

ORDINANCE

OFI-001-11

AMENDMENT TO COUNTY SHERIFF'S FEES

WHEREAS, state statute has established fees of the County Sheriff which fee schedule is set forth in 55 ILCS 5/4-5001; and

WHEREAS, state statute allows that the fees may be increased by County ordinance as long as the increase is justified by a cost study that shows the fees allowed by statute are not sufficient to cover the cost of the service provided; and

WHEREAS, the County has undertaken a cost study and reviewed the regulations of the Internal Revenue Service determining the mileage rate for business travel, which shows that the statutory fees are insufficient to cover the cost of providing certain services, .

NOW, THEREFORE, BE IT RESOLVED by the DuPage County Board that the DuPage County Code, Chapter 20 (Law Enforcement) Article XII (Sheriff's Fees) Section 20-130 shall be amended, with the substitution of the following amounts, shown as underlines, to increase certain fees, shown as strikethroughs, that are to be collected by the County Sheriff:

The fee for serving or attempting to serve summons on each defendant shall be ~~thirty~~ forty dollars ~~(\$30.00)~~. (\$40.00)

The fee for serving or attempting to serve an order or judgment granting injunctional relief shall be ~~thirty~~ forty dollars ~~(\$30.00)~~ (\$40.00).

The fee for serving or attempting to serve each garnishee shall be ~~thirty~~ forty dollars ~~(\$30.00)~~ (\$40.00).

The fee for serving or attempting to serve an order for replevin shall be ~~three~~ four hundred ~~fifty~~ dollars ~~(\$350.00)~~ (\$400.00).

The fee for serving or attempting to serve an order for attachment on each defendant in each county shall be ~~thirty~~ forty dollars ~~(\$30.00)~~ (\$40.00)

The fee for serving or attempting to serve a warrant of arrest to be paid upon conviction shall be ~~thirty~~ forty dollars ~~(\$30.00)~~ (\$40.00).

The fee for serving or attempting to serve a subpoena on each witness, shall be ~~twenty five~~ forty dollars ~~(\$25.00)~~ (\$40.00)

The fee for returning each process, in each county, shall be ~~five ten~~ dollars ~~(\$5.00)~~ (\$10.00).

The fee for summoning each juror shall be ~~twenty five~~ forty dollars ~~(\$25.00)~~, (\$40.00) with ~~thirty cents~~ (\$0.30) mileage at the then-current IRS rate each way in all counties.

The fee for serving or attempting to serve notice of judgments or levying to enforce a judgment, shall be ~~thirty~~ forty dollars ~~(\$30.00)~~, (\$40.00) with ~~fifty cents~~ (\$0.50) mileage at the then-current IRS rate each way in counties.

The fee for serving or attempting to serve an order or judgment for the possession of real estate in an action of ejectment or in any other action, or for the restitution in an action of forcible entry and detainer without aid, shall be ~~one twenty eight~~ dollars ~~(\$120.00)~~ (\$80.00) and when aid is necessary for a period of time in excess of one ~~half~~ $(1/2)$ (1) hour, the sheriff shall be allowed to tax in addition the actual costs thereof, ~~seventy five~~ dollars per hour ~~(\$75.00/hr.)~~ (\$80.00) with a minimum two (2) hour amount, and for each mile of necessary travel ~~fifty cents~~ (\$0.50) mileage at the then-current IRS rate each way.

In addition to the above fees there shall be allowed to the sheriff a fee of one thousand dollars (\$1,000.00) for the sale of real estate which is made by virtue of any judgment of a court, except that in the case of a sale of unimproved real estate which sells for ten thousand dollars (\$10,000.00) or less, the fee shall be one hundred fifty dollars (\$150.00).

In all cases where the judgment is settled by the parties, replevied, stopped by injunction or paid, or where the property levied upon is not actually sold, the sheriff shall be allowed his fee for levying and mileage, together with half the fee for all money collected by him which he would be entitled to if the same was made by sale to enforce the judgment. In no case shall the fee exceed the amount of money arising from the sale.

In addition to this fee and all other fees provided by this section, there shall be allowed to the sheriff a fee in accordance with the following schedule for the sale of personal estate which is made by virtue of any judgment of a court: For judgments:

Up to \$1,000.00	\$ 75.00
\$1,001.00 to \$15,000	\$150.00
Over \$15,000.00	\$300.00

All other fees shall be the amount provided by statute. If state statute subsequently provides for a fee or fees in any amount higher than what is set forth in this Section 20-130, the statutory amount shall become immediately effective.

The Sheriff may require an advance deposit of the real estate levy fee in the amount of six hundred dollars (\$600.00) and may establish reasonable deposit or advance payment procedures for all other fees

BE IT FURTHER RESOLVED, that these increased fees are effective ninety (90) days after passage of this Ordinance, and shall be collected from all persons and entities other than officers, agencies, departments or other instrumentality of the State; and

BE IT FURTHER RESOLVED, that the County Clerk shall send copies of this Ordinance to: the County Sheriff, County Auditor, Treasurer, Finance Department, and the County Board Office. The County Clerk shall also transmit a copy to the codifier for codification of the amended fees.

Enacted and approved this 9th day of August 2011 at
Wheaton, Illinois.

Daniel J. Cronin, Chairman
DuPage County Board

ATTEST: _____
Gary A. King, County Clerk