

SHEBOYGAN COUNTY ORDINANCE NO. 03 (2008/09)

Re: Modifying Schedule of Process Service Fees

** Printed as amended*

WHEREAS, the County Board last modified the fee schedule for the Sheriff in March 2007, and the Sheriff has found that the fees provided therein still do not adequately cover the actual and necessary service costs, and

WHEREAS, the County Board finds that the fees charged by the Sheriff 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 Sheriff**. Chapter 96 of the Sheboygan County Code of Ordinances is hereby amended as follows (highlighting indicates additions; strikeouts indicate deletions – only those Sections affected appear):

96.02 SERVICE OF PROCESS. Pursuant to Wis. Stat. §§ 814.70(1) and 814.705(1), the fee for service of a summons or any other process for commencement of an action, an order of injunction, a subpoena, or any other order whether in a criminal, forfeiture, or civil matter shall be ~~Thirty Dollars (\$30.00)~~ Sixty Dollars (\$60.00) for each defendant or person and shall include up to three (3) attempts. ~~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, WRITS, AND WARRANTS. 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).~~ Pursuant to Wis. Stat. §§ 814.70(2) and 814.705(1), the service fee for an execution on a judgment demanding payment thereof or an attempt to execute shall be Seventy-five Dollars (\$75.00) per defendant or person. The fee for execution of a writ of replevin, writ of assistance, writ of restitution, or any other writ, warrant, or an attempt to execute shall be Seventy-five Dollars (\$75.00) per defendant or person and shall include up to three (3) attempts. Upon successful service, the fee shall include up to one hour of the executing officer's presence. Any additional time shall be billed at the officer's hourly rate. The fee for execution of a warrant shall be Twenty-five Dollars (\$25.00) per defendant or person.

96.04 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~~ charged at the standard *County-approved mileage rate for business reimbursement in effect at the time the mileage fee is incurred.

96.05 INJUNCTIONS AND RESTRAINING ORDERS. Pursuant to Wis. Stat. § 814.70(1), no fee shall be charged to a petitioner for service of a petition for a domestic abuse injunction, child abuse restraining order, restraining order or injunction for individuals at risk, or harassment restraining order for stalking. If convicted of violating a temporary restraining order or injunction, the respondent shall be responsible for service fees.

96.06 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~~ charged at the standard *County-approved mileage rate for business reimbursement in effect at the time the mileage fee is incurred.

96.07 PREPAYMENT OF FEES. The party requesting service shall pay the fee at the time of the request unless exempt under Section 96.05 above or the Wisconsin Statutes.

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

Respectfully submitted this 19th day of August, 2008.

LAW COMMITTEE

Brian C. Hoffmann

Brian C. Hoffmann, Chairperson

Thomas V. Epping, Vice-Chairperson

Leo A. Dunton

Leo A. Dunton, Secretary

George Marthenze

George Marthenze

Thomas Wegner

Thomas Wegner

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