


Establishing Local Ordinances

Jefferson County Health Department



Definitions

- **Statute:** A law enacted by the legislative branch of a government
- **Administrative Rules:** Policies that state agencies issue on a variety of subjects
- **Ordinance:** A law or regulation made by a city or town government
- **Resolution:** A formal expression of opinion, will, or intent voted by an official body or assembled group
- **Code:** A systematic statement of a body of law; especially one given statutory force

Communicable Disease Funding Resolution

Resolution to Support funding of comprehensive, sustainable, effective and evidence based communicable disease control and prevention

Executive Summary

A strong public health infrastructure is paramount to the health of all citizens. Emerging and existing communicable diseases threaten the lives and well-being of Wisconsin residents. These communicable diseases include Ebola, H1N1, measles, HIV/AIDS, tuberculosis, influenza and measles and require substantial resources to contain. Wisconsin has no dedicated federal or state funding sources for communicable disease control and prevention. Wisconsin local health department communicable disease programs protect residents by investigating and controlling communicable diseases, collecting data, educating the community about prevention and the importance of immunizations, and caring for those affected by these diseases. Public health departments have been successful in controlling communicable diseases through case reporting and involvement of public health staff in referral of exposed persons for screening and prevention services. Local health departments have placed a high priority on communicable disease control which is one of the ten essential functions of public health. This resolution urges the state legislature to develop and enact bipartisan support for funding of comprehensive, sustainable, effective and evidence based communicable disease control and prevention for the lives and well-being of Wisconsin residents.

Why Establish Local Ordinances?

- State statutes and administrative code may not offer adequate protection/guidance for your community.
- Prior to "Smoke-Free Wisconsin" there were many counties with smoke-free ordinances
- Local ordinances can strengthen and further clarify the role of public health



Why Local Ordinances?

- Wisconsin is a "Home Rule" state that allows local government the capability to go beyond what is required in the state statutes to better address local needs.
- Ordinances provide a streamlined process for managing issues locally.
- Ordinances provide information and education for the public.
- Local ordinances can adopt (full or in part) the appropriate Wis. Stats. and Adm. Code.

Why Local Ordinances?



- Quicker and easier to enforce if enabling legislation is local.
- Raises visibility and legitimacy of the local department.
- Local contacts and knowledge of the area.
- Potential for a quicker and more frequent response/inspections.

Examples of Local Ordinances

ENVIRONMENTAL SANITATION ORDINANCE

ADMINISTRATION. This ordinance shall be administered by the County Health Department and shall be in effect in all parts of the County except the City of Watertown.
Ordinance is for the inspection and licensing of facilities such as restaurants, hotels, swimming pools, campgrounds, delis, etc.

PUBLIC HEALTH HAZARD AND PUBLIC NUISANCE ORDINANCE

Ordinance No. 16 is hereby repealed and recreated as follows:
16.01 PURPOSE. The purpose of this ordinance shall be to protect public health, safety and welfare, and prevent the depreciation of property values due to a person's actions or property constituting a violation of the conditions of this ordinance.

Examples of Local Ordinances

JEFFERSON COUNTY SMOKE FREE AIR ACT

DEFINITION

- (a) "Smoking" shall mean inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" shall include the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.
- (b) "E-Cigarette or Electronic Delivery Device" shall mean any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. "Electronic Delivery Device" shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor. [am. 06-08-10, Ord. 2010-10; 06-09-2015, Ord. No. 2015-06]

Conclusions

- Ordinances give legal authority to locals to address community needs
- Useful when a community feels state laws are not strong enough
- Should focus on being educational rather than punitive
- Allows health department to work collaboratively with other agencies
- Process may vary, but outcomes are similar

Local Government Structure

Counties:

- County Executive or Administrator
- County Board Chair
- County Board of Supervisors
- Committees

Cities:

- Mayor
- Common Council
- City Administrator

Villages:

- Village Board resident
- Village Manager
- Trustees





Public Health Is Never Boring...

- The nudist party:
 - Collaborative response from the State Division of Public Health and Jefferson County Health Department
- The first week of becoming an Agent of the State:
 - Salmonella outbreak during Car Show weekend



Becoming an Agent of the State for Environmental Health



Establishing ordinances:

- 1st step in becoming an Agent of the State for food, recreational and lodging licensing

Navigating the Maze: People



- Local Sanitarian
- Health Officer/Dept. Director
- County Administrator/County Board Chair
- Board of Health Members
- Finance Committee
- County Legislation and Rules Committee or Administrative Committee
- County Corporation Counsel
- 30 County Board of Supervisors
- State Division of Public Health/Department of Agriculture
- Businesses

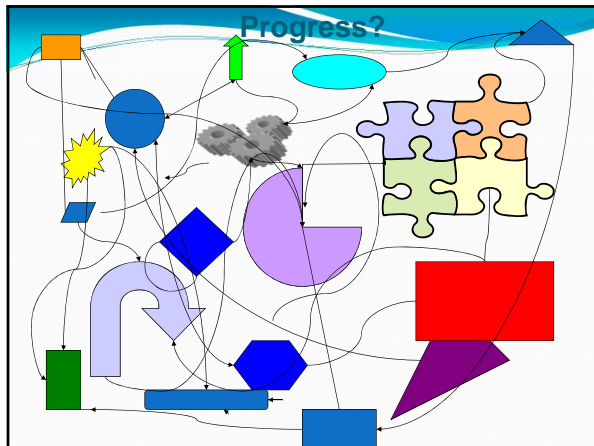
Navigating the Maze: Drafting the Rules

- Local Sanitarian and Health Officer met to discuss the need for a local ordinance and look at feasibility and cost of program. Ordinance drafted.
- Draft reviewed by County Corporation Counsel.
- Proposed draft to County Administrator and County Board Chair.
- Discussed and approved by County Board of Health.



Navigating the Maze: Meetings

- Discussed and approved by County Legislative and Rules Committee.
- Sent on to full County Board for their review and approval. Amendments may be made at this time.
- Agent of the State MOU sent to State Division of Public Health for their review and approval. (Less arduous process when Department of Agriculture, Trade and Consumer Protection took over the program.)
- Public hearings for local businesses may be held before full County Board approval.
- Ordinance published and program started.
- Reviewed by Board of Health on a regular basis. Have returned to full County Board for fee increases.



Hurdles to Success

- Many players
- Need for education
- Pressure from constituents including businesses
- Politics vs. good public health policy
- Extended time frame
- Legal concerns
- Funding



Ordinance Adopted!







