

SHEBOYGAN COUNTY ORDINANCE NO. 23 (2006/07)

Re: **Modifying Fee Schedule of Coroner and Sheriff in Chapter 96**

** Printed as amended*

WHEREAS, the fees charged by the Coroner for medical certifications pursuant to Wis. Stat. §§ 59.36 and 69.18(2)(d)3 have not been modified since the County Board adopted Resolution No. 27 (1997/98) effective January 1, 1998, setting the fees at Sixty Dollars (\$60.00), and

WHEREAS, the fees charged by the Coroner for cremation permits pursuant to Wis. Stat. §§ 59.36 and 979.10 have not been modified since the County Board adopted Resolution No. 27 (1997/98) setting the fees at Seventy-five Dollars (\$75.00), and

WHEREAS, the Ordinance establishing fees charged by the Sheriff for service of process and for other activities did not expressly provide for warrant fees and other fees associated with service of process related to criminal and forfeiture cases, and

WHEREAS, with the enactment of Sections 195 and 196 of 2003 Wisconsin Act 139, such expenses should be reduced to fees and assessed against the defendants upon conviction, and

WHEREAS, Chapter 96 of the County Code should be updated to include the Coroner's fees, clarify collection of service fees in criminal and forfeiture cases, and update the fees to reflect the actual and necessary costs of providing the service for which the fees are charged, and

WHEREAS, the County Board finds that the fees charged by the Sheriff and the Coroner as modified hereafter are reasonably related to the actual and necessary costs of providing the service for which the fee is charged;

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Amending Fees in Chapter 96 for Coroner and Sheriff**. Chapter 96 of the Sheboygan County Code of Ordinances is hereby amended as follows (highlighting indicates additions; strikeouts indicate deletions):

CHAPTER 96
SHERIFF'S AND CORONER'S FEES

96.01 COMPLIANCE WITH STATE LAW. The Sheriff and Coroner shall comply with all statutes and administrative regulations concerning fees to be charged for services provided, except as set forth in the following provisions where the County Board is empowered to establish a higher fee.

96.02 SERVICE OF PROCESS. Pursuant to Wis. Stat. §§ 814.70(1) and 814.705(1), the fee for each service or attempted service of a summons or any other process for commencement of an action, a writ, an order of injunction, a subpoena or any other order whether in a criminal, forfeiture, or civil matter shall be Thirty Dollars (\$30.00) for each defendant or person. If there is more than one defendant or person to be served at a given address, or if there is more than one attempt, the fee shall be Twenty Dollars (\$20.00) for each additional defendant or person or attempt. No charge shall be made for a fourth attempt or service. If the Sheriff is provided with an incorrect address, the Sheriff may impose an additional Five Dollar (\$5.00) fee.

96.03 EXECUTION ON JUDGMENT. Pursuant to Wis. Stat. §§ 71.91, 814.70(2), and 814.705(1), the fee for serving an execution on a judgment demanding payment thereof or other writ not provided for shall be Twenty-five Dollars (\$25.00).

96.0304 TRAVEL; CIVIL PROCESS. Pursuant to Wis. Stat. §§ 814.70(3) and 814.705(1), the fee for travel in serving any summons, writ, or other process, except criminal warrants, shall be forty-one cents (41¢) per mile.

96.05 TRAVEL; CRIMINAL PROCESS. Pursuant to Wis. Stat. §§ 814.70(4) and 814.705(4), the fee for travel in serving any criminal process shall be forty-one cents (41¢) per mile.

96.0406 SALES OF REAL ESTATE. Pursuant to Wis. Stat. §§ 814.70(9) and 814.705(2), the fee for all necessary activities of the Sheriff in connection with the sale of real estate under any judgment or order of the court shall be One Hundred Fifty Dollars (\$150.00) of which Seventy-five Dollars (\$75.00) shall be prepaid and non-refundable.

96.07 COLLECTION FROM DEFENDANTS. Pursuant to Wis. Stat. §§ 814.60(3), 814.70, and 973.06(1), where fees are incurred for service of process and travel in service of process, the Sheriff shall request the prosecuting agency to ask the sentencing court to impose such fees upon the defendant upon conviction.

96.08 MEDICAL CERTIFICATIONS. Pursuant to Wis. Stat. §§ 59.36 and 69.18(2)(d)3, the Coroner may charge a fee for the issuance of a medical certification if in the opinion of the Coroner the time and expense related to the issuance of the certification is beyond the usual and ordinary expense for such activity. The fee charged by the Coroner for each medical certification of the cause of death shall be no more than One Hundred Dollars (\$100.00).

96.09 CREMATION PERMITS. Pursuant to Wis. Stat. §§ 59.36, and 979.10. the fee charged by the Coroner for each cremation permit issued shall be **Seventy Dollars (\$75.00)*.

96.10 DISINTERMENT FEE. Pursuant to Wis. Stat. §§ 59.36, the fee charged by the Coroner for each disinterment shall be One Hundred Dollars (\$100.00).

96.11 TRANSPORT CHARGES. Pursuant to Wis. Stat. § 59.36, the charge assessed by the Coroner for transporting a deceased person from a death scene to a County morgue or a holding facility shall be One Hundred Sixty-five Dollars (\$165.00).

96.12 TISSUE HARVESTING. In the event a tissue harvesting organization uses the County morgue facilities for its activities, the Coroner shall charge the organization a fee that the Coroner believes is commercially reasonable for the actual and necessary expenses for the use of the facilities.

Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 20th day of March, 2007.

LAW COMMITTEE

Glen Markus
Glen Markus, Chairperson

Brian C. Hoffmann
Brian C. Hoffmann, Vice-Chairperson

George Marthenze
George Marthenze, Secretary

Jacob Van Dixhorn
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Mark S. Winkel
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ENACTED 4.17.2007

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