

ORDINANCE: Amend Section 5.05 of General Code of Winnebago County: Fees of Sheriff (Fees for Civil Process and Travel-Related Costs)

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

WHEREAS, § 814.705(1)(a), Wis Stats, authorizes the Winnebago County Board of Supervisors to establish fees higher than that level set by State Statute for various services performed by the Winnebago County Sheriff's Department; and

WHEREAS, § 814.70, Wis Stats, authorizes the Winnebago County Sheriff's Department to collect necessary expenses incurred with respect to Writ of Restitution/Eviction proceedings; and

WHEREAS, Section 5.05(2) of the General Code of Winnebago County, which establishes fees related to service of process and evictions, was last amended in December 2005; and

WHEREAS, at this time it is appropriate to establish a new fee schedule for service of process by the Sheriff's Department and for expenses related to the time a deputy sheriff spends in removal of a tenant pursuant to Writ of Restitution in an eviction proceeding that more closely reflects the actual cost of providing that service.

NOW, THEREFORE, BE IT ORDAINED by the Winnebago County Board of Supervisors as follows:

That Section 5.05(2) of the General Code of Winnebago County is hereby amended to read as follows:

5.05 FEES OF SHERIFF

(1) **Authority:** This Ordinance is enacted pursuant to the authority provided in § 814.70 and 814.705, Wis Stats.

(2) **Fees For Civil Process And Travel Related Costs:** For the service of any summons, writ, or other process, except criminal warrants and for travel related costs related to said process service, the following fees shall be charged by the Winnebago County Sheriff's Department:

(a) Service of civil process:

Each First three (3) attempts of service of process	\$45.00 \$75.00
(including mileage)	
Actual Service	\$45.00
Plus mileage at the rate established pursuant to	
Section 3.05(4)(a)(1) of this Code.	

(b) Service of civil process on each additional ~~person~~ **defendant at the same address (up to three (3) attempts)**

(including mileage)	\$25.00 \$30.00
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(c) **Additional service attempts in excess of the three (3) initial attempts**

\$30.00

~~(d)~~ (d) Service of civil process accomplished at the Winnebago County Sheriff's Department

\$45.00

(e) **Writs of Assistance/Evictions (includes all parties at one address. In the case of evictions, the fee shall include one hour of officer standby time for removal if necessary. Additional officer time would be at an officer hourly rate to include wages and benefits)**

\$100.00

(f) Writs of Replevin (includes all attempts necessary to accomplish Writ).....	\$100.00
(d) (g) Sheriff's Foreclosure Sale:	
1. Posting of Notice	\$75.00
2. Holding of Sale	\$75.00
(e) (h) Notice of Sheriff's Sale:	
1. Posting of Notice	\$75.00
2. Occurrence of Sale	\$75.00
(f) (i) Executions—Tax Warrants:	
10% of 1 st \$300	
5% of 2 nd \$300	
3% of remaining balance, with a maximum charge of \$60.00	
(g) Presence of Sheriff's Deputy during execution Of Writ.....	\$31.00/per Hour
(h) Post Office Address Requests.....	Actual Labor Costs
(i) Copy Fee (Photocopies or telephone Facsimiles).....	\$ 1.00 per Page
(j) Presence of Contracted Deputy during Execution of Writ.....	Actual Labor Costs

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that this Ordinance shall take effect of January 1, 2017.

Respectfully submitted by:

JUDICIARY AND PUBLIC SAFETY COMMITTEE

Committee Vote: **5-0**

Vote Required for Passage: **Majority of Those Present**

Approved by the Winnebago County Executive this ____ day of _____, 2016.

Mark L Harris
Winnebago County Executive