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

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

Chapter 8.30

COMMUNICABLE DISEASE

Sections:

8.30.010 Purpose.
8.30.020 Definitions.
8.30.030 Duties and authority of the local health officer.
8.30.040 Orders authorized by the county board.
8.30.050 Order authorization by direct legislation.
8.30.060 Procedural safeguards.
8.30.070 Substantive safeguards.
8.30.080 Advisory directives.
8.30.090 Exclusive application.
8.30.100 Enforcement.

8.30.010 Purpose. The purpose of this Chapter is to establish the authority of the Local Health Officer as defined in section 2.52.06 of the code to ensure for the health and safety of the residents as it relates to communicable disease within Eau Claire County by taking appropriate measures to investigate, prevent, suppress and control communicable disease within Eau Claire County. During such times, the responsibility of the health officer to act in a manner that is reasonable and necessary cannot encompass everything and anything but shall be focused. This chapter 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 constitutional structure and with necessarily retained oversight to promptly issue enforceable orders of general application consistent with Ch. 252 Wis. Stats. and this Chapter.

8.30.020 Definitions. In this chapter, the following words and terms shall have the following meanings, unless the context clearly requires otherwise:
A. "Board of health" means the board of health established under 2.52.030.
B. "City" means the city of Eau Claire.
C. "City council" means the city council of the City of Eau Claire.
D. "County" means Eau Claire County.
E. "County board" means the Eau Claire County Board.
F. "DHS" means the State of Wisconsin Department of Health Services.
G. "Health department" means the Eau Claire city-county health department established under 2.52.020.

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

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

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

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

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

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

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

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

8.30.040 Orders authorized by the county board. 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 best available scientific understanding of the conditions in Eau Claire County, the local health officer may issue such an order consistent with the requirements of s. 252.03, Wis. Stats., for a duration of no longer than 30 days.

   A. Within the duration of any order issued in accordance with this paragraph, the county board 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 county. If the order is not considered by the county board within the duration of the order, the order shall be deemed approved.

   B. Orders issued in accordance with this chapter 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.

       1. Upon request of the local health officer, based on local conditions, the county board 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.
8.30.050 Order authorization by direct legislation. As an alternative means of protecting the public health, safety and welfare of the county and its residents, the county board may consider adoption by ordinance of a local health officer order, or advisory, in whole or in part, at any time. 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.

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

A. 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.

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

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

D. Publication as a class one 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 the order and for any renewal of the order in which the substantive requirements for an individual or entity’s actions have changed.

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

A. 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.

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

C. State the strategic purpose of the order.

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

E. State the current scientific understanding on which the order relies are is based, including any available evidence and the reasoning behind any determinations the public health officer has made regarding the transmission and virulence of the infectious agent or toxin, the routes by which the it is transmitted, and the factors the 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 A. 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.

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

8.30.080 Advisory directives. The local health officer shall consider the issuance of an advisory directive prior to utilization of county board authorization under this chapter. Mandatory enforceable general orders of general application shall only be utilized when deemed necessary to ensure the public health safety and welfare of the county as determined in the legislative discretion of the county board as directly exercised or lawfully delegated in this chapter. 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.

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

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

SECTION 2. To amend Section 1.50.020 of the code:

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<td>License - Assemblies</td>
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ENACTED:

The foregoing represents the action of the Committee on Administration on September ______, 2020 by a vote of _____ for, _____ against.

Nick Smiar, Chair
Committee on Administration

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

Merey Price, Chair
City-County Board of Health