

1978 WL 34875 (S.C.A.G.)  
Office of the Attorney General  
State of South Carolina  
April 26, 1978

**\*1 RE: City ordinance for court costs in the Town of Ravenel**

Mr. Neal Forney  
Assistant Director  
South Carolina Court Administration  
Post Office Box 11788  
Columbia, SC 29211

Dear Mr. Forney:

You have asked whether the Town of Ravenel has the authority to impose by ordinance a fee for court costs on persons convicted of criminal offenses in the municipal court.

Generally, costs in criminal proceedings are those charges fixed by law which have been necessarily incurred in the prosecution of one charged with a public offense. At common law costs as such in criminal cases were unknown. Therefore, it is the rule in criminal as well as in civil cases that the recovery and allowance of costs rests entirely on statutory provisions, in other words, no right to or liability for costs exists in the absence of statutory authorization. Such statutes are penal in their nature and, therefore, are to be strictly construed. 20 C.J.S., Costs, Section 435, p. 677.

[Section 14-25-910 of the 1976 Code of Laws of South Carolina](#) grants the city council of any city whose population is at least 1,000 the authority to establish a municipal court, however, the statute is silent as to the establishment of fees for court costs in criminal cases.

Section 5-7-30 confers upon the governing body of a municipality the power and authority to fix fines and penalties for the violation of municipal ordinances and regulations not exceeding \$200 or imprisonment for thirty days. Accordingly, in the absence of other statutory provisions, it must be concluded that the total fine and penalties (fees and costs) fixed by the town council may not exceed \$200.

Therefore, it is the opinion of this Office that the Town of Ravenel may impose by ordinance a fee for court costs on persons convicted of criminal offenses in the municipal court so long as the total fine with penalties such as fees and costs added do not exceed the \$200 limit of Section 5-7-30.

Very truly yours,

Richard P. Wilson  
Assistant Attorney General

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