

1                                    **SHEBOYGAN COUNTY    ORDINANCE NO. 03 (2020/21)**

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3            **Re:    Creating Section 10.09 – Disease Control – Providing for Enforcement of**  
4                    **Public Health Orders and Legislative 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

13  
14           **WHEREAS**, the local public health officer has authority under Wis. Stat. Chap. 252 to take  
15 measures to prevent and control the spread of contagious diseases within Sheboygan County, and

16  
17           **WHEREAS**, Sheboygan County promotes education on communicable diseases and personal  
18 responsibility in keeping each other safe but recognizes that in certain situations enforcement may be  
19 necessary, and

20  
21           **WHEREAS**, the County Board finds it in the best interest of the public to create a civil  
22 enforcement mechanism for violation of public health orders, if needed;

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24           **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does  
25 ordain as follows:

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27                    Section 1.        **Creating Section 10.09 – Disease Control.** Section 10.09 of the  
28 Sheboygan County Code of Ordinances is hereby created to read as follows:

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30        10.09   DISEASE CONTROL.

- 31  
32            (1)        **AUTHORITY.** This Section is enacted pursuant to Wis. Stat. §§ 251.06,  
33                    252.03, 252.06, 252.19, 252.21, 252.25, and Wis. Admin. Code DHS ch. 145  
34                    which are wholly incorporated by reference.
- 35  
36            (2)        **PURPOSE.** The purpose of this Section is to promote the public health, safety,  
37                    convenience, and general welfare and to establish civil enforcement of public  
38                    health orders.
- 39  
40            (3)        **DUTIES OF LOCAL HEALTH OFFICER PER WIS. STAT. § 252.03.**
- 41  
42                    (a)        The Sheboygan County Health Officer, upon the appearance of any  
43                    communicable disease in Sheboygan County will immediately  
44                    investigate all circumstances and make a full report to the County  
45                    Board and Wisconsin Department of Health Services.
- 46  
47                    (b)        The Sheboygan County Health Officer will promptly take all measures  
48                    necessary to prevent, suppress, and control communicable diseases  
49                    and will report to the County Board the progress of the communicable  
50                    diseases and the measures used against them as needed to keep the

51 County Board fully informed or at such intervals as the Wisconsin  
52 Secretary of Health may direct.

53  
54 (c) The Sheboygan County Health Officer may do what is reasonable and  
55 necessary for the prevention and suppression of disease, may forbid  
56 public gatherings when deemed necessary to control outbreaks or  
57 epidemics, and shall advise the Wisconsin Department of Health  
58 Services of measures taken.

59  
60 (d) No person shall interfere with the investigation under this Section of  
61 any place or its occupants by the Sheboygan County Health Officer or  
62 his or her assistants.

63  
64 (4) PREVENTING SPREAD. No person who is knowingly infected with a  
65 communicable disease may willfully violate the recommendations of the local  
66 health officer or subject others to danger of contracting the disease. No person  
67 may knowingly and willfully take, aid in taking, advise, or cause to be taken, a  
68 person who is infected or is suspected of being infected with a communicable  
69 disease into any public place or conveyance where the infected person would  
70 expose any other person to danger of contracting the disease.

71  
72 (5) ORDERS TO THE PUBLIC AT-LARGE AND COMMITTEE OVERSIGHT.

73  
74 (a) Public Health Officer Orders. the County Board expressly authorizes  
75 the Public Health Officer to issue orders, pursuant to Wis. Stat. §  
76 252.03, to the public at-large for a period of not more than sixty (60)  
77 days, which may be extended by subsequent orders, when he or she  
78 deems it reasonable and necessary for the prevention and suppression  
79 of disease. Such authority extends to forbidding public gatherings  
80 when deemed necessary to control outbreaks or epidemics. The  
81 Public Health Officer shall inform the State of Wisconsin Department  
82 of Health Services of the measures taken.

83  
84 (b) Health and Human Services Committee and Executive Committee  
85 Oversight. Any order to the public at-large shall be submitted to the  
86 Health and Human Services and Executive Committees upon issuance  
87 for review at a joint meeting. The Health and Human Services and  
88 Executive Committees may take action to ratify or nullify said order. If  
89 no action is taken, the order remains in effect as issued.

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91 (6) ENFORCEMENT; PENALTY.

92  
93 (a) Any person who violates or obstructs an order of the Sheboygan  
94 County Health Officer or the State of Wisconsin Department of Health  
95 Services is subject to any of the following:

96  
97 1. The issuance of a citation pursuant to Wis. Stat. § 66.0113. A  
98 citation may be issued by law enforcement officers or the local  
99 health officer or his or her designee.



- 100 2. A forfeiture of Twenty-five Dollars (\$25.00) for the first offense,  
101 Fifty Dollars (\$50.00) for the second offense, and One Hundred  
102 Dollars (\$100.00) for the third or subsequent offense.  
103 3. The issuance of a Summons and Complaint, the entry of a civil  
104 judgment for a forfeiture, and (temporary or permanent)  
105 injunctive relief.  
106 4. A court order pursuant to Wis. Admin. Code DHS § 145.06(5).  
107  
108 (b) Any business in which an individual is violating a public health order  
109 shall ask the individual to leave the premises. Businesses and  
110 organizations may rely on an individual's statements if they claim to be  
111 exempt from the public health order for the reasons permitted.  
112  
113 (c) Any business violating a public health order may be subject to  
114 administrative action for any licenses it possesses within the County.  
115  
116 (d) Proceeding under any other Ordinance or law relating to the same or  
117 other matter shall not preclude enforcement under this Section.  
118

119 Section 2. **Effective Date.** The herein Ordinance shall take effect upon the day  
120 following publication.  
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123 Respectfully submitted this 18th day of August, 2020.  
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126 **HEALTH & HUMAN SERVICES COMMITTEE\***  
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131 Brian C. Hoffmann, Chairperson

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131 Curt A. Brauer, Vice-Chairperson

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133 \_\_\_\_\_  
134 William C. Goehring, Secretary

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133 \_\_\_\_\_  
134 Marilyn Montemayor

135  
136 \_\_\_\_\_  
137 Vicky Schneider

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136 \_\_\_\_\_  
137 Wendy Schobert

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139 Opposed to Introduction:  
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143 \*County Board members signing only  
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146 Countersigned by:  
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150 Vernon Koch, Chairperson  
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August 13, 2020, draft