

ORDINANCE NO. 1085

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS, AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE IV REGARDING THE LITTLE ELM TEEN COURT PROGRAM; ESTABLISHING A TEEN COURT PROGRAM; ESTABLISHING RULES AND REGULATIONS; PROVIDING FOR FEES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Little Elm, Texas (the "Town"), is a Home Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, section 45.052 of the Texas Code of Criminal Procedure sets forth the process for a municipal court to dismiss a charge upon the completion of a teen court program; and

WHEREAS, the Town Council of the Town of Little Elm, Texas, hereby finds and determines that the creation of a teen court program is necessary to provide a more efficient and satisfactory disposition of cases pending against certain defendants, meeting age or educational requirements, arising in the municipality.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS, THAT:

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Adoption. Chapter 34, "Courts," is amended by adding Article IV, "The Town of Little Elm Teen Court Program," to read as follows:

"Article IV. The Town of Little Elm Teen Court Program

Sec. 34-150. Teen Court Program established.

Pursuant to the Texas Code of Criminal Procedure, Chapter 45, "Justice and Municipal Courts," the Municipal Court of Record No. 1 in the Town of Little Elm, Texas, (hereinafter "Municipal Court") is authorized to defer proceedings against a defendant who is under the age of eighteen (18) or who is enrolled full time in an accredited secondary school in a program leading toward a high school diploma by authorizing participation in a teen court program. Further, pursuant to state law, the Town hereby

establishes a Teen Court Program (hereinafter "Little Elm Teen Court") which operates under the authority of the Municipal Court, and which is hereby ratified.

Sec. 34-151. Municipal Court Judge to establish rules and regulations; appointment of Teen Court Judge.

It shall be the duty of the Presiding Judge of the Municipal Court to establish rules and regulations for the Little Elm Teen Court program and to make recommendations to the Town Council for the appointment of one or more persons to serve as the Teen Court Judge and alternate Teen Court Judge(s). Town Council shall appoint one or more persons to serve as Teen Court Judges to meet the needs of the Little Elm Teen Court. Final interpretation of Teen Court rules and regulations shall be as the sole discretion of the Municipal Court Judge.

Sec. 34-152. Teen Court.

The Little Elm Teen Court shall operate in accordance with state law and applicable rules and regulations established in accordance with Section 34-151 above.

Sec. 34-153. Teen Court fees.

(a) A defendant who requests participation in the Little Elm Teen Court program shall pay a fee of \$10.00 to cover the costs of administering the Little Elm Teen Court program. This fee shall be deposited in the Teen Court Fund of the Town. A defendant who agrees to participate in the Little Elm Teen Court program and fails to complete the program shall not be entitled to a refund of the fee.

(b) In addition, a defendant who requests participation in the Little Elm Teen Court program shall pay an additional fee of \$10.00 to cover the costs of the juvenile case manager in the administration of his duties. This fee shall be deposited in the Teen Court Fund of the Town. A defendant who agrees to participate in the Little Elm Teen Court program and fails to complete the program shall not be entitled to a refund of the fee.

(c) Notwithstanding the foregoing, the Judge of the Municipal Court shall have the discretion to waive a portion or all of the payment of fees required hereunder upon a finding of financial hardship or other good cause shown."

Section 3. Savings. This Ordinance shall be cumulative of all other ordinances of the Town, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances, and for that purpose

that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.

Section 4. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the Town Charter.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Little Elm, Texas, on this the 1st day of November, 2011.



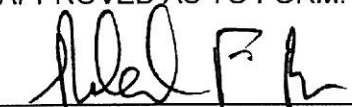
Charles Platt, Mayor

ATTEST:



Kathy Phillips, Town Secretary

APPROVED AS TO FORM:



Robert F. Brown, Town Attorney