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3 **ORDINANCE – O2020-05-02**

4 To: The Honorable Chair and Members of the Oconto County Board of Supervisors

5 Re: **Chapter 19 – Offenses Against Public Safety, Welfare and Protection**

6
7 WHEREAS, the Health and Human Services Board has reviewed Chapter 19 – Offenses Against
8 Public Safety, Welfare and Protection and recommends the following amendments:

9
10 NOW THEREFORE, the Oconto County Board of Supervisors does ordain as follows:

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12 SECTION 1: Chapter 19, of the Offenses Against Public Safety, Welfare and Protection is
13 amended to read as follows:

14
15 **19.050 STATE LAWS ADOPTED**

16
17 (a) Adoption. The following State Statutes are hereby adopted and incorporated as if fully set forth by
18 reference. The penalty for a violation of these ordinances shall be set forth in Sec. 19.050(d), and
19 (e) of this ordinance. Any future amendments, revisions, or modifications of the Statutes
20 incorporated herein by reference are intended to be made part of this code.

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22 252.03 Duties of Local Health Officers
23 252.06 Isolation and Quarantine
24 252.25 Violation of Law Relating to Health
25 323.02 (6) Disaster Definition
26 323.11 Declaration by Local Government
27 323.14(4) Local Government, Duties and Powers
28

29 **19.1500 COMMUNICABLE DISEASE – ENFORCEMENT AND PENALTIES**

30
31 (a) Definitions. Those definitions as set forth in Wis. Stats. Ch. 252, specifically as set forth in Wis.
32 Stats. §252.01 and are hereby adopted and by reference made a part of this section as if fully set
33 forth in this section.

34
35 (b) Statutes. Wisconsin Statute §252.03, §252.06, §252.25, and the provisions of Wis. Admin. Code
36 Chapter DHS 145 as amended and/or renumbered from time to time, are incorporated by reference
37 and shall apply as set forth or as amended.

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39 (c) Prohibitions. No person or entity shall willfully violate or obstruct the execution of any state statute
40 or rule, Wisconsin Department of Health Services or Oconto County Health Officer's order or rule,
41 county, city or village ordinance enacted under State of Wisconsin Chapter 252 and relating to the
42 public health. Violations may include, but are not limited to the following:

- 43
44 (1) Refusal to obey quarantine or isolation rules or orders.
45 (2) Refusal to obey orders or rules restricting public gatherings.
46 (3) Refusal to cooperate with contact tracing conducted by the Oconto County Health Officer
47 (or designees).
48 (4) Refusal to obey the Oconto County Health Officer's business or facility closure order, when
49 such facility or business has been identified as a setting that fosters disease transmission.
50 (5) Refusal to cooperate with the investigation under this ordinance of any place or its
51 occupants by the Oconto County Health Officer (or designee).

52
53 (d) Authority. Those Oconto County Health Officer, or designee, is conferred citation authority in
54 accordance with Wis. Stat. §66.0113.
55

56 (e) Violations. Whenever a violation of this section is found, the Sheriff, sheriff's deputy, ~~city or village~~
57 ~~law enforcement officer,~~ or the Oconto County Health Officer or designee may issue a forfeiture
58 citation. The Sheriff or sheriff's deputy may investigate a criminal violation pursuant to Wisconsin
59 Statutes Chapter 252 for a criminal violation. Citations issued shall conform to Oconto County Code
60 of Ordinances and Wis. Stats. §66.0113(1)(b) and as amended from time to time.

61
62 (f) Penalties. Any person who violates this section is subject to a minimum forfeiture of \$100.00 but
63 the forfeiture shall not exceed \$500.00 for each violation.

64
65 (g) Application. The foregoing shall be effective in a state of emergency, as set forth in Sections 1 and
66 2, below:

67
68 1. Declared State of Emergency [Ch. 323, Wis. Stats.]

69 A. Declaration by County Board of Supervisors

70 1. Sec. 323.11, Wis. Stats. (as it currently exists or is hereafter revised) is incorporated
71 herein by reference as if fully set forth.

72 a. The Oconto County Board of Supervisors ("County Board") may declare, by
73 ordinance or resolution, an emergency (including a public health emergency per
74 Sec. 323.02(16), Wis. Stats.) existing within Oconto County whenever conditions
75 arise by reason of a communicable disease, a riot or civil commotion, a disaster,
76 or an imminent threat of a disaster, that impairs transportation, food or fuel
77 supplies, medical care, fire, health or police protection, or other critical systems of
78 the local unit of government.

79 b. The period of the emergency shall be limited by the ordinance or resolution to the
80 time during which the emergency conditions exist or are likely to exist.

81 2. If, because of the emergency conditions, the County Board is unable to meet promptly,
82 the County Board Chair will exercise by proclamation all of the powers conferred upon
83 the County Board under Sec. A above that appear necessary and expedient.

84 a. The proclamation shall be subject to ratification, alteration, modification, or repeal
85 by the County Board as soon as that body can meet.

86 b. The subsequent action taken by the County Board shall not affect the prior validity
87 of the proclamation.

88 B. Sec. 323.14(4), Wis. Stats. (as it currently exists or is hereafter revised) is incorporated
89 herein by reference as if fully set forth.

90 1. The emergency power of the County Board conferred under Sec. 1.A.1. above includes
91 the general authority to order, by ordinance or resolution, whatever is necessary and
92 expedient for the health, safety, protection, and welfare of persons and property within
93 the local unit of government in the emergency.

94 2. This includes the power to bar, restrict, or remove all unnecessary traffic, both vehicular
95 and pedestrian, from the highways, notwithstanding any provision of Ch.'s 341 and
96 349, Wis. Stats.

97
98 (h) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court
99 of competent jurisdiction, the remainder of this ordinance shall not be affected.

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101 (i) Purpose. The purpose of this ordinance is to promote the public health, safety and welfare of the
102 citizens of Oconto County.

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104 SECTION 2: This ordinance shall take affect after passage and publication as provided by law.
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111 Submitted this 21st day of May, 2020.

112

113 BY: HEALTH AND HUMAN SERVICES BOARD

114 Al Sleeter, Chair

115 Diane Nichols

116 Karl Ballestad

117 Judith Buhrandt

118 Elmer Ragen

119 Marcia Ellis

120 Loretta Shellman

121 Carolyn Barke

122 Kathy Gohr

123

124

Consent Agenda: _____ Yes _____ No

125

126

Adopted by vote:

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128

Ayes ___ Nays___ Absent ___ Abstain___ Vacant _____

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Reviewed Electronically by Corporation Counsel on 05/19/2020