

1 SHEBOYGAN COUNTY ORDINANCE NO. _____ (2020/21)
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3 Re: **Creating Section 10.09 – Disease Control – Providing for Enforcement of**
4 **Public Health Orders and Legislative County Board Oversight**
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7 **WHEREAS**, Sheboygan County has an interest in protecting the public health, safety, and
8 welfare of the citizens of the County from the continued spread of COVID-19 and other communicable
9 diseases throughout the community, and
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11 **WHEREAS**, Sheboygan County recognizes that it is critical to the economy that businesses
12 remain operational and employees remain available for work, and
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14 **WHEREAS**, the purpose of this Ordinance is to be prepared if Sheboygan County experiences
15 a significant spike in COVID-19 cases and our hospitals are on the brink of being overrun, and
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17 **WHEREAS**, the primary hospital system providers in Sheboygan County, Aurora Sheboygan
18 Memorial Medical Center and HSHS St. Nicholas, have a combined total of twelve (12) intensive care
19 unit (ICU) beds and twenty-two (22) additional COVID-19 dedicated medical surgical beds available
20 for use, and
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22 **WHEREAS**, our hospital systems have communicated that if fifty percent (50%) of their ICU
23 beds or COVID-19 dedicated medical surgical beds are filled with COVID-positive patients, it is a key
24 indicator that our hospitals are becoming overwhelmed, and
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26 **WHEREAS**, the local public health officer has authority under Wis. Stat. Chap. 252 to take
27 measures to prevent and control the spread of contagious diseases within Sheboygan County, and a
28 disease control Ordinance softens the existing authority by creating less punitive damages and a
29 checks-and-balances process with County Board oversight of the public health officer's issuance of
30 county-wide orders, and
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32 **WHEREAS**, in the event Sheboygan County's hospital systems indicate they have reached
33 the fifty percent (50%) threshold for COVID patients, or if other key monitoring criteria shows a surge
34 in COVID cases, the public health officer may need to enact orders to prevent and suppress the spread
35 of COVID, and
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37 **WHEREAS**, Sheboygan County promotes education on communicable diseases and personal
38 responsibility in keeping each other safe but recognizes that in certain situations enforcement may be
39 necessary, and
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41 **WHEREAS**, the County Board finds it in the best interest of the public to create a civil
42 enforcement mechanism for violation of public health orders, if needed, and to provide County Board
43 oversight of county-wide orders;
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45 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does
46 ordain as follows:
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48 Section 1. **Creating Section 10.09 – Disease Control.** Section 10.09 of the
49 Sheboygan County Code of Ordinances is hereby created to read as follows:
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51 10.09 DISEASE CONTROL.

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- (1) AUTHORITY. This Section is enacted pursuant to Wis. Stat. §§ 251.06, 252.03, 252.06, 252.19, 252.21, 252.25, and Wis. Admin. Code DHS ch. 145 which are wholly incorporated by reference.
- (2) PURPOSE. The purpose of this Section is to promote the public health, safety, convenience, and general welfare and to establish civil enforcement of public health orders.
- (3) DUTIES OF LOCAL HEALTH OFFICER PER WIS. STAT. § 252.03.
 - (a) The Sheboygan County Health Officer, upon the appearance of any communicable disease in Sheboygan County will immediately investigate all circumstances and make a full report to the County Board and Wisconsin Department of Health Services.
 - (b) The Sheboygan County Health Officer will promptly take all measures necessary to prevent, suppress, and control communicable diseases and will report to the County Board the progress of the communicable diseases and the measures used against them as needed to keep the County Board fully informed or at such intervals as the Wisconsin Secretary of Health may direct.
 - (c) The Sheboygan County Health Officer may do what is reasonable and necessary for the prevention and suppression of disease, may forbid public gatherings when deemed necessary to control outbreaks or epidemics, and shall advise the Wisconsin Department of Health Services of measures taken.
 - (d) No person shall interfere with the investigation under this Section of any place or its occupants by the Sheboygan County Health Officer or his or her assistants.
- (4) PREVENTING SPREAD. No person who is knowingly infected with a communicable disease may willfully violate the recommendations of the local health officer or subject others to danger of contracting the disease. No person may knowingly and willfully take, aid in taking, advise, or cause to be taken, a person who is infected or is suspected of being infected with a communicable disease into any public place or conveyance where the infected person would expose any other person to danger of contracting the disease.
- (5) ORDERS TO THE PUBLIC AT-LARGE AND ~~COMMITTEE~~COUNTY BOARD OVERSIGHT.
 - (a) Public Health Officer Orders. ~~the~~The County Board expressly authorizes the Public Health Officer to issue orders, pursuant to Wis. Stat. § 252.03, to the public at-large for a period of not more than sixty (60) days, which may be extended by subsequent orders, when he or she deems it reasonable and necessary for the prevention and suppression of disease. Such authority extends to forbidding public gatherings when deemed necessary to control outbreaks or epidemics.

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The Public Health Officer shall inform the State of Wisconsin Department of Health Services of the measures taken.

(b) ~~Health and Human Services Committee and Executive Committee~~ County Board Oversight. Any order to the public at-large shall be submitted to the Health and Human Services and Executive Committees upon issuance for review at a joint meeting. The Health and Human Services and Executive Committees may take action to recommend ratification or nullification of said order to the County Board, and the County Board may ratify or nullify said order. If no action is taken to nullify, the order remains in effect as issued.

(6) ENFORCEMENT; PENALTY.

(a) Any person who violates or obstructs an order of the Sheboygan County Health Officer or the State of Wisconsin Department of Health Services is subject to any of the following:

1. The issuance of a citation pursuant to Wis. Stat. § 66.0113. A citation may be issued by law enforcement officers or the local health officer or his or her designee.
2. A forfeiture of Twenty-five Dollars (\$25.00) for the first offense, Fifty Dollars (\$50.00) for the second offense, and One Hundred Dollars (\$100.00) for the third or subsequent offense.
3. The issuance of a Summons and Complaint, the entry of a civil judgment for a forfeiture, and (temporary or permanent) injunctive relief.
4. A court order pursuant to Wis. Admin. Code DHS § 145.06(5).
5. Each day a violation exists shall be a separate offense.

~~(b) Any business in which an individual is violating a public health order shall ask the individual to leave the premises. Businesses and organizations may rely on an individual's statements if they claim to be exempt from the public health order for the reasons permitted.~~

~~(c) Any business violating a public health order may be subject to administrative action for any licenses it possesses within the County.~~

~~(d)~~ Proceeding under any other Ordinance or law relating to the same or other matter shall not preclude enforcement under this Section.

Section 2. **Effective Date.** The herein Ordinance shall take effect upon the day following publication.

Respectfully submitted this 18th day of August, 2020.

HEALTH & HUMAN SERVICES COMMITTEE*

154 _____
155 Brian C. Hoffmann, Chairperson

Curt A. Brauer, Vice-Chairperson

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157 _____
158 William C. Goehring, Secretary

Marilyn Montemayor

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160 _____
161 Vicky Schneider

Wendy Schobert

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163 Opposed to Introduction:

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167 *County Board members signing only

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170 Countersigned by:
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174 Vernon Koch, Chairperson

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August 24, 2020, draft

Ordinance Creating Section 10.09 - *Disease Control*-Providing for Enforcement of Public Health Orders and County Board Oversight

Current State Law

Proposed Section 10.09

Wis. Stat. § 252.03 - Duties of Local Health Officer	Section 10.09 (1), (2), (3) - Duties as listed in Wis. Stat. § 252.03
Wis. Stat. § 252.19 - Communicable Diseases, suspected cases, protection of public	Section 10.09 (4) - Preventing Spread Prohibits the same activities as set forth in Wis. Stat. § 252.19
No oversight of Public At-Large Orders	Section 10.09 (5) - Order to the Public At-Large and Committee Oversight establishes a process for county board committee/board oversight into county-wide orders and provides opportunity for public input. It also places a sixty- (60-) day limit on county-wide orders, subject to further review and extension.
Wis. Stat. § 252.25, Violation of law relating to Health	Section 10.09 (6) Enforcement Penalty (No Criminal Penalties)
<ul style="list-style-type: none">• Allows for enforcement by law enforcement and the District Attorney or local public health officer• Imprisonment for not more than 30 days or fined not more than \$500 or both• Petition for court order under Wis. Admin. Code DHS § 145.06(5)	Alternative enforcement to existing penalties: <ul style="list-style-type: none">• Citation (\$25 to \$100)• Summons and complaint for code violations
