

ORDINANCE NO. 87-04

An Ordinance setting the fees that shall be collected by the sheriff to cover the costs of administration and operation for the sheriff's official services and add this as a new chapter to the Mason County Code

WHEREAS, the State of Washington typically establishes under RCW 36.18.040 certain fees for official services to be charged by the sheriff; and

WHEREAS, RCW 36.18.040 authorizes the county legislative authority to set the amounts of fees that shall be collected by the sheriff to cover the costs of administration and operation; and

WHEREAS, the Washington Legislature has not changed the amounts of sheriff's fees since 1992 despite the costs associated with sheriff's service of process and other official services having risen dramatically since this last increase; and

WHEREAS, the board of commissioners finds it appropriate that costs incurred for sheriff's official services should be borne by those seeking action by the sheriff and not be assumed by Mason County citizens, requiring the establishment of appropriate fees pursuant to the authority granted in RCW 36.18.040(3),

NOW THEREFORE, be it ordained by the Board of County Commissioners of Mason County, State of Washington to establish the following fees and add the schedule to the Mason County Code:

Sheriff's fees. The sheriff shall collect the following fees for official services:

1. For service of each summons and complaint, notice and complaint, summons and petition, and notice of small claim on one defendant at any location, twenty dollars, and on two or more defendants at the same residence, twenty-five dollars, besides mileage;
2. For making a return, besides mileage actually traveled, ten dollars for each return of service;
3. For levying each writ of attachment or writ of execution upon real or personal property, besides mileage, fifty dollars per hour;
4. For filing copy of writ of attachment, order of sale or writ of execution with auditor, twenty dollars plus auditor's filing fee;
5. For serving writ of possession or restitution without aid of the county, besides mileage, forty dollars;
6. For serving writ of possession or restitution with aid of the county, besides mileage, sixty dollars plus fifty dollars for each hour after one hour;
7. For serving an arrest warrant in any action or proceeding, besides mileage, fifty dollars;
8. For executing any other writ or process in a civil action or proceeding, besides mileage, fifty dollars per hour;
9. For each mile actually and necessarily traveled in going to or returning from any place of service, or attempted service, fifty cents per mile with a ten-dollar minimum mileage charge;

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10. For making a deed to lands sold upon execution or order of sale or other decree of court, to be paid by the purchaser, fifty dollars;
11. For making copies of papers when sufficient copies are not furnished, two dollars for first page and one dollar per each additional page;
12. For the service of any other document and supporting papers for which no other fee is provided herein, twenty-five dollars;
13. For posting a notice of sale, or postponement, fifteen dollars besides mileage;
14. For certificate or bill of sale of property, or certificate of redemption, fifty dollars;
15. For conducting a sale of property, forty dollars per hour spent at a sheriff's sale;
16. For notarizing documents, five dollars for each document;
17. For fingerprinting for non-criminal purposes, ten dollars for each person for up to two sets, three dollars for each additional set;
18. For mailing required by statute, whether regular, certified, or registered, the actual cost of postage;
19. For an internal criminal history records check, fifteen dollars;
20. For the reproduction of audio, visual, or photographic material, to include magnetic microfilming, the actual cost including personnel time.

Fees allowable under this section may be recovered by the prevailing party incurring the same as court costs to the extent provided by RCW 36.18.040(2).

Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

APPROVED AND ADOPTED this 12th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ATTEST:

Rebecca S. Rogers
Rebecca S. Rogers, Clerk of the Board

APPROVED AS TO FORM:

Michael Clift
Chief Deputy Prosecuting Attorney
Michael Clift

Wesley E. Johnson
Wesley E. Johnson, Chairperson

Herb Baze
Herb Baze, Commissioner

Jayni L. Kamin
Jayni L. Kamin, Commissioner