

1 **096-102020**

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3 **ORDINANCE: Amend Section 11.08 of the General Code of Winnebago County: County**  
4 **Health Officer**

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7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8 **WHEREAS**, in December 2019, a novel strain of the coronavirus was detected, now known as COVID-  
9 19, and it has spread throughout the world, including every state in the United States; and

10 **WHEREAS**, on January 30, 2020, the World Health Organization declared COVID-19 to be a Public  
11 Health Emergency of International Concern; and

12 **WHEREAS**, on March 12, 2020, the Governor of the State of Wisconsin declared a public health  
13 emergency in the State of Wisconsin in response to COVID-19; and

14 **WHEREAS**, on March 13, 2020, the President of the United States proclaimed a National Emergency in  
15 response to COVID-19; and

16 **WHEREAS**, on March 20, 2020, Winnebago County Executive Mark L. Harris, by proclamation, declared  
17 that a state of emergency exists in Winnebago County as a result of the COVID-19 pandemic consistent with  
18 §323.14(4)(a), Wis. Stats.; and

19 **WHEREAS**, on April 28, 2020, the Winnebago County Board of Supervisors, pursuant to §323.14(4)(b),  
20 Wis. Stats., ratified the March 20, 2020 Proclamation Declaring the Existence of a County Emergency issued by  
21 Winnebago County Executive Mark L. Harris; and

22 **WHEREAS**, millions of people around the world have tested positive for COVID-19, including more than  
23 7 million individuals in the United States, more than 100,000 individuals in Wisconsin, and more than 4,400  
24 individuals in Winnebago County; and

25 **WHEREAS**, COVID-19 is present in every county throughout the State of Wisconsin, including  
26 Winnebago County; and

27 **WHEREAS**, it is prudent to use all available tools to reasonably address communicable diseases,  
28 including COVID-19; and

29 **WHEREAS**, Chapter 252, Wis. Stats, "Communicable Diseases" outlines the duties and responsibilities  
30 of a public health officer related to communicable diseases (See Appendix A); and

31 **WHEREAS**, as required by Wis. Stats. 252.03(1) the Winnebago County Health Department investigated  
32 the circumstances of COVID-19 appearing locally and made a full report to the Winnebago County Board, the  
33 Board of Health, and the Wisconsin Department of Health Services; and

34 **WHEREAS**, §66.0113(1), Wis. Stats., states the County Board may by ordinance adopt and authorize  
35 the use of a citation for violations of ordinances, including ordinances for which a statutory counterpart exists  
36 (See Appendix B); and

37 **WHEREAS**, §66.0113(2), Wis. Stats, states that citations may be issued by law enforcement officers of  
38 Winnebago County and also that the County Board may designate by ordinance or resolution other county  
39 officials who may issue citations with respect to ordinances which are directly related to the official  
40 responsibilities of the officials. Further, the officials may delegate, with the approval of the County Board, the  
41 authority to employees/designees (See Appendix B); and

42           **WHEREAS**, §66.0119, Wis. Stats., provides in pertinent part, a local health officer may apply for, obtain,  
43 and execute a special inspection warrant (See Appendix B); and

44           **WHEREAS**, consistent with state statute, locally authorizing the Winnebago County Health Officer to  
45 take measures to prevent, suppress, and control COVID-19 in Winnebago County Health Department's  
46 jurisdiction, coupled with authorizing the Winnebago County Health Officer, his/her designees, and law  
47 enforcement to issue penalties for violating state and local laws designed to suppress communicable diseases,  
48 will help contain the impact of COVID-19 in Winnebago County.

49           **NOW, THEREFORE, BE IT RESOLVED BY THE WINNEBAGO COUNTY BOARD OF SUPERVISORS**  
50 **THAT IT HEREBY ACKNOWLEDGES AND ACCEPTS** the duties, responsibilities, and enforcement  
51 mechanisms as outlined in Chapter 252, Wis. Stats.; §§66.0113 and 66.0119, Wis. Stats., §251.06(3), Wis.  
52 Stats., DHS 145.05 and 145.06, Wis. Admin. Code, and Section 25.04 of the General Code of Winnebago  
53 County (see Appendices A, B, C, D, and E), as the duties, responsibilities and enforcement mechanisms for its  
54 Public Health Officer.  
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56           **BE IT FURTHER RESOLVED BY THE WINNEBAGO COUNTY BOARD OF SUPERVISORS THAT IT**  
57 **HEREBY ORDAINS** that Section 11.08: County Health Officer, of the General Code of Winnebago County is  
58 hereby amended and shall read as follows:  
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60           **11.08 COUNTY HEALTH OFFICER**  
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62           (1) **APPOINTMENT:**

63           (a) A County Health Officer possessing the qualifications set forth in §251.06, Wis. Stats. (1993), shall be  
64 appointed by the Winnebago County Executive pursuant to §59.17(2)(br) and §251.03(2), Wis. Stats., subject to  
65 confirmation by the Winnebago County Board of Supervisors. The County Health Officer shall serve at the pleasure  
66 of the County Executive.

67           (2) **PURPOSE:** The purpose of this subchapter is to promote and protect public health, safety, and general  
68 welfare.

69           (3) **AUTHORITY:** The authority for this subchapter is Chapter 252, Wis. Stats.; §§66.0113 and 66.0119,  
70 Wis. Stats., §251.06(3), Wis. Stats., DHS 145.05 and 145.06, Wis. Admin. Code, and Section 25.04 of the  
71 General Code of Winnebago County, which are incorporated herein by reference as if fully set forth at length  
72 (See Appendices A, B, C, D, and E).

73           (4) **DEFINITIONS:**

74           (a) Individual Order: This Order applies to a specific individual(s) or a specific entity(ies).

75           (b) General Order: This Order applies to the entire County or a portion of the County.

76           (5) **DUTIES AND RESPONSIBILITIES:** The duties and responsibilities as set forth in Chapter 252, Wis. Stats.;  
77 §§66.0113 and 66.0119, Wis. Stats., §251.06(3), Wis. Stats., and DHS 145.05 and 145.06, Wis. Admin. Code,  
78 shall be performed by the Winnebago County Health Officer, and he/she shall administer the policies, programs, and  
79 services of the Winnebago County Health Department. These duties are outlined in Appendices A, B, C, and D  
80 verbatim from Chapter 252, Wis. Stats.; §§66.0113 and 66.0119, Wis. Stats., §251.06(3), Wis. Stats., and DHS  
81 145.05 and 145.06, Wis. Admin. Code, and are adopted as Public Health Officer Duties as part of this Ordinance.

82           (6) **ORDERS:**

83 (a) The Winnebago County Health Officer may issue orders for guarding against the introduction of any  
84 communicable disease into his or her jurisdiction, for the control and suppression of communicable diseases, for  
85 the quarantine and disinfection of persons, localities and things infected or suspected of being infected by a  
86 communicable disease and for the sanitary care of schools, public buildings, and other places.

87 (b) Any rule or order may be made applicable to the whole or any specified part of Winnebago County or  
88 to any vessel or other conveyance. Orders that are issued under the authority herein supersede conflicting or  
89 less stringent regulations, orders or ordinances.

90 (c) Under this Ordinance, no person may interfere with an investigation of any place or its occupants by  
91 the Winnebago County Health Officer or his/her designees.

92 (d) Orders will be identified as General Orders or Individual Orders as defined in the definitions section  
93 of this Ordinance and conform to the following:

94 1. Any individual Order and potential enforcement action must conform to DHS 145.05 and 145.06,  
95 Wis. Admin. Code, and §§66.0113 and 66.0119, Wis. Stats.

96 2. Any General Order must be based upon the duties, responsibilities, and powers as identified in  
97 Chapter 252, Wis. Stats., §251.06(3), Wis. Stats., and §§66.0113 and 66.0119, Wis. Stats. Any General Order is  
98 advisory only until reviewed and reaffirmed or revised and affirmed by the Winnebago County Board of  
99 Supervisors at its next regularly-scheduled meeting date or within 14 days, whichever is earlier. All general  
100 orders will specify a duration for the order and an expiration date, but will have a maximum duration of 60 days  
101 unless otherwise authorized by the County Board.

102 (7) **COMPLIANCE:**

103 (a) Written Orders: Compliance with this subchapter shall include compliance with written orders issued  
104 under this subchapter or state health laws by the Winnebago County Health Officer or his/her designees to abate  
105 and/or contain a communicable disease or to bring any other situation or condition in noncompliance with this  
106 subchapter into compliance.

107 (b) Noncompliance: Noncompliance with this subchapter and a written order from the Winnebago  
108 County Health Officer or his/her designees shall be cause for penalties pursuant to Paragraph (9), Violations and  
109 Penalties, below.

110 (8) **ENFORCEMENT:**

111 (a) Written Order: When a violation of this subchapter is encountered, the Winnebago County Health  
112 Officer or his/her designees may issue a written order to the violator in accordance with DHS 145.05 and 145.06,  
113 Wis. Admin. Code. This order shall specify the following:

114 1. The nature of the violation and the steps needed to abate and/or correct the violation.  
115 2. The time period in which the violation must be corrected and/or abated (usually 1 to 5 days or 10  
116 to 30 days depending on the nature of the violation).

117 3. The penalty or penalties the violator will be subject to if the apparent violation is not abated  
118 and/or corrected within the given time period.

119 (b) Exceptions to Written Order: In cases where a violation poses an immediate human health threat as  
120 determined by the Winnebago County Health Officer or his/her designee, or in the case of repeated occurrences  
121 of the same violation by the same persons, actions specified in Paragraph 9, Violations and Penalties, below  
122 may be initiated immediately in accordance with Chapter 252, Wis. Stats.; §§66.0113 and 66.0119, Wis. Stats.,  
123 DHS 145.06, Wis. Admin. Code, and Section 25.04 of the General Code for Winnebago County.

124 (9) **VIOLATIONS AND PENALTIES:**

125 (a) Any person who violates or obstructs this Ordinance or an order of the Winnebago County Health  
126 Officer under Paragraph 6 (a), 6 (c), and 8 (a) above is subject to the following:

127 1. The issuance of a citation pursuant to Section 25.04 of the General Code of Winnebago County  
128 §66.0113, Wis. Stats, and §252.25, Wis. Stats. A citation hereunder may be issued by the Winnebago County  
129 Health Officer or Winnebago County Health Department jurisdiction law enforcement officers. Any citation  
130 arising from enforcement on this Ordinance will utilize the Uniform Citation form set forth in §66.0113, Wis Stats.,  
131 (See Appendix E, B, and A).

132 2. A minimum forfeiture of \$100 to a maximum forfeiture of \$500 for each violation together with the  
133 costs of prosecution. (See Section 25.04 of the General Code of Winnebago County and §252.25, Wis. Stats.)

134 3. The issuance of a summons and complaint, and entry of a civil judgment for a forfeiture and  
135 injunctive (temporary and/or permanent) relief.

136 4. Suspension of any license or permit issued by the Winnebago County Health Department.

137 (b) A separate offense shall be deemed committed each day during or on which a violation occurs or  
138 continues.

139 (c) Proceeding under any other ordinance or law relating to the same or any other matter shall not  
140 preclude enforcement under this Ordinance.

141 (10) **SEVERABILITY:** Should any portion of this Ordinance be declared unconstitutional or invalid by a court  
142 of competent jurisdiction, the remainder of this Ordinance shall not be affected.

143 (11) **EFFECTIVE DATE:** This Ordinance shall become effective as of the date following the date of its  
144 publication.

145 Respectfully submitted by:

146 **BOARD OF HEALTH**

147 Committee Vote: \_\_\_\_\_

148 Vote Required for Passage: **Majority of Those Present**

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150 Approved by the Winnebago County Executive this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Mark L Harris  
Winnebago County Executive