



# FOX POINT FILES

BY DOUGLAS H. FRAZER

## LOCAL GOVERNMENT EMERGENCY POWERS

PART 2

**I**n Part 1 we covered the state and local laws that address public emergencies. In the context of the COVID-19 pandemic, we turn to the role of public health officers and North Shore's response to this unique emergency.

### Special powers of public health officers.

Wisconsin law grants the Department of Health Services the authority to "close schools and forbid public gatherings in schools, churches, and other places to control outbreaks and epidemics" and "authorize and implement all emergency measures necessary to control communicable diseases." Wis. Stat. Section 252.02

In the event of a declared state of emergency, local public health officers, including the director the North Shore Health Department, have authority akin to law enforcement when it comes to issuing orders to address, prevent, suppress and control communicable diseases. Local health officers may do what is reasonable and necessary for the prevention and suppression of disease, including forbidding public gatherings when deemed necessary to control outbreaks or epidemics. Wis. Stat. Section 252.03(2).

Any person who willfully violates or obstructs the execution of any state statute or rule, county, city or village ordinance or departmental order may be imprisoned for not more than 30 days or fined not more than \$500 or both. Wis. Stat. Section 252.25.

**The North Shore's Response to the COVID-19 Pandemic.** Here was the sequence of events (in 2020).

- » March 11, President Donald Trump declared a national health emergency in response to COVID-19.
- » March 12, Wisconsin Governor Tony Evers issued Executive Order #72 declaring a health emergency in response to COVID-19.
- » March 13, Milwaukee County Executive Chris Abele declared a local public health emergency in response to COVID-19.
- » March 14, chief elected officials of the seven Milwaukee County North Shore municipalities issued an emergency statement concerning our response to the COVID-19 pandemic.

About the same time the chief elected officials of each North Shore municipality issued a declaration of municipal emergency. A short time later, each municipality modified its procedures to permit meetings to be held remotely.

The North Shore Health Department is the agency that administers public health services for Bayside, Brown Deer, Glendale, Fox Point, Shorewood, Rivers Hills, and Whitefish Bay. The chief elected officials and senior staff of each municipality worked closely with one another and the director of the North Shore Health Department to coordinate our response. The North Shore Health Department began issuing daily reports concerning COVID-19 cases in our communities.

In addition, we worked with the director of the Milwaukee County Office of Emergency

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Management, the Intergovernmental Cooperation Council (ICC) consisting of the chief elected officials of the county's 19 municipalities and the county executive, the county's chief municipal public health officers, the North Shore Fire and Rescue chief, and top officials from other fire and rescue departments in the county.

The ICC created a combined and coordinated county-wide emergency response unit. The chief elected officials and others in leadership positions participated in teleconferences at least three times a week.

Our mobilization was deliberate but measured. Our priority was to protect our residents while continuing essential services.

**Conclusion.** Public safety is a core function of government. In the case of public health related emergency, local government is usually in the best position to respond. North Shore officials and representatives will continue to do what needs to be done during this challenge.

*Douglas H. Frazer is a Fox Point resident and neighborhood contributor as well as the village president. The views expressed are his own and not necessarily those of the Village, the village board, other village board members, or Best Version Media, LLC.*

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