

Chapter 38

EMERGENCY DECLARATION BY COUNTY BOARD AND AUTHORITY & DUTIES OF LOCAL HEALTH OFFICER

I. Declared State of Emergency [Ch. 323, Wis. Stats.]

A. Declaration by County Board of Supervisors

1. Sec. 323.11, Wis. Stats. (as it currently exists or is hereafter revised) is incorporated herein by reference as if fully set forth.
 - a. The Door County Board of Supervisors (“County Board”) may declare, by ordinance or resolution, an emergency (including a public health emergency per Sec. 323.02(16), Wis. Stats.) existing within Door County whenever conditions arise by reason of a riot or civil commotion, a disaster, or an imminent threat of a disaster, that impairs transportation, food or fuel supplies, medical care, fire, health or police protection, or other critical systems of the local unit of government.
 - b. The period of the emergency shall be limited by the ordinance or resolution to the time during which the emergency conditions exist or are likely to exist.
2. If, because of the emergency conditions, the County Board is unable to meet promptly, the County Administrator and the County Board Chairperson will exercise by proclamation all of the powers conferred upon the County Board under § A. above that appear necessary and expedient.
 - a. The proclamation shall be subject to ratification, alteration, modification, or repeal by the County Board as soon as that body can meet.
 - b. The subsequent action taken by the County Board shall not affect the prior validity of the proclamation.

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

1. The emergency power of the County Board conferred under § I.A. 1. above includes the general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the local unit of government in the emergency.
2. This includes the power to bar, restrict, or remove all unnecessary traffic, both vehicular and pedestrian, from the highways, notwithstanding any provision of Ch.’s 341 to 349, Wis. Stats.

C. The County Board may review and acknowledge an order from the local health officer, issued under § II.A.2. or 4. below, and affirm application of this ordinance to that order.

II. Local Health Officer’s Duties and Authority [Sec. 252.03, Wis. Stats.]

A. Sec. 252.03, Wis. Stats. and § DHS 145.06, Wis. Adm. Code (as each currently exists or is hereafter revised) are incorporated herein by reference as if fully set forth.

1. The Door County health officer, upon the appearance of any communicable disease in Door County, will immediately investigate all the circumstances and make a full report to the County Board and Wisconsin Department of Health Services.
2. The Door 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 Department of Health Services Secretary may direct.

3. The Door County health officer may inspect schools and other public buildings within his or her jurisdiction as needed to determine whether the buildings are kept in a sanitary condition.
4. The Door 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.
5. No person may interfere with the investigation under this ordinance of any place or its occupants by the Door County health officer or her or his assistants.

III. Violation, Penalty and Enforcement Procedures

- A. Any person who violates or obstructs this ordinance, an order of the County Board under § I.B. above, or an order of the Door County Health Officer under § II.A.2 or 4. above is subject to:
 1. The issuance of a citation pursuant to Ch. 35 Door County Code and Sec. 66.0113, Wis. Stats. A citation hereunder may be issued by the local health officer or county law enforcement officers.
 2. A minimum forfeiture of \$100 to a maximum forfeiture of \$500 for each violation.
 3. The issuance of a summons and complaint, and entry of a civil judgment for a forfeiture and (temporary or permanent) injunctive relief.
- B. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- C. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude enforcement under this ordinance.

IV. Severability.

- A. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

V. Purpose.

- A. The dominant aim of this ordinance is to promote the public health, safety, convenience, and general welfare.

VI. Effective Date:

- A. This ordinance shall take effect after enactment and on the day following the date of publication

(Ord. 2020-06; 05/26/20)