

Chapter 11

MUNICIPAL COURT

Sec. 11-1. Established.

There is hereby established a municipal court for the city, which shall be a part of the unified judicial system of the state, pursuant to state law, for the trial and determination of all cases within its jurisdiction.

Sec. 11-2. Appointment, term, compensation of judge; filling of vacancy.

The court shall be presided over by one (1) or more full-time or part-time judges, at the discretion of council. The municipal judge(s) shall be appointed by council for a term fixed by council not to exceed four (4) years, or shall serve at the pleasure of council. The compensation of the municipal judge(s) shall be as from time to time may be determined by council. Vacancies shall be filled in accordance with state law.

Sec. 11-2.5. Municipal Recorder Powers and Duties.

The City of Spartanburg from time to time may establish the office of ministerial recorder and appoint one or more full-time or part-time ministerial recorders who shall hold office at the pleasure of the City Council. Before entering upon the discharge of the duties of the office of ministerial recorder, the person appointed shall take and subscribe the prescribed oath of office and shall be certified by the Municipal Judge as having been instructed in the proper method of issuing warrants. Ministerial recorders shall have the power to issue summonses, subpoenas, arrest warrants and search warrants in all cases arising under the Ordinances of the City of Spartanburg and in criminal cases as are now conferred by South Carolina law upon Magistrates but shall have no other judicial power. The ministerial recorder shall be responsible to the Municipal Judge.

Sec. 11-3. Designation, duties of clerk of court.

The council shall designate a clerk of municipal 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 municipal clerk or other municipal employee to serve as clerk of the court.

Sec. 11-4. Jurisdiction.

The Municipal Court shall have jurisdiction to try all cases arising under the ordinance of the City. The Municipal Court shall also have authority to issue warrants for arrest for any violations of the ordinances of the City. The Court shall also have 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. With regard to any process authorized by the Code of the City of Spartanburg which concerns any property or business located within the confines of the City of Spartanburg or doing business within the City of Spartanburg, the Municipal Court shall have jurisdiction over any owner of record of such property or business, or corporate officer or agent of such owner.

Sec. 11-5. Maximum penalty to be imposed by court.

Whenever the municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, a fine of not more than five hundred dollars (\$500.00) or imprisonment for thirty (30) days or both may be imposed.

Sec. 11-6. Authority of judge to suspend 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.

Sec. 11-7. Disposition of fines and penalties.

All fines and penalties collected by the municipal court shall be forthwith turned over to the clerk for deposit to the general fund of the city.

Sec. 11-8. 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. 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 the appeal shall be deemed waived. The party appealing shall enter into a bond, payable to the city 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 as provided by state law.**

Sec. 11-9. Right to jury trial.

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 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.

Sec. 11-10. Drawing and summoning jurors by computer (Reference SC Code Section 14-25-170).

In lieu of any other manner provided by State law, jurors for the Municipal Court may be drawn and summoned by computer in the manner the Supreme Court by order directs.