

DRAFT

6-9-20

ORDINANCE NO. _____

1
2
3 AN ORDINANCE CREATING SUBCHAPTERS I, II, and III OF CHAPTER 11, *HEALTH*
4 *AND WELFARE*, OF THE DODGE COUNTY CODE OF ORDINANCES PERTAINING
5 TO PUBLIC HEALTH AND AMEND SECTION 30.04, *PENALTY PROVISIONS*.

6
7 *The people of the County of Dodge, represented by the Dodge County Board of*
8 *Supervisors, do hereby ordain as follows:*

9
10 **Section 1.** Chapter 11 of the Dodge County Code of Ordinances has been reserved as
11 the Chapter for Health and Welfare related ordinances.

12
13 **Section 2.** On July 6, 2020, the Dodge County Executive Committee recommended
14 creating certain subchapters in Chapter 11 of the Dodge County Code of
15 Ordinances in order to establish certain local health officer duties, authorities,
16 and activities in relation to communicable diseases and human health hazards.

17
18 **Section 3.** On June 3, 2020, the Dodge County Human Services and Health Board
19 recommended creating certain subchapters in Chapter 11 of the Dodge County
20 Code of Ordinances in order to establish certain local health officer duties,
21 authorities, and activities in relation to communicable diseases and human
22 health hazards.

23
24 **Section 4.** Chapter 252 of the Wisconsin Statutes, expressly authorizes, in part, a local
25 health officer to:

- 26
27 1. Promptly take all measures necessary for the prevention, suppression,
28 and control of communicable of diseases;
29
30 2. Inspect schools and other public buildings within the local health officer's
31 jurisdiction, as needed, to determine whether the buildings are kept in a
32 sanitary condition;
33
34 3. Forbid public gatherings, when deemed reasonably necessary, to control
35 outbreaks or epidemics; and,
36
37 4. Investigate the existence of any communicable disease and require a
38 patient to isolate or quarantine.

39
40 **Section 5.** Chapter 254 of the Wisconsin Statutes, authorizes a local health officer to
41 abate human health hazards.

42
43 **Section 6.** Subchapter I of Chapter 11 of the Dodge County Code of Ordinances is
44 hereby created to read as follows:
45
46
47

1 CHAPTER 11

2 HEALTH AND WELFARE

DRAFT

6/9/20

3 Subchapter I – General Provisions.

4
5 **11.01 PURPOSE AND INTENT.** In the interest of the public health, safety and general
6 welfare, the purpose of this Chapter is to protect the people, communities, and
7 environment of Dodge County by:

- 8
9 1. Describing the duties and authorities of the local health officer;
10
11 2. Preventing communicable diseases and spread thereof;
12
13 3. Preventing public health nuisances and human health hazards;
14
15 4. Preventing food and waterborne illnesses and infections and the spread
16 thereof;
17
18 5. Providing for the administration and enforcement of this Chapter and
19 penalties for violations.
20

21 **11.02 AUTHORITY.** This Chapter is adopted pursuant to the authorities granted in
22 Chapters 59, 251, 252, 254 and 323 of the Wisconsin Statutes, as amended, and
23 Chapter DHS 145, of the Wisconsin Administrative Code, as amended.

24 **11.03 JURISDICTION.** The jurisdiction of the Dodge County Human Services and
25 Health Department shall extend to the entire area of Dodge County except that
26 area in which the local governing body has established its own local health
27 department.

28 **11.04 INTERPRETATION.** The provisions of this Chapter shall be the minimum
29 requirements and shall not be deemed a limitation or repeal of any power granted
30 by the Wisconsin Statutes or Administrative Code or other applicable law or
31 Administrative Rule.

32 **11.05 DEFINITIONS.** Words and phrases not defined herein shall have the common
33 meaning as provided in the dictionary.

- 34 1. **BOARD OF HEALTH.** "Board of Health" is the Dodge County Human
35 Services and Health Board.
36
37 2. **COUNTY BOARD.** "Board" is the Dodge County Board of Supervisors.
38
39 3. **COMMUNICABLE DISEASE.** A "Communicable Disease" is any disease
that the State of Wisconsin, Department of Health Services determines, by
rule, to be communicable in fact.

6/9/20

- 1 4. **COUNTY.** "County" shall mean Dodge County.
- 2 5. **DEPARTMENT.** "Department" is the Dodge County Human Services and
- 3 Health Department.
- 4 6. **HUMAN HEALTH HAZARD.** "Human Health Hazard" is defined in Section
- 5 254.01, Wis. Stats., as amended, as a substance, activity or condition that is
- 6 known to have the potential to cause acute or chronic illness, to endanger
- 7 life, to generate or spread infectious diseases, or otherwise injuriously to
- 8 affect the health of the public.
- 9 7. **ISOLATION.** "Isolation" is defined as the physical separation and confinement
- 10 of an individual or a group of individuals who are diagnosed or reasonable
- 11 believed to be infected with a communicable disease.
- 12 8. **LOCAL GOVERNING BODY.** "Local Governing Body" is defined as a town
- 13 or village board or city council.
- 14 9. **MASS GATHERING.** A "mass gathering" is defined as an assembly of
- 15 persons at any place or event in Dodge County open to the public at large,
- 16 whether publicly or privately owned, including but not limited to privately
- 17 owned facilities, parks, libraries, bus stations, technical colleges, theaters,
- 18 arenas, bars, retail establishments and restaurants. The number of persons
- 19 assembled constituting a "mass gathering" will be determined based on,
- 20 among other factors, the presence of or the prevention of the specific
- 21 communicable disease, whether the gathering is indoors or outdoors, the
- 22 designated occupancy limit of the facility or site and the transmission method
- 23 and rate of the specific communicable disease.
- 24 10. **OWNER.** "Owner" shall have the meaning as set forth in Section 254.55(2),
- 25 Wis. Stats., as amended, and shall include an Owner of any property and not
- 26 limited to dwellings.
- 27 11. **LOCAL HEALTH OFFICER.** "Local Health Officer" shall mean the Dodge
- 28 County Public Health Officer.
- 29 12. **PERSON.** "Person" is defined as an individual, partnership, association, firm,
- 30 company, limited liability company, corporation, society, institution or similar
- 31 entity including owner and occupant.
- 32 13. **QUARANTINE.** "Quarantine" is the physical separation and confinement of
- 33 an individual or group of individuals who may have been exposed to a
- 34 communicable disease, who may or may not have signs or symptoms, to
- 35 prevent or limit the transmission of the disease to non-quarantined individuals.

36 **11.06 INSPECTIONS; ENFORCEMENT.**

- 37 1. Investigation/Inspection. Public Health Officer shall investigate upon a report
- 38 of the existence of a communicable disease or human health hazard and

Additions are indicated in **Bold Underline**, deletions are indicated by ~~Single Strikethrough~~

6/9/20

1 may petition the court pursuant to Section 66.0119, Wis. Stats., in the event
2 that entry on the property is refused.

3 2. Citation authority. The Dodge County Public Health Officer is conferred
4 citation authority pursuant to §66.0113, Wis. Stats.

5 3. Except as otherwise provided herein, any person who violates any provision
6 of this Chapter or any order of the County Board issued during a declared
7 emergency or any order of the Dodge County Public Health Officer, as stated
8 herein, is subject to:

9 (a) The issuance of a citation by the Dodge County Public Health Officer or
10 law enforcement officer imposing a forfeiture as provided in Section
11 30.04 of the Dodge County Code of Ordinances in an amount not less
12 than \$250.00 and not more than \$500.00 for each violation.

13 (b) The commencement of a civil action by summons and complaint and
14 the entry of a civil judgment for a forfeiture and/or a temporary or
15 permanent injunction.

16 (c) A separate offense shall be deemed committed each day during or on
17 which a violation occurs or noncompliance continues.

18 (d) Per §252.25, Wis. Stats., any person who willfully violates or obstructs
19 the execution of any state statute or rule, or any Order issued under this
20 Chapter and relating to public health, shall be imprisoned for not more
21 than 30 days or fined not more than \$500 or both.

22 (e) Proceeding under any other ordinance or law relating to the same or
23 any other matter shall not preclude enforcement under this ordinance.

24 **11.07 SEVERABILITY.** Should any portion of this Chapter be declared unconstitutional
25 or invalid by a court of competent jurisdiction, the remainder of this Chapter shall
26 not be affected. It is the intent of the Dodge County Board of Supervisors that all
27 sections and provisions of Chapter 11 are independent and, therefore, shall be
28 severable from and shall not affect the validity of the remainder of this Chapter.

29 **Section 7.** Subchapter II of Chapter 11 of the Dodge County Code of Ordinances is
30 hereby created to read as follows:

31 **Subchapter II – Communicable Diseases and Public Health Orders**

32 **11.08 PUBLIC HEALTH ORDERS; PROHIBITED CONDUCT.**

33 1. Local Health Officer; Duties and Authorities. The Dodge County Public
34 Health Officer shall have those duties and authorities described in Sections
35 251.06 and 252.03, Wis. Stats., as amended from time to time, and DHS
36 145.06 of the Wisconsin Administrative Code, as amended from time to time,
37 and this Chapter.
38

1 2. The Dodge County Public Health Officer, upon the appearance of any
2 communicable disease in Dodge County, shall immediately investigate all
3 circumstances and make a full report to the Dodge County Board of
4 Supervisors and the Wisconsin Department of Health Services.

5 3. The Dodge County Public Health Officer may issue orders.

6 (a) Issuance. Public Health Officer orders may include but are not limited to:

7 i. Forbidding or limiting mass gatherings.

8 ii. Requiring facility (business) closure(s) in the event of an outbreak.

9 iii. Limiting facility (business) occupancy or reduced capacity.

10 iv. Requiring compliance with county-adopted guidelines for sanitation
11 and state operations.

12 v. Appropriate orders in water borne/food borne illnesses/investigation.

13 vi. Requiring isolation or quarantine of an individual.

14 (b) Content. Public Health Orders shall:

15 i. Be specific and reasonably related to the prevention of or spread of
16 an identified communicable disease.

17 ii. Articulate a rational basis for the order including actions designed
18 to prevent the spread of the identified communicable disease.

19 iii. Contain specific findings directly related to the action(s) to be
20 implemented by the order.

21 iv. Be limited in duration to address the identified communicable
22 disease.

23 (c) Procedure. Prior to issuance, the Public Health Officer shall review all
24 Orders with the County Board Chair and seek approval of same. In order
25 to be valid, an Order must be countersigned by the County Board Chair.
26 Issued Orders shall be presented to the Dodge County Board of
27 Supervisors no later than next regular meeting for ratification.

28 **Section 8.** Subchapter III, of Chapter 11, of the Dodge County Code of Ordinances, is
29 hereby created to read as follows:

30 **Subchapter III – Human Health Hazards**

31 **11.09 HUMAN HEALTH HAZARD ABATEMENT.**

6/9/20

- 1 1. Purpose and Intent. The existence of human health hazards and certain
2 unhealthy, unsanitary and unsafe conditions in Dodge County may adversely
3 impact the public health, safety and general welfare of those who live, work
4 or engage in recreational activities in the County. Abating human health
5 hazards protects the public health, safety and welfare by controlling and
6 preventing the spread of communicable diseases and protects the public
7 from unhealthy and unsafe conditions. An Owner shall maintain property
8 free of human health hazards.

- 9 2. Prohibited conduct. No Person shall cause, continue, maintain or permit any
10 Human Health Hazard to exist within Dodge County. Any Person who causes,
11 creates, maintains or permits a Human Health Hazard within the County, or
12 who shall in any way aid or contribute to the cause or maintenance thereof,
13 shall be in violation of this Subchapter and liable for all costs and expenses
14 related to the abatement or removal of the Human Health Hazard and for any
15 applicable penalty provided in this Chapter.

- 16 3. Responsibility of Public Health Officer. The Public Health Officer shall inspect
17 or cause to be inspected property where a Human Health Hazard is alleged to
18 exist. A special inspection warrant may be obtained pursuant to Section
19 66.0119, Wis. Stats., if the Public Health Officer is refused entry to the property
20 to conduct an inspection.

- 21 4. Enforcement.
- 22 (a) Issuance of Abatement or Removal Orders.
- 23 i. Upon completion of an inspection and the finding of a Human
24 Health Hazard, the Public Health Officer may issue a written order
25 for abatement or removal in accordance with the procedures set
26 forth in Section 254.59, Wis. Stats., which order shall specify the
27 abatement or removal actions required and the time period in which
28 the abatement or removal must be completed.
- 29 ii. Written orders shall be personally served or served by certified mail,
30 return receipt requested, on the Owner and any occupant.

- 31 (b) Role of Local Governing Body. The Public Health Officer shall forward
32 a copy of all orders to the Local Governing Body having jurisdiction over
33 the property on which the Human Health Hazard is found. If the Human
34 Health Hazard is not abated or removed within the time period specified
35 in the order, the Local Governing Body may enter upon the property for
36 the purpose of abatement or removal or cause such other action to be
37 taken as permitted by applicable law for the purpose of abatement or
38 removal. If the Local Governing Body fails to abate or remove the
39 Human Health Hazard, the County may enter the property for the
40 purpose of abatement or removal.

6/9/20

(c) Cost of Abatement or Removal of a Human Health Hazard. The cost of the abatement or removal shall be recovered by the Local Governing Body or the County directly from the Owner or any occupant. If the cost is not paid by the Owner or occupant, a special tax or charge may be imposed on the property as allowed by Section 254.59, Wis. Stats. and pursuant to Section 74.01, Wis. Stats.

Section 9. Section 30.04 of the Dodge County Code of Ordinances is hereby amended as follows:

* * * * *

Ordinance	Offense	Deposit	Court Costs	Penalty Surcharge 26%	Jail Surcharge	Crime Lab & Drug	Court Support	Justice Info.	Total Cash Deposit
Chapter 11	<u>Violations of Public Health Ordinance – Orders</u>	<u>250.00</u>	<u>25.00</u>	<u>26.00</u>	<u>10.00</u>	<u>13.00</u>	<u>68.00</u>	<u>21.50</u>	<u>413.50</u>

Section 10. 30.04(4)(d)4. Public Health Officer. The Dodge County Public Health Officer may issue citations for enforcement of Chapter 11, Health and Welfare.

Section 11. Effective Date. This ordinance shall become effective immediately upon enactment by the Dodge County Board of Supervisors and publication.

Section 12. Summary. An Ordinance creating Subchapters I, II, and III of Chapter 11, *Health and Welfare*, of the Dodge County Code of Ordinances pertaining to public health orders.

Section 13. Vote Required. Majority of members present.

Respectfully submitted this 6th day of July, 2020.

Dodge County Executive Committee:

Russell Kottke

Jeffrey C. Schmitt

Dan Hilbert

Joseph Marsik

Kira Sheahan-Malloy

Thomas J. Schaefer

David Frohling

DRAFT

6/9/20

Respectfully submitted this 1st day of July, 2020.

Dodge County Human Services and Health Board:

Mary J. Bobholz

Richard Bennett

Jenifer Hedrick

Lois Augustson

Kira Sheahan-Malloy

Jennifer Keyes

Timothy J. Kemmel

David Godshall

Naomi Kriewald

Enacted and approved this 21st day of July, 2020.

Russell Kottke, Chairman
Dodge County Board of Supervisors

Karen J. Gibson, Dodge County Clerk