



# ASHLAND COUNTY

## HEALTH & HUMAN SERVICES DEPARTMENT

630 SANBORN AVENUE • ASHLAND, WISCONSIN 54806  
Phone: (715)-682-7004 • Fax: 715-682-7924 • TTY: 715-682-7023  
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### Communicable Disease Ordinance Ordinance Number O09-2023-125

#### 1. Definitions:

Definitions enumerated - the following definitions apply throughout the entire ordinance.

- A. “Communicable disease” means any disease that the Wisconsin Department of Health Services determines, by rule, to be communicable in fact.
- B. “Municipality” means any city, village, or town.
- C. “Outbreak” means an unusual aggregation of health events that are grouped together in a short period of time and limited geographic area.
- D. “Public gathering” means an assembly or meeting of people that is accessible to or shared by all members of the community or otherwise generally related to business or community interests. “Public gathering” includes assemblies, meetings or crowds in any location that is open to the public at large.

#### 2. Purpose:

The purpose of this Ordinance is to promote the public health and safety of all persons within the County of Ashland by preventing, suppressing, and controlling communicable diseases. The Health Officer is charged by Wis. Stat., sec. 251.06(3) with the duty to enforce state public health statutes and rules. Consistent with state statute, it shall be a violation of this Ordinance to refuse to obey a Health Officer order issued to prevent, suppress or control communicable disease pursuant to Wis. Stat. sec 252.03.

#### 3. Authority:

The authority for this Ordinance is Chapter 252, Wis. Stats.; §§ 66.0113 and 66.0119, Wis. Stats., §251.06(3), Wis. Stats., DHS 145.05 and 145.06, Wis. Admin. Code (as each currently exists or is hereinafter revised), which are incorporated herein by reference as if fully set forth at length.  
[Reference 2021-22 statutes]

#### 4. Jurisdiction:

Pursuant to Wisconsin Statute §251.08, jurisdiction of this Ordinance by the Ashland County Health Department shall extend to the entire area within Ashland County.

#### 5. Local Health Officer’s Duties and Responsibilities:



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The duties and responsibilities set forth in Wisconsin Statute §251.06(3), and Wisconsin Administrative Code DHS §145.06 (as each currently exist or is hereafter revised) are incorporated herein by reference as if fully set forth; shall be performed by the Ashland County Health Officer, and they shall administer the policies, programs, and services of the Ashland County Health Department.

- A. The Ashland County Health Officer or designee, upon the appearance of any communicable disease outbreak, epidemic, or pandemic in Ashland County, shall immediately investigate all the circumstances and make a full report to the Wisconsin Department of Health Services.
- B. The Ashland County Health Officer will promptly take all measures necessary to prevent, suppress, and control communicable disease, and will report to the County Board the progress of any communicable disease outbreak, epidemic, or pandemic 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.
- C. The Ashland County Health Officer may inspect schools, places of employment, and other public buildings within their jurisdiction as needed to determine whether the buildings are kept in a sanitary condition.
- D. The Ashland County Health Officer may establish systems of disease surveillance and inspection to ascertain the presence of any communicable disease within their jurisdiction. The Ashland County Health Officer may, with a special inspection warrant issued under §66.0119, Wisconsin Statute, enter any private property, building, place of employment, vessel or conveyance not open to the public to inspect the same, to issue orders, and/or to remove therefrom any person affected by a communicable disease if necessary to promote the safety and welfare of the public.
- E. The Ashland County Health Officer may issue orders for guarding against the introduction of any communicable disease into the jurisdiction, for the control and suppression of communicable diseases, for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by a communicable disease and for the sanitary care of schools, places of employment, public buildings and places.
- F. The Ashland County Health Officer may require isolation and/or quarantine of a subject confirmed to have a communicable disease or of an individual who has been in contact with a subject confirmed to have a communicable disease.
- G. If the Health Officer suspects or is informed of the existence of any communicable disease, the Health Officer shall at once investigate and make or cause such examinations to be made as are necessary. The diagnostic report of a physician, the



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notification or confirmatory report of a parent or caretaker of the patient, or a reasonable belief in the existence of a communicable disease shall require the local health officer to immediately quarantine, isolate, require restrictions or take other communicable disease control measures in the manner, upon the persons and for the time specified in rules promulgated by the department. If the local health officer is not a physician, they shall consult a physician as speedily as possible where there is reasonable doubt or disagreement in diagnosis and where advice is needed. The local health officer shall investigate evasion of the laws and rules concerning communicable disease and shall act to protect the public.

H. The Ashland County Health Officer may close schools and forbid public gatherings in schools, churches, places of employment, public buildings, private property, and other places, when deemed necessary, to control outbreaks, epidemics, or pandemics.

I. Any rule or order may be made applicable to the whole or any specified part of Ashland County or to any vessel or other conveyance. Orders that are issued under the authority herein supersede conflicting or less stringent regulations, orders, or ordinances.

J. The Ashland County Health Officer may authorize and implement all emergency measures necessary to control communicable diseases and do what is reasonable and necessary for the prevention and suppression of the disease including, but not limited to, prohibiting public and private gatherings when deemed necessary to control outbreaks, epidemics, or pandemics and shall advise the Wisconsin Department of Health Services of measures taken.

K. No personal may interfere with an investigation of any place or its occupants by the Ashland County Health Officer or their designees, under this Ordinance.

### 6. Compliance:

A. **Written Orders:** Compliance with this Ordinance shall include compliance with written orders issued under this ordinance itself or state health laws by the Ashland County Health Officer or their designees to abate and/or contain communicable disease or to bring any other situation or condition in noncompliance with this ordinance into compliance.

B. **Noncompliance:** Noncompliance with this ordinance and/or with a written order from the Ashland County Health Officer or their designees shall be cause for penalties pursuant to section seven (7) below.

### 7. Enforcement:



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A. Written order: When a violation of this Ordinance is encountered, the Ashland County Health Officer or their designees may issue a written order to the violator. The order shall specify the following:

1. The nature of the violation and the steps needed to abate and/or correct the violation.
2. The time period in which the violation must be corrected and/or abated (usually one to five days or ten to thirty days, depending on the nature of the violation).
3. The penalty or penalties the violator will be subject to if the apparent violation is not abated and/or corrected within the given time period.

B. Exceptions to Written Order: In cases where a violation poses an immediate human health threat as determined by the Ashland County Health Officer or their designee, or in the case of repeated occurrences of the same violation by the same persons, actions specified in section eight (8) may be initiated immediately.

### 8. Violations and Penalties:

A. Any person who violates or obstructs this Ordinance, an order of the Ashland County Health Officer under this Ordinance, or requirements of state statutes and/or regulations adopted by this ordinance, is subject to the following:

1. Commencement of legal action, seeking a court imposed forfeiture of not less than \$100 nor more than maximum forfeiture of \$500 for each violation together with the cost of prosecution.
2. The issuance of a summons and complaint, and entry of a civil judgement for a forfeiture and injunctive (temporary and/or permanent) relief.
3. Suspension of any license or permit issued by the Ashland County Health Department.

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 related to the same or any other matter shall not preclude enforcement under this Ordinance.

### 9. Appeal of Health Officer Orders:

A. Any person aggrieved by an Order issued by the Ashland County Health Officer, under this Ordinance, may appeal such Order to the Ashland County Board of Health. The appeal must be written within thirty (30) days of issuance and the Ashland County Board of Health may then rescind, amend, or continue such Order by majority vote of the members present. Said Order will continue until reviewed by the Ashland County Board of Health.



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B. The appeal procedure in this paragraph is exclusive to the review of Orders issued by the Health Officer and shall not provide a secondary route for appeal and/or collateral attack of an enforcement proceeding commenced under Paragraph 8 herein.

C. If an appeal is commenced under this paragraph requesting review of any Order of the Health Officer, any pending enforcement action under paragraph 8 relating to said Order being appealed shall be stayed until a final determination by the Ashland County Board of Health on the validity of such Order. If an appeal is written, it does not override the Order. The order remains intact until a determination is made to rescind, amend, or continue the order.

10. Severability:

Severability: Each section, paragraph, sentence, clause, word and provision of this ordinance is severable, and if any provisions shall be held unconstitutional or invalid for any reason, such decisions shall not affect the remainder of this ordinance nor any part thereof other than that affected by such decision.

11. Effective Date:

This Ordinance shall become effective of the date following the date of its publication.

*Date of Publication: October 6, 2023*