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**MUNICIPAL COURT**

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**MUNICIPAL COURT**

**CHAPTER 1**

**GENERAL PROVISIONS**

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<sup>1</sup> Amended by Ordinance 2004-5. Effective 9-14-04.

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**CHAPTER 1**

**GENERAL PROVISIONS**

**Section 6-101 Creation**

There is established in the Town a court known as the "Municipal Court of the Town of Kiawah Island."

State Law Reference: South Carolina Code, 1976, as amended, Section 14-25-5.

**Section 6-102 Powers, Duties and Jurisdiction**

The municipal court shall have jurisdiction to try all cases arising under the ordinances of the municipality. The court shall also have all such 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 imposed on municipal courts. The court shall have no jurisdiction in civil matters.

State Law Reference: South Carolina Code, 1976, as amended, Section 14-25-45.

**Section 6-103 Clerk**

The Council shall designate a clerk of the city court, who shall keep such records and make such reports as may be required by the municipal judge or the state court administrator. Council may designate the clerk-treasurer or other municipal employee to serve as clerk of the court.

**Section 6-104 Appointment of Municipal Judge**<sup>1</sup>

Town Council shall appoint a municipal judge who shall serve for a fixed term of not less than two (2) years but not more than four (4) years and until his successor is appointed and qualified. Such municipal judge may be a County Magistrate, as provided by law.

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<sup>1</sup> Amended by Ordinance 2004-5. Effective 9-14-04.

**Section 6-105 Jurisdiction**

The municipal judge shall hear and determine all cases within the jurisdiction of municipal courts under state law, including violations of municipal ordinances.

**Section 6-106 Fines and Penalties**

(a) Whenever the municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of such court he may impose a fine or imprisonment, or both, not to exceed Five Hundred (\$500.00) Dollars or thirty (30) days.

(b) 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: South Carolina Code, 1976, as amended, Sections 14-25-65 and 14-25-75.

**Section 6-107 Authority of Judge to Assess Court Costs<sup>1</sup>**

The judge of the municipal court, or any duly authorized officer holding such court, may assess a charge as the costs of court on all defendants, whether they plead guilty or not guilty, who are convicted of any misdemeanor, except parking violations, as set forth by State law.

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<sup>1</sup> Amended by Ordinance 2006-2. Effective 06-06-2006.

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**CHAPTER 2**

**ADMINISTRATIVE PROCEDURE**

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**MUNICIPAL COURT**

**CHAPTER 2**

**ADMINISTRATIVE PROCEDURE**

**Section 6-201 Authority of Judge to Issue Rules for Conduct of Business**

The judge of the municipal court shall have the power to make such rules and regulations not inconsistent with the laws of the land for conducting the business of the municipal court as may be necessary for the dispatch of such business, the preservation of order and the furtherance of public justice. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations so made.

**Section 6-202 Motions for New Trial**

(a) No motion for a new trial in the municipal court shall be heard unless made within five (5) days from the rendering of the judgment.

**Section 6-203 Appeals**

(a) Any party shall have the right to appeal from the sentence or judgment of the municipal court to the court of General Sessions of the county. 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 (10) days after sentence is passed or judgment rendered or a motion for a new trial is denied or the appeal shall be deemed waived. The party appealing shall enter into a bond, payable to the municipality, to appear and defend such appeal at the next term of the court of general sessions or shall pay the fine assessed.

(b) In the event of an appeal, the municipal judge shall make a return to the court of general sessions, 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 of judgment. When the testimony

has been taken by a reporter as provided herein, the return shall include the reporter's transcript of the testimony. The return shall be filed with the clerk of the court of general sessions of the county held and the cause shall be docketed for trial in the same manner as is now provided for appeals from magistrate's courts. There shall be no trial *de novo* on any appeal from a municipal court.

**Section     6-204            Subpoena of Witnesses**

The judge of the municipal court, on the application of any party to a case pending before him, shall issue a subpoena citing any person whose testimony may be required in such cause to appear before him at a certain time and place, not more than twenty (20) miles from the residence of such witness, to give evidence. Such subpoena shall be served personally at least one day before such attendance is required. If such person shall neglect or refuse to attend, the judge may order such witness to be brought before him or, if any witness attending shall refuse to give evidence, without good cause shown, the judge may commit him to the jail of the county for not longer than one day.

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**CHAPTER 3**

**JURY**

Section	6-301	Demand for Jury Trial; Composition of Jury
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**CHAPTER 3**

**JURY**

**Section 6-301 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 (6) persons drawn from the qualified electors of the municipality in the manner prescribed in this article. The right to a jury trial shall be deemed to have been waived unless demand is made prior to trial.

**Section 6-302 Commissioners to Prepare Jury Box**

The jury commissioners shall, within the first thirty (30) days of each year, prepare a box to be known as the jury box. The jury commissioners shall prepare a jury box at such times and in such manner as provided for in South Carolina Code of Laws 1976, Section 14-25-145, et seq.

**Section 6-303 Jury Commissioners**

The Council shall appoint not less than three (3) nor more than five (5) qualified electors to serve as jury commissioners for the municipal court; provided, however, that, the Council may act as jury commissioners in lieu of appointing such commissioners.