

# Frequently Asked Questions

## Eau Claire County Code Chapter 8.30 “Communicable Disease” and City of Eau Claire Section 8.04.021 “Local Health Officer Orders”

### **Q: What does this ordinance do?**

A: This ordinance provides the legislative oversight and constitutional safeguards that allow the local health officer to issue enforceable public health orders of general applicability when, without the action of the local health officer, human life is threatened as the result of a highly infectious, novel, or difficult to treat disease. This ordinance provides a frame for local health orders in general and is not specific in any way to COVID-19.

### **Q: Why is this ordinance needed?**

A: This ordinance delegates a defined scope of authority to act locally in times of severe public health emergencies with enforcement authority, within the statutorily created framework of authority for local health officers. The ordinance prepares for that eventuality and provides the legislative authorization in advance with constitutionally required substantive and procedural standards to produce local public health orders that are consistent with broad policy, protective of individual liberties, limited in duration, and yet are timely and effective when necessary as an emergency response.

### **Q: What is the difference between a local health order and an ordinance?**

A: Local health orders are put in place for a specific threat, such as an outbreak of a communicable disease. Since May 2020, the Eau Claire City-County Health Department has been issuing 14-day local public health orders with **specific** requirements and recommendations to slow the spread of COVID-19. In contrast, the proposed ordinances provide a set of standards and procedures for any current and future public health orders, even after local orders for COVID-19 are no longer needed.

### **Q: Does this ordinance give the local health officer additional authority?**

A: No, the local health officer is limited to the authority granted by state statute. The local ordinance puts in place safeguards and sets opportunities for oversight by local governing bodies (Eau Claire County Board and Eau Claire City Council).

### **Q: What does having an ordinance mean for making the current health order enforceable?**

A: If the ordinances are adopted by the City Council and County Board, and the substantive and procedural safeguards are met, the COVID-19 Prevention and Control Order will be enforceable in the City and County.

**Q: What will happen if someone violates or goes against a local health order after these ordinances are adopted?**

A: Both the City and County ordinances state that a citation can be given in the amount of \$200 for each violation, plus all applicable court costs. Under the City ordinance, additional penalties may include prosecution of violations as a public nuisance. Businesses or other entities that hold a City license and fail to follow an order may face licensing penalties.

**Q: If either the City Council or County Board disagree with the local health officer's order, what can they do?**

A: The City Council or County Board may review the local health order and determine whether a portion or all of the order should continue. If the City Council or County Board does not decide to keep the order by a majority vote, then the order, or the portion of it under discussion, becomes a recommendation rather than requirement.

**Q: If the City Council approves a local health officer order, but the County Board does not, what happens then?**

A: The ordinances start from a place of consistency, assuming effectiveness and application of the order in all applicable jurisdictions. If either the Council or Board disagrees with the local health order, but the other does not, then the order is advisory in the jurisdiction not in agreement.

**Q: How long can orders remain in effect?**

A: Orders can only be in place as long as local conditions indicate the need for one based on the best available scientific information. The ability to continue issuing health orders must also be reviewed by local legislative bodies (City Council and County Board) at least after 180 days, but each specific order can also be reviewed by the local legislative bodies. The City Council and the County Board can extend the ability to issue an order for up to an additional 6 months. After this time, the ordinances require that the order either become part of local ordinances as direct legislation or become advisory.

**Q: If these ordinances are adopted, what entity is responsible for enforcement of a public health order?**

A: The Eau Claire City-County Health Department will handle the enforcement of any orders.

**Q: Does this ordinance allow for the Health Department to require vaccines?**

A: No, this ordinance does not address vaccination requirements and it does not authorize a vaccination order. Vaccination requirements, and any exceptions, are a matter of state law.