



BOARD OF HEALTH AGENDA

September 14, 2020, 3:30 PM
Virtual Meeting

Board of Health 2020-2024 Goals:

Maintain Health Department's fiscal stability
Support and advocate for public health priorities
Review new and changing community/Health Dept priorities
Ongoing Board of Health improvements

Health Department Mission:

Promoting health and safety for all Eau Claire communities

Health Department Vision:

ECCCHD will be a leader in assuring healthy people in healthy communities

Location: Remote Meeting via Webex Events

Dial In: +1-415-655-0001

Access Code: 145 333 9168

**please remain muted when not speaking*

For those wishing to make public comment regarding an agenda item, you must e-mail Tegan Ruland at tegan.ruland@co.eau-claire.wi.us at least 90 minutes prior to the start of the meeting (2:00PM). Your email will be shared with the Board of Health in advance of the meeting. If you also wish to speak regarding your email you will be called on during the public session in the order in which you email.

1. Call to Order. Welcome Guests. Order of the Agenda. – 5 minutes
2. Public Comment-*The Board of Health and Eau Claire City-County Health Department welcome you. Statements pertinent to agenda items may be made by attendees during the public comment section. We do ask that statements are limited to three minutes per person. You will receive a 30 second warning before time is reached. You will be muted at three minutes to respect opportunity for others to be heard. Written comments may also be provided. A total of 60 minutes will be allocated for public comment during this meeting if needed.*
3. Business Item (Action Required) -
 - a. Review and provide input to City of Eau Claire and Eau Claire County Ordinances related to Communicable Disease General Orders.
4. Next business meeting – **September 23rd, 2020 5:15 p.m.**
5. Adjourn

PLEASE NOTE: Due to requirements contained in the Wisconsin Open Meetings Law, only those matters placed on this agenda may be considered by the Board of Health at this meeting. If any member of the public desires that the Board of Health consider a matter not included on this agenda, he or she should contact a Board of Health Member or the Health Department Director to have the matter considered for placement on a future Board of Health agenda. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710, (FAX) 839-4854, (TDD) 839-4735 or by writing to the ADA Coordinator, Personnel Department, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.



Fact Sheet –09/14/2020 Board of Health Meeting

Agenda Item 3.a

Communicable Disease Ordinances

Attached for Board of Health (BOH) consideration are ordinances from the City of Eau Claire and Eau Claire County related to authority for communicable disease orders of general application under Wisconsin Statute Chapter 252.

Below is an overview of what is prompting these ordinances. The Board of Health, as the governing body for the local health department is asked to review these ordinances, provide input/comment, and provide recommendation to the Eau Claire City Council and Eau Claire County Board for their consideration.

What is the current statutory authority for communicable disease?

The State of Wisconsin has specific state statutes and administrative rules related to the foundational public health responsibility for communicable disease prevention and control. See most notable state citations below. More details can be found at:

<https://docs.legis.wisconsin.gov/statutes/statutes/252/title> and
https://docs.legis.wisconsin.gov/code/admin_code/dhs/110/145

252.03 Duties of local health officers. (1) Every local health officer, upon the appearance of any communicable disease in his or her territory, shall immediately investigate all the circumstances and make a full report to the appropriate governing body and also to the department. The local health officer shall promptly take all measures necessary to prevent, suppress and control communicable diseases, and shall report to the appropriate governing body the progress of the communicable diseases and the measures used against them, as needed to keep the appropriate governing body fully informed, or at such intervals as the secretary may direct. The local 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.

(2) Local health officers 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 department of measures taken.

What is the role of a local health officer and local board of health?

As described (and highlighted) above, the State Statute and administrative rules related to communicable disease speak to local health officers and governing bodies and their role in communicable disease prevention and control. These have further definition and description in statute and rule as well as local ordinance. A few of the places where this is described are below for your reference.

- **City/County Ordinance**

2.52.040 Powers and duties. *The board of health shall:*

A. Govern the health department and assure the enforcement of state public health statutes and public health rules of the state.

- **State Statute**

251.06(3) *A local health officer shall:*

(a) Administer the local health department in accordance with state statutes and rules.

(b) Enforce state public health statutes and rules.

(c) Enforce any regulations that the local board of health adopts and any ordinances that the relevant governing body enacts, if those regulations and ordinances are consistent with state public health statutes and rules.

Given the current general Health Order that is in place for COVID-19, the role of the BOH to date has been to receive the reports from the local health officer (highlighted section above) and take appropriate action as the governing entity. You have been undertaking this responsibility as required in State Statute during all scheduled BOH meetings. The current Health Order is the type of Order to which these attached proposed ordinances would apply. Typically, in a pandemic, this type of order is made at the national or state level. This is what has happened across the country. In Wisconsin, this has not happened since the Safer at Home order was overturned except for the current face covering order. Because of this, we have had a local order since May. The current local Health order can be found at:

<https://www.eauclairewi.gov/Home/ShowDocument?id=32605>

What problem are we solving with this ordinance?

The authority given to local health departments by state statute related to orders that apply generally to the population is broad. When this statute was drafted it was intentionally drafted with language that stated “reasonable and necessary” in order to give the professional local health officer the ability to quickly act using science as the frame. Since 1918 we have not had a situation that required this type of order at a State or Local level until the current COVID-19 pandemic. Questions related to this broad authority and enforceability of general orders have been raised. The nationally developed “template” used by Wisconsin to revise the current statute many years ago was utilized by many states when communicable disease statutes were revised so this issue has become a national as well as state and local conversation. Recent State Supreme Court cases related to the State Safer at Home order have also raised questions related to the following topics which are attempted to be addressed with these ordinances.

- Enforcement ability with violation of a General Order
- Public awareness and public input into the process
- Oversight by the Governing Body (Board of Health) and Legislative Body (City Council, County Board)

What has been done to date?

In order to address these issues in a consistent and responsive way, Eau Claire leadership – health department, City of Eau Claire, and Eau Claire County - have engaged with City and County legal counsel in working through best next steps. At a state level, the Wisconsin Counties Association convened a statewide group to also consider this issue. See <https://covid19.wicounties.org/wca-public-health-guidance-released/> for more information. This has been previously discussed by the Board of Health. Additionally, we have worked with other state and national partners to consider best practice and implications for this type of ordinance including the National Network for Public Health Law. A copy of a recent national article on this topic <https://www.nejm.org/doi/full/10.1056/NEJMp2019662> may provide additional context.

What are the proposed next steps?

- 09/22/20 First reading Eau Claire City Council
- 10/06/20 First reading Eau Claire County Board
- 10/12/20 Eau Claire City Council Public Comment
- 10/13/20 Eau Claire City Council Action
- 10/22/20 Eau Claire County Board Action

Staff Recommendation: Review these ordinances, provide input/comment, and provide recommendation to the Eau Claire City Council and Eau Claire County Board for their consideration at their upcoming meetings.

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 8.04 “CONTAGIOUS DISEASE” BY CREATING SECTION 8.04.021, ENTITLED “LOCAL HEALTH OFFICER ORDERS” OF THE CODE OF ORDINANCES OF THE CITY OF EAU CLAIRE

THE CITY COUNCIL OF THE CITY OF EAU CLAIRE DO ORDAIN AS FOLLOWS:

SECTION 1. That Chapter 8.04, entitled “Contagious Disease” is hereby amended by creating Section 8.04.021, entitled “Local Health Officer Orders” to read as follows:

8.04.021 Local Health Officer Orders

A. Purpose. The city council finds it necessary, in order to protect the public health, safety, and welfare, to empower the local health officer with certain authority, in limited circumstances with adequate procedural and substantive safeguards to ensure public oversight and preserve personal liberties while allowing necessary and prompt response in times of public health emergency, to issue general orders of general application. Any such orders shall be grounded in and supported by the best available scientific understanding as informed by the local conditions in the city of Eau Claire. The need and utilization of general orders is intended to remain exceptional and infrequent, utilized only in times of pandemic or other actual or imminent threat to the community from a highly infectious, novel or otherwise unusually difficult to treat communicable disease, illness, or comparable community wide public health threat that without prompt action significantly threatens the health and imperils the lives of residents. Even in such times, the responsibility of a local health officer to act as is reasonable and necessary cannot encompass anything and everything, but shall be focused. This section neither restricts the local health officer’s statutorily granted authority to issue orders to specific individuals or entities related to communicable disease, nor the local health officer’s ability to issue advisory directives, rather it delegates limited legislative authority compatible with our constitutional structure to promptly issue enforceable orders of general application consistent with chapter 252, Wis. Stats. and this code section, with retained legislative review as provided herein.

B. Order authorized during emergency declaration. In the event an emergency has been declared in the city utilizing the statutory authority provided in chapter 323, Wis. Stats., and such emergency requires an enforceable general local public health order of general application be issued, the local health officer may issue such an order consistent with the requirements of s. 252.03, Wis. Stats., and as supported by the best available scientific understanding, following review and written consent by the city manager, acting in an emergency legislative capacity.

C. Order authorized by city council. In the absence of an emergency declaration, when an enforceable general local public health order of general application is found to be necessary by the local health officer based on the local conditions, the local health officer may issue such an order consistent with the requirements of s. 252.03, Wis. Stats., and as supported by the best available scientific understanding, for a duration recommended to be no longer than 14 days, but in any event shall not be longer than 30 days.

1. Within the duration of any order issued in accordance with this paragraph, the city council may consider on its agenda a resolution to support and uphold such order. If the resolution fails, the order shall become advisory and shall no longer be enforceable within the

city. If the order is not considered by the city council within the duration of the order, the order shall be deemed approved.

2. Orders issued in accordance with this paragraph C. may be issued in no more than 30-day increments up to a maximum of 180 days from the first local public health order issued related to the same incident or local health condition.

a. Upon request of the local health officer, based on local conditions, the city council may consider resolutions to extend the enforceability of a local health officer order for an additional 90 days each to a total maximum of one year.

D. Order authorization by direct legislation. 1. As an alternate means of protecting the public health, safety, and welfare and through additional retained legislative authority, the city council may consider adoption by ordinance of a local health officer order or advisory, in whole or in part, at any time.

2. Ordinance adoption following a properly noticed meeting and public discussion shall be necessary in order to continue enforceability of any local health officer order, in whole or in part, after the time period of one year related to the same incident or local health condition.

E. Procedural Safeguards. Any order issued pursuant to paragraphs B. or C. above shall satisfy all of the following or failing to do so shall be only advisory in nature.

1. As soon as practicable upon issuance of an order and regularly thereafter, the local health officer shall undertake an investigation of all relevant local medical and public health conditions and report the same to the board of health for review and recommendation

2. Such orders shall be no longer than 30 days in effect, but may be renewed for succeeding 30 day or shorter periods as may be required by local conditions.

3. The city manager or local health officer shall make a report to the city council regarding the local conditions and the necessity of any requirements in the local health order at every held, regularly scheduled city council meeting during the order, which shall be at least every 30 days.

4. Publication as a class 1 notice under ch. 985, Wis. Stats. for public notice and awareness of standards of conduct they must follow or be subject to enforcement. Such orders shall have the full force and effect of law immediately upon publication of the order as a class 1 notice under ch. 985, Wis. Stats., and, unless otherwise specifically provided, shall take effect immediately following publication. Publication shall be required upon the initial issuance of an order or upon the renewal of an order in which the substantive requirements for an individual of entity's actions have changed. Orders issued pursuant to paragraph B. above shall be effective immediately and shall be published according to this subsection as soon as practicable.

5. Statements as to the purpose, local conditions, current scientific understanding, and other data and findings required in subparagraphs F.2. through 6. below and all orders, shall be made available to the public through such efforts as posting on a city website and at such other locations as deemed effective by the city to enhance public information. Orders without substantive changes shall also be distributed in such manner.

F. Substantive Safeguards. Any order issued pursuant to paragraphs B. or C. above shall, in addition to requirements in paragraph E. above, also satisfy all of the following or failing to do so shall be only advisory in nature.

1. Only impose such restrictions and requirements as are necessary based on a factual inquiry into local circumstances to prevent, suppress and control direct human health risks proximately related to a highly infectious, novel, or otherwise unusually difficult to treat

communicable disease, illness, or comparable community wide public health threat that without prompt action significantly threatens the health and imperils the lives of residents, as determined in the professional judgment of the local health officer.

2. To the extent feasible, orders shall be content neutral, non-discriminatory, avoid classifications, and reasonable and necessary in scope and duration. Classification shall only be used when necessary, and if necessary, then only when such classification substantially relates to the mitigation of a threat to public health based on local conditions and as supported by best available scientific understanding.

3. State the strategic purpose of the order.

4. State the local health officer's finding that voluntary targeted disease control strategies are inadequate to achieve the order's purpose and that compulsory measures are reasonable and necessary to disrupt disease transmission.

5. State the current scientific understanding on which the order and the findings on which it relies are based, including any available evidence and the reasoning behind any assumptions the public health authority has made regarding the transmissibility and virulence of the infectious agent or toxin, the routes by which the infectious agent or toxin is transmitted, and the factors that determine the risk of transmission as they relate to the content of the order, including the local health officer's finding that a communicable disease as described in subparagraph 1. above is affecting or is likely in the near future to affect the geographic area to which the order is applied and that voluntary measures or targeted disease control measures are unlikely to be adequate to achieve the strategic purpose of the order.

6. Include any limitations, exceptions, or accommodations reasonably necessary to ensure conformance with the requirements of federal, state, and local disability laws, federal and state constitutions.

G. Advisory Directives. The local health officer shall consider the issuance of an advisory directive prior to utilization of paragraph B. or C. above. Mandatory enforceable general orders of general application shall only be utilized when deemed necessary to ensure the public health safety and welfare of the city and as otherwise provided in this section. Local health officer orders issued beyond one year that have not been previously adopted by ordinance prior to that date shall not be enforceable and shall be thereafter solely advisory in nature.

H. Exclusive application. Only those orders issued pursuant to and in compliance with this section shall be applicable within the city of Eau Claire.

I. Definitions. Those definitions contained in Section 2.52.010 are incorporated into this section as if stated fully herein.

J. Penalty. 1. Any person or entity in violation of an order issued pursuant to this section shall be assessed a forfeiture of not less than sixty dollars, in addition to the costs of prosecution. Each action in violation of this section shall constitute a separate violation.

2. Violations of an order issued pursuant to this section may result in the non-issuance or non-renewal of a city-issued license.

3. Violations of an order issued pursuant to this section shall constitute a public nuisance under chapter 9.36 of this code or under chapter 823, Wis. Stats.

SECTION 2. That Section 1.24.030, entitled Deposit schedule and specifically paragraph C. 5 is hereby added to read as follows:

C. The following violations of the code of ordinances shall be Class 3 violations and shall require a cash deposit consisting of a forfeiture of \$200.00 plus applicable costs, penalties, and assessments as prescribed by Wisconsin Statutes:

5. Section 8.04.021 Local Health Officer Orders

(SEAL) _____
President Terry L. Weld

(SEAL) _____
City Manager Dale Peters

(ATTESTED) _____
City Clerk Carrie L. Riepl

First Reading

Final Reading

Adopted

Published

2
3 TO CREATE CHAPTER 8.30 OF THE CODE: COMMUNICABLE DISEASE; TO AMEND
4 SECTION 1.50.020 OF THE CODE: CITATION CODE

5
6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

7
8 SECTION 1. That Chapter 8.30 of the code be created to read:

9
10 Chapter 8.30

11
12
13 COMMUNICABLE DISEASE

14
15 Sections:

16
17
18 8.30.010 Purpose.

19 8.30.020 Definitions.

20 8.30.030 Duties and authority of the local health officer.

21 8.30.040 Orders authorized by the county board.

22 8.30.050 Order authorization by direct legislation.

23 8.30.060 Procedural safeguards.

24 8.30.070 Substantive safeguards.

25 8.30.080 Advisory directives.

26 8.30.090 Exclusive application.

27 8.30.100 Enforcement.

28
29
30 8.30.010 Purpose. The purpose of this Chapter is to establish the authority of the Local
31 Health Officer as defined in section 2.52.06 of the code to ensure for the health and safety of the
32 residents as it relates to communicable disease within Eau Claire County by taking appropriate
33 measures to investigate, prevent, suppress and control communicable disease within Eau Claire
34 County. During such times, the responsibility of the health officer to act in a manner that is
35 reasonable and necessary cannot encompass everything and anything but shall be focused. Any
36 orders that are the result of this ordinance shall be grounded in and supported by the best
37 available scientific understanding as determined by local conditions in the Eau Claire County.
38 The need for and utilization of general orders is intended to remain exceptional and infrequent,
39 and to be utilized only in times of pandemic or other actual or imminent threat, to the residents of
40 the County. This chapter neither restricts the local health officer's statutorily granted authority to
41 issue orders to specific individuals or entities related to communicable disease, nor the local
42 health officer's ability to issue advisory directives, rather it delegates limited legislative authority
43 compatible with constitutional structure and with necessarily retained oversight to promptly issue
44 enforceable orders of general application consistent with Ch. 252 Wis. Stats. and this Chapter.

45
46 8.30.020 Definitions. In this chapter, the following words and terms shall have the
47 following meanings, unless the context clearly requires otherwise:

- 48 A. "Board of health" means the board of health established under 2.52.030.
49 B. "City" means the city of Eau Claire.

- 1 C. "City council" means the city council of the City of Eau Claire.
- 2 D. "County" means Eau Claire County.
- 3 E. "County board" means the Eau Claire County Board.
- 4 F. "DHS" means the State of Wisconsin Department of Health Services.
- 5 G. "Health department" means the Eau Claire city-county health department

6 established under 2.52.020.

7 H. "Local Health Officer" is the Director of the Health Department as established
8 under 2.52.060.

9 I. "Public Gathering" is gathering or assembly of individuals, not of the same
10 household, at a public place, business or event that is open or accessible to members of the
11 community at large.

12
13 8.30.030 Duties and authority of the local health officer. Consistent with the language of
14 Wisconsin Statutes § 252.03 the Local Health Officer shall have the following duties and
15 authority:

16 A. Investigation. Upon the appearance of any communicable disease in the County
17 shall immediately investigate and make a full report to the Board of Health as to the nature and
18 spread of the disease.

19 B. Do what is reasonable and necessary for the prevention and suppression of
20 disease, including ordering isolation and quarantine consistent with Wisconsin Statutes §§252.06
21 and 252.07.

22 C. Consistent with Wisconsin Statutes §252.03 may inspect schools and other public
23 buildings as needed to determine whether the buildings are kept in sanitary condition.

24 D. May do what is reasonable and necessary for the prevention and suppression of
25 disease, including prohibiting or limiting public gatherings when deemed necessary to control
26 outbreaks identified to individuals or businesses, subject to the following:

27 I. Orders directed at specific individuals or businesses shall be based on the
28 best available scientific understanding as informed by the local conditions in Eau Claire County
29 that an individual or business is either infected or the source of a community based infection,
30 and that in order to stop the spread of the infection it is necessary to order the individual or
31 business to quarantine, isolate or close, but only for so long as is necessary to stop or suppress
32 the spread of the disease, and shall only be in effect until such time as the business has taken the
33 appropriate actions to appropriately sanitize the business and take the appropriate precautions to
34 prevent future spread of the disease; or the individual has completed the quarantine or has been
35 released from isolation under health department guidelines.

36
37 8.30.040 Orders authorized by the county board. In the absence of an emergency
38 declaration, when an enforceable general local public health order of general application is found
39 to be necessary by the local health officer, based on the best available scientific understanding of
40 the conditions in Eau Claire County, the local health officer may issue such an order consistent
41 with the requirements of s. 252.03, Wis. Stats., for a duration of no longer than 30 days.

42 A. Within the duration of any order issued in accordance with this paragraph, the
43 county board may consider on its agenda a resolution to support and uphold such order. If the
44 resolution fails, the order shall become advisory and shall no longer be enforceable within the
45 county. If the order is not considered by the county board within the duration of the order, the
46 order shall be deemed approved.

47 B. Orders issued in accordance with this chapter may be issued in no more than 30
48 day increments up to a maximum of 180 days from the first local public health order issued
49 related to the same incident or local health condition.

1 1. Upon request of the local health officer, based on local conditions, the
2 county board may consider resolutions to extend the enforceability of a local health officer order
3 for an additional 90 days each to a total maximum of one year.
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7 8.30.050 Order authorization by direct legislation. As an alternative means of protecting
8 the public health, safety and welfare of the county and its residents, the county board may
9 consider adoption by ordinance of a local health officer order, or advisory, in whole or in part, at
10 any time. Ordinance adoption following a properly noticed meeting and public discussion shall
11 be necessary in order to continue enforceability of any local health officer order, in whole or in
12 part, after the time period of one year related to the same incident or local health condition.
13

14 8.30.060 Procedural safeguards. Any order issued pursuant to this chapter shall satisfy
15 all of the following or failing to do so shall be only advisory in nature.

16 A. As soon as practicable upon issuance of an order and regularly thereafter, the
17 local health officer shall undertake an investigation of all relevant local medical and public
18 health conditions and report the same to the board of health for review and recommendation.

19 B. Such orders shall be no longer than 30 days in effect but may be renewed for
20 succeeding 30 day or shorter periods based on local conditions.

21 C. The local health officer shall make a report to the county board regarding the local
22 conditions and the necessity of any requirements in the local health order at every held regularly
23 scheduled county board meeting during the order, which shall be at least every 30 days.

24 D. Publication as a class one notice under ch. 985, Wis. Stats. for public notice and
25 awareness of standards of conduct they must follow or be subject to enforcement. Such orders
26 shall have the full force and effect of law immediately upon publication of the order as a class 1
27 notice under ch. 985, Wis. Stats., and, unless otherwise specifically provided, shall take effect
28 immediately following publication. Publication shall be required upon the initial issuance of the
29 order and for any renewal of the order in which the substantive requirements for an individual or
30 entity's actions have changed. Orders issued during an emergency declaration shall be effective
31 immediately and publication according to this subsection shall be made as soon as practicable.

32 E. Orders issued during emergency declarations shall contain a statement as to the
33 purpose, local conditions, current scientific understanding, or other data and findings required in
34 subsections 8.30.070 B-F. below, and shall be made available as soon as possible to the public
35 through effort such as posting on the City/County Health Department website, and/or a release of
36 information to the local press. Orders without substantive changes shall be distributed in such a
37 manner.
38

39 8.30.070 Substantive Safeguards. Any order issued pursuant to this chapter shall also
40 satisfy all of the following or failing to do so shall be only advisory in nature.

41 A. Only impose such restrictions and requirements as are necessary based on a
42 factual inquiry into local circumstances to prevent, suppress and control direct human health
43 risks proximately related to a highly infectious, novel or otherwise unusually difficult to treat
44 communicable disease, illness, or comparable community wide public health threat that without
45 prompt action significantly threatens the health and imperils the lives of residents as determined
46 in the professional judgment of the local health officer.

47 B. To the extent feasible, orders shall be content neutral, non-discriminatory, avoid
48 classifications and shall be reasonable and necessary in scope and duration . Classification shall
49 only be used when necessary, and if necessary, then only when classification substantially relates

1 to the mitigation of a threat to public health based on local conditions and as supported by best
2 available scientific understanding. n scope and duration.

3 C. State the strategic purpose of the order.

4 D. State a finding by the local health officer that voluntary targeted disease control
5 strategies are inadequate to achieve the order’s purpose and that compulsory measures are
6 reasonable and necessary to disrupt the disease transmission.

7 E. State the current scientific understanding on which the order relies are is based,
8 including any available evidence and the reasoning behind any determinations the public health
9 officer has made regarding the transmission and virulence of the infectious agent or toxin, the
10 routes by which the it is transmitted, and the factors the determine the risk of transmission as
11 they relate to the content of the order, including the local health officer’s finding that a
12 communicable disease as described in subparagraph A. above is affecting or is likely in the near
13 future to affect the geographic area to which the order is applied and that voluntary measures or
14 targeted disease control measures are unlikely to be adequate to achieve the strategic purpose of
15 the order.

16 F. Include any limitation, exceptions, or accommodations reasonably necessary to
17 ensure conformance with requirements of federal, state, and local disability laws, federal and
18 state constitutions.

19
20 8.30.080 Advisory directives. The local health officer shall consider the issuance of an
21 advisory directive prior to utilization of county board authorization under this chapter.
22 Mandatory enforceable general orders of general application shall only be utilized when deemed
23 necessary to ensure the public health safety and welfare of the county as determined in the
24 legislative discretion of the county board as directly exercised or lawfully delegated in this
25 chapter. Local health officer orders issued beyond one year that have not been previously
26 adopted by ordinance prior to that date shall not be enforceable and shall be thereafter solely
27 advisory in nature.

28
29 8.30.090 Exclusive application. Only those orders issued pursuant to and in compliance
30 with this chapter shall be applicable within Eau Claire County.

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32 8.30.100 Enforcement. Failure of an individual or business to comply with the order of
33 the Local Health Officer may result in the issuance of a citation by the Local Health Officer or
34 his or her designee, resulting in a forfeiture of up to \$200 per incident, with each incident
35 constituting a new and separate violation.

36
37 SECTION 2. To amend Section 1.50.020 of the code:

38

| <u>ORDINANCE</u> | <u>OFFENSE</u> | <u>DEPOSIT</u> |
|------------------|--------------------------------------|----------------|
| 39 8.20.090 | Animal control - violation—penalties | 500.00 |
| 40 8.30.040 | Communicable Disease Order | 200.00 |
| 41 9.40.040 | License - Assemblies | 500.00 |

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43

44 ENACTED:

45
46 The foregoing represents the action of the
47 Committee on Administration on
48 September _____, 2020 by a vote
49 of _____ for, _____ against.

46 The foregoing represents the action of the
47 City-County Board of Health on
48 September _____, 2020 by a vote
49 of _____ for, _____ against.

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Nick Smiar, Chair
Committee on Administration

Merey Price, Chair
City-County Board of Health