) persons to serve in lieu thereof. Prior to January 30 of each year, the Jury Commissioners shall prepare a "Jury Box" with two (2) 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 Judge shall then appoint a person who is not connected with the trial who shall draw thirty (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.

(1976 SC Code 14-25-165)

7.203. SELECTION OF JURY FROM LIST.

The thirty (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 (1) of the jury, unless challenged by either party, until six (6) jurors and four (4) alternates, which have not been challenged, are drawn. Neither party shall have more than six (6) challenges to jurors nor more than four (4) to alternates and such other challenges for cause as the court may permit. When any of the six (6) 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.

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.

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 dollars (\$500.00) or thirty (30) days, unless otherwise provided in this Code.

(1976 SC Code 14-25-65)

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)

**REVISIONS
TO ORDINANCES**

ORDINANCE NO. 7.103.1

TO ADOPT AN ORDINANCE TO GO INTO A CONTRACT WITH
CHESTERFIELD COUNTY TO PROVIDE A MUNICIPAL COURT JUDGE
FOR THE TOWN OF MCBEE

The Town of McBee desires to enter into a contract with the County of Chesterfield to provide Municipal Court Judge services . Be it ordained on 07-11-02.

Whereas, the Town wishes to enter into contract with Chesterfield County.

Now therefore be it ordained by the Mayor and Council this the 11th of July, 2002.

1st Reading 07-11-02

2nd Reading 07-18-02
& Approval

Mayor

William B. Howard

Councilmembers

Shury W. Knight

Attest: *Blanche Gardner*

Date: 7-18-02