

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_

COUNCIL BILL NO. 616

3 SERIES OF 2010

COMMITTEE OF REFERENCE:

4 Safety

5 **A BILL**

6 **for an ordinance amending Section 14-123 of Article VI of Chapter 14 of**  
7 **the Revised Municipal Code of the City and County of Denver to**  
8 **establish new sheriff fees that conform with state law changes.**  
9

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 Section 1. That Section 14-123(a)(1) through (19), "Fees", of the Revised  
12 Municipal Code is hereby amended by adding language underlined and deleting language  
13 stricken as follows:  
14

15 (a) In accordance with the provisions of section 30-1-104, 105.5, 106 and 116 Colorado  
16 Revised Statutes, enacted pursuant to section 15 of article XIV of the Constitution of  
17 Colorado, fees collected by the sheriff or his/her designated representatives, for serving  
18 and returning various writs and processes and performing other duties under state law  
19 shall be fixed as follows:  
20

21 (1) For serving and returning a summons or other writ of process in a criminal action not  
22 specified in this section, with or without complaint attached, on each party served, fifteen  
23 dollars (\$15.00).  
24

25 (2) For serving and returning a summons or other writ of process in other than a criminal  
26 action not specified in this section, with or without complaint attached, on each party  
27 served, thirty-five dollars (\$35.00).  
28

29 (3) For making a return on a summons in a criminal action not served, five dollars (\$5.00).  
30

31 (4) For making a return on a summons in other than a criminal action not served, on each  
32 party, ~~sixteen~~ twenty dollars (~~\$16.00~~20.00).  
33

34 (5) For serving and returning each subpoena in a criminal action on each witness, seven  
35 dollars and fifty cents (\$7.50).  
36

37 (6) For serving and returning each subpoena in other than a criminal action on each  
38 witness, sixty dollars (\$60.00).

1 (7) For making return on a subpoena in a criminal action not served, five dollars (\$5.00).

2  
3 (8) For making return on a subpoena in other than a criminal action not served, ~~sixteen~~  
4 twenty dollars (\$16.00) (\$20.00).

5  
6 (9) For serving each juror, ten dollars (\$10.00).

7  
8 (10) For serving and returning writ of attachment or replevin on each party, ~~seventy-five~~  
9 ~~dollars (\$75.00)~~ mileage as described in (13) plus \$29.25 per hour per deputy and  
10 \$38.84 per hour per deputy sergeant.

11  
12 (11) For serving garnishee summons on each party, twenty dollars (\$20.00).

13  
14 (12) Mileage for each mile actually and necessarily traveled in serving each writ, subpoena  
15 or other process, in a criminal action, ~~twenty eight cents (\$0.28)~~ ~~except that actual and not~~  
16 ~~constructive mileage shall be allowed in all cases; and where more than one (1) warrant is~~  
17 ~~served by any officer on one (1) trip, the actual mileage only shall be allowed such officer,~~  
18 ~~and the actual mileage shall be apportioned among the several warrants served on the trip~~  
19 shall be calculated for all vehicles used at ninety percent of the prevailing Internal Revenue  
20 Service mileage reimbursement rate, except that if either a four wheel drive vehicle or  
21 privately owned airplane is necessary and authorized, the provisions of 24-9-14(d) and (e),  
22 C.R.S. shall apply.

23  
24 (13) ~~Mileage for each mile actually and necessarily traveled in serving each writ, subpoena~~  
25 ~~or other process, in other than a criminal action, thirty six cents (\$0.36) except that actual~~  
26 ~~and not constructive mileage shall be allowed in all cases; and where more than one (1)~~  
27 ~~warrant is served by any officer on one (1) trip, the actual mileage only shall be allowed~~  
28 ~~such officer, and the actual mileage shall be apportioned among the several warrants~~  
29 ~~served on the trip~~ for every kind of service in non-criminal matters shall be charged using a  
30 zip code based mileage fee structure. The zip code based mileage fee shall be the total  
31 round trip miles to and from the center of each zip code by the shortest legal traveled  
32 distance from the Denver Sheriff Department Civil Unit multiplied by the prevailing Internal  
33 Revenue Service mileage reimbursement rate. The zip code based mileage fee shall be  
34 charged regardless of the number of attempts or actual mileage traveled during the  
35 sheriff's operational period.

36  
37 (14) In making demand for payment on executions when payment is not made, one dollar  
38 (\$1.00).

39  
40 (15) For levying execution or writ of attachment, besides actual inventory, custodial and  
41 transportation costs necessarily incurred, ~~seventy five dollars (\$75.00) for the first two (2)~~  
42 ~~hours of service, plus thirty one dollars (\$31.00) per hour for each subsequent hour of~~  
43 ~~service and actual expenses of inventory~~ \$29.25 per hour per deputy and \$38.84 per hour  
44 per deputy sergeant, plus mileage as defined in (13) and other actual expenses.

45  
46 (16) For levying writ of replevin, besides actual inventory, custodial and transportation  
47 costs necessarily incurred, ~~seventy five dollars (\$75.00) for the first two (2) hours of~~

1 ~~service, plus thirty one dollars (\$31.00) per hour for each subsequent hour of service,~~  
2 ~~plus actual expenses of inventory \$29.25 per hour per deputy and \$38.84 per hour per~~  
3 ~~deputy sergeant plus mileage as defined in (13) and other actual expenses.~~

4  
5 (17) No custodian shall be appointed by the sheriff to take custody of goods by him/her  
6 attached, nor shall any deputy be placed in charge thereof unless the plaintiff or plaintiff's  
7 attorney shall request the appointment of such custodian in writing; such custodian or  
8 deputy shall receive twelve dollars (\$12.00) per diem of twelve (12) hours or fraction  
9 thereof which shall be taxed as costs in the case.

10  
11 (18) For making and filing for record a certificate of levy on attachment or other cases,  
12 thirty dollars (\$30.00).

13  
14 (19) For committing and discharging prisoners to and from the county jail, ~~fifty cents (\$0.50)~~  
15 thirty dollars (\$30.00), which fee shall be collected at the time of commitment from the  
16 prisoner, but shall be refunded to any prisoner who is not convicted.

17  
18 **Section 2.** That Section 14-123(a)(28), "Fees", of the Revised Municipal Code is hereby  
19 amended by adding language underlined and deleting language stricken as follows:

20 (28) Mileage for ~~For~~ transporting insane or other prisoners, (besides the actual expenses  
21 necessarily incurred) ~~, thirty one cents (\$0.31) per mile or the amount provided for state~~  
22 ~~officers and employees under section 29-9-104, Colorado Revised Statutes, and for the~~  
23 ~~service of mittimus or other process order, whether written or otherwise, in transporting~~  
24 ~~prisoners, thirty one cents (\$0.31) per mile; except that such shall be calculated for all~~  
25 vehicles used at ninety percent of the prevailing Internal Revenue Service mileage  
26 reimbursement rate, except that if either a four wheel drive vehicle or privately owned  
27 airplane is necessary and authorized, the provisions of 24-9-14(d), and (e), C.R.S. shall  
28 apply. Mileage shall be only by for one (1) officer, and no mileage shall be charged upon  
29 the guards attending the officer having custody of the prisoner, and further except that the  
30 guards attending the officer in charge of the prisoner shall receive besides the expenses  
31 necessarily incurred the sum of twelve dollars (\$12.00) per diem of twelve (12) hours or  
32 fraction thereof.

33  
34 **Section 3.** That Section 14-123(a)(38), "Fees", of the Revised Municipal Code is hereby  
35 amended by adding language underlined and deleting language stricken as follows:

36 (38) For serving and executing a writ of restitution, or order of possession of premises,  
37 ~~besides actual transportation costs necessarily incurred, one hundred twenty dollars~~  
38 ~~(\$120.00) for the first two (2) hours of service; provided that if additional hours of service~~  
39 ~~are required within the same calendar day up to and including a total time of eight (8)~~  
40 ~~hours, the charge for that calendar day shall be a total of two hundred fifty dollars~~  
41 ~~(\$250.00), and provided further, that any additional subsequent hours of service required~~  
42 ~~over and above such an eight-hour calendar day shall be charged an additional rate of~~  
43 ~~thirty one dollars (\$31.00) per hour, except that a sheriff may charge for additional actual~~  
44 expenses if the work performed exceeds two hours in duration. Those charges shall  
45 include \$29.25 per hour per deputy and \$38.84 per hour per deputy sergeant, plus other

1 actual expenses. A sheriff may charge a fee under this paragraph after the sheriff has  
2 provided a detailed accounting of actual expenses to the person requesting such service.  
3 Actual transportation costs assessed pursuant to this paragraph shall only be charged  
4 once per location for each service or execution.

5  
6 **Section 4.** That Section 14-123(c) and (d), "Fees", of the Revised Municipal Code is  
7 hereby amended by adding the following underlined language:

8 (c) Where two or more papers are served on the same person or on different persons at  
9 the same time and place and in the same action, the sheriff shall charge the single zip  
10 code based mileage fee as defined in (13) for the first process and an additional ten dollars  
11 (\$10) for each subsequent process served.

12  
13 (d) The sheriff shall have the authority to establish billing accounts and procedures for  
14 Colorado licensed attorneys and collection agencies that have a principal office located in  
15 Colorado. The sheriff may suspend such billing privileges for nonpayment or other good  
16 cause. Except in the case of such authorized billing accounts, all fees shall be paid in  
17 advance, if the amount can then be ascertained.

18  
19 COMMITTEE APPROVAL DATE: Consent Agenda for the week of July 22, 2010.

20 MAYOR-COUNCIL DATE: July 27, 2010.

21 PASSED BY THE COUNCIL \_\_\_\_\_ 2010

22 \_\_\_\_\_ - PRESIDENT

23 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2010

24 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
25 EX-OFFICIO CLERK OF THE  
26 CITY AND COUNTY OF DENVER

27  
28 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2010; \_\_\_\_\_ 2010

29 PREPARED BY: Debra R. Knapp - ASSISTANT CITY ATTORNEY – July 29, 2010

30 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the  
31 office of the City Attorney. We find no irregularity as to form, and have no legal objection to  
32 the proposed ordinance. The proposed ordinance is not submitted to the City Council for  
33 approval pursuant to §3.2.6 of the Charter.

34  
35 David R. Fine, City Attorney for the City and County of Denver  
36 BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney

37 DATE: \_\_\_\_\_