

**INSTRUCTION SHEET
ADDITIONS TO
MILWAUKEE CODE OF ORDINANCES
VOLUME 1**

SUMMARY

This supplement incorporates changes to Volume 1 of the Milwaukee Code of Ordinances enacted by the following Common Council file:

200426 A substitute ordinance relating to a requirement for face coverings in public spaces during the COVID-19 pandemic.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove <u>old</u> MEMO (Suppl. #404)					
Ch. 62 Table				v-vi 105-108	v-vi 105-108
62-1-11	cr	200426	7/16/2020	"	"
62-1-12	cr	200426	7/16/2020	"	"
62-8	cr	200426	7/16/2020	"	"

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Abbreviations:

am=amended
cr=created

ra=renumbered and amended
rc=recreated

rn=renumbered
rp=repealed

Revised 7/13/2020
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MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through July 13, 2020.

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**CHAPTER 62
COMMUNICABLE DISEASES**

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killing of infectious material after the patient has been removed by death or to a hospital or has ceased to be a source of infection.

6. LABORATORY means a biological, chemical, clinical or microbiological laboratory which is authorized or certified by the Wisconsin department of health and social services to perform tests for the detection or confirmation of diseases.

7. PATIENT means a person who has or is suspected of having a reportable or nonreportable communicable disease.

8. PERSON means any individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club or organization of any kind.

9. PRINCIPAL means the person who is in charge of a school or day care.

10. QUARANTINE means restriction of the activities of well persons who have been exposed to a disease to prevent transmission of the disease.

11. FACE COVERING means a protective mask covering the nose and mouth, including cloth face coverings or surgical masks as described by the centers for disease control and prevention.

12. BUILDING OPEN TO PUBLIC means any structure or premises licensed by the city of Milwaukee or used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or other use by the public.

62-1. Definitions. 1. COMMISSIONER means the commissioner of health of the city of Milwaukee or his or her representative.

2. COMMUNICABLE DISEASE means an illness due to a specific infectious agent or its toxic products which arises through transmission of that agent or its products from an infected person or animal or a reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, vector or the inanimate environment.

3. CONTACT means a person or animal that has been in association with an infected person or animal or a contaminated environment which may provide an opportunity to acquire the infective agent.

4. DISEASE includes conditions detrimental to health.

5. DISINFECTION means the killing of infectious agents outside the body by direct exposure to chemical or physical agents.

a. CONCURRENT DISINFECTION means the application of measures to cause killing of infectious agents as soon as possible after the discharge of infectious material from the body of an ill person or after the soiling of articles with such infectious discharges.

b. TERMINAL DISINFECTION means the application of measures to cause

62-3. Purpose. This chapter is enacted to protect the public health by requiring reporting of certain communicable diseases so that appropriate epidemiological control actions such as isolation or quarantine may be taken to control the spread of disease; to limit the employment in high risk occupations both for profit and by volunteers of persons with certain diseases during the time those persons may spread their disease to others through their employment; and to protect the public health by limiting attendance at school, nursery school or day care by persons with certain communicable diseases or conditions until the diseases or conditions are no longer communicable or are rectified.

62-5. List of Communicable Diseases. A copy of the list of reportable communicable diseases shall be kept on file, available to the public, in the office of the commissioner.

62-7 Communicable Diseases

62-7. Reporting of Communicable Diseases.

1. Any person licensed under ch. 441 or 448, Wis. Stats., who knows or has reason to know, or has a reasonable suspicion that a person treated or visited by the licensee has a reportable communicable disease, or having had such disease, has died, shall report the same to the commissioner.

2. Any person, other than those licensed under ch. 441 or 448, Wis. Stats., having knowledge or reason to believe or suspect that anyone has a reportable communicable disease shall report such belief to the commissioner.

3. Each laboratory shall report to the commissioner those specimen results the commissioner designated to aid in the surveillance, diagnosis, control and prevention of communicable diseases, including cases of suspected food poisonings and outbreaks of disease occurring in the city of Milwaukee.

4. Unless otherwise specified, all reports required by this section shall be made within 24 hours either by telephone, telegraph, mail, or deposit at the office of the commissioner in a form prescribed by the commissioner.

62-8. Face Covering Requirements During the COVID-19 Pandemic.

1. **MASK REQUIRED INDOORS.** For the duration of the 'Moving Milwaukee Forward' health and safety orders, any person 3 years old or older who is present in the city of Milwaukee shall have possession of a face covering when the person leaves home or other place of residence and shall wear the face covering whenever the person is in a building open to the public.

2. **MASK REQUIRED OUTDOORS.** For the duration of the 'Moving Milwaukee Forward' health and safety orders, any person 3 years old or older who is present in the city of Milwaukee shall have possession of a face covering when the person leaves home or other place of residence and shall wear the face covering whenever the person is in an outdoor public space and within 6 feet of any other person who is not a member of the person's family or household.

3. **MASK REQUIRED FOR CITY FACILITIES AND EMPLOYEES.** The commissioner of public works and director of employee relations shall establish a face covering requirement policy for all city employees and other persons on the premises of any city facility.

4. **EXCEPTIONS.** Exceptions for face coverings will be made under the following circumstances:

a. Persons who fall into the centers for disease control and prevention's guidance for those who should not wear face coverings due to a medical condition, mental health condition, developmental disability, or for whom no other accommodation can be offered under the Americans with disabilities act.

b. Persons who have upper-respiratory chronic conditions, silent or invisible disabilities, or are communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.

c. Persons in settings where it is not practical or feasible to wear face coverings when obtaining or rendering goods or services to the extent necessary to obtain or render such goods or services including but not limited to the receipt of dental services or medical treatments or consuming food or beverages.

d. Whenever federal, state, or local law otherwise prohibit wearing a face mask or where it is necessary to evaluate or verify an individual's identity.

e. Persons whose religious beliefs prevent them from wearing a face covering.

f. Persons present in government facilities closed to the public, institutions of higher education, public and private K through 12 schools, and childcare or youth facilities that have a mitigation strategy approved by the commissioner of health.

5. **PENALTY.** The health department shall enforce this section. The owner or operator of any building open to the public shall ensure all persons present in his or her building open to the public comply with sub. 1. The owner or operator of any building open to the public has the right to refuse entry or service to any person for failure to comply with sub. 1. Any owner or operator of a building open to the public that permits a person to violate sub. 1 in their building open to the public shall upon conviction forfeit not less than \$50 and not more than \$500. The commissioner of health and city attorney are authorized to pursue license revocation or a court order closing a building open to the public in accordance with state and local law for failing to require persons present to abide by sub. 1.

62-9. Isolation, Quarantine, Placarding, Orders.

1. The commissioner may require isolation of a patient, quarantine of the patient's contacts, concurrent and terminal disinfection, or modified forms of these procedures as may be necessary. The commissioner shall investigate evasion of all federal, state of Wisconsin and city of Milwaukee laws, rules and regulations concerning communicable diseases and shall act to protect the public, including the issuance of necessary orders to cause compliance with such laws and rules.

2. If it is deemed necessary by the commissioner, all persons except the commissioner, attending physicians and nurses, members of the clergy, and members of the immediate family or any other person having a special written permit from the commissioner may be prohibited from direct contact with the patient.

3. When the commissioner deems it necessary that a patient be isolated or otherwise restricted in a separate place, the commissioner may cause the removal of the patient to this place if it can be done without danger to the person's health.

4. When it is necessary to transport a patient to an isolation site, transportation shall be by private conveyance or other designated vehicles only, and proper precautions exercised to prevent needless exposure of all persons who may come in contact with the patient during transit.

5. When it is necessary to protect the public's health against communicable disease or conditions hazardous to the public health, the commissioner may placard or post notices or warnings on buildings, conveyances, property, or other appropriate places to inform or educate, or to carry out isolation and quarantine or to restrict entrance or occupancy. Such placards, notices or warnings shall remain upon such building, conveyance, property, or other appropriate places as long as determined necessary by the commissioner and shall not be defaced or made illegible.

6. The commissioner shall employ as many persons as are necessary to execute the commissioner's orders and properly guard any place if isolation, quarantine or other restrictions concerning communicable disease or other conditions deemed hazardous to the public's health are violated or intent to violate is manifested.

7. Expenses for necessary medical care, food and other articles needed for the care of the patient shall be charged against the patient or whoever is liable for the patient's support.

8. The city of Milwaukee may recover costs accruing under this section, including payment by persons who are liable for the patient's support, payment through 3rd party liability, or payment through any other benefit system.

a. The expense of employing guards under sub. 6.

b. The expense of maintaining quarantine and enforcing isolation of the quarantined area.

c. The expense of conducting examinations and tests for disease carriers made under the direction of the commissioner.

d. The expense of transporting or isolating patients.

62-10. Violation or Obstruction of Orders.

The commissioner and any police officer are authorized to issue orders and citations to any persons who willfully violate or obstruct the execution of an order issued under this chapter or ch. 252, Wis. Stats.

62-11. Employment of Persons Who Handle Food Products.

1. No person in charge of any public eating place, or other establishment where food products to be consumed by others are handled, may knowingly employ any person to handle food products who has a disease in a form that is communicable by food handling.

2. No person knowingly infected or who is reasonably suspected of being infected with a disease in a form that is communicable by food handling may be employed or work as a food handler in a public eating place or other establishment where food products to be consumed by others are handled or produced.

3. If required by the commissioner for the purposes of an investigation, any person who is employed in the handling of foods who is suspected of having a disease in a form that is communicable by food handling shall submit to an examination ordered by the commissioner and may not work in such capacity until proved not to have such disease. The expense of the examination shall be paid by the person examined.

62-13 Communicable Diseases

62-13. Employment of Persons in Hospitals, Nursing Homes, Day Care Centers and Health Care Facilities.

1. No person who is in charge of a hospital, nursing home, day care center or other facility requiring close personal contact may knowingly employ volunteers or employees with gastrointestinal or other communicable diseases in the infectious stage as specified by the commissioner in occupations requiring close personal contact with others.

2. No person in a facility mentioned in sub. 1 who has or is reasonably suspected of having a gastrointestinal or other communicable disease in the communicable form as specified by the commissioner may be employed in a paid or volunteer basis in occupations requiring close personal contact until ascertained noncommunicable by appropriate laboratory tests as specified by the commissioner.

3. If required by the commissioner for the purposes of an investigation, any person who is employed in an occupation requiring close personal contact with others who is suspected of having a disease in a form that is communicable by close personal contact shall submit to an examination ordered by the commissioner and may not work in such capacity until proved not to have such disease. The expense of the examination shall be paid by the person examined.

62-15. Students With Communicable Diseases.

1. WHEN SCHOOL ATTENDANCE PROHIBITED. No parent or other person having charge or control of any student shall allow that student to attend any private, parochial, or public school, nursery school or day care center while infected with severe cough, severe upper respiratory infection, diarrhea, scabies, lice or other vermin, ringworm (Tinea) of scalp and body, pyodermas, infectious conjunctivitis (pink eye) or other reportable or nonreportable contagious and communicable disease as specified by the commissioner, or who is filthy of clothes or body.

2. TREATMENT PERIODS. Any parent or other person having charge or control of any such child so affected shall, after receiving notice, instigate treatment or remedial action for the child within the following times:

- a. Ringworm of body and scalp:
7 days.
- b. Pyodermas: 7 days.
- c. Pediculosis of any part of body:
7 days.
- d. Scabies: 7 days

- e. Infectious conjunctivitis: 7 days
- f. Filthy condition: 24 hours.

3. SCHOOL'S RESPONSIBILITY.

Any teacher, school nurse, principal or director shall send home pupils who are suspected of having a communicable disease or any other disease that the commissioner specifies. Any teacher, school nurse, principal or director who sends a pupil home shall immediately notify the parents of the pupil of the action and the reasons for the action.

4. WHEN RETURN TO SCHOOL IS PERMITTED. No child is to return to school without having received adequate treatment or remedial care or recovery for the above conditions.

62-17. Veterinarian to Report Animals and Birds with Diseases of Zoonotic Importance.

Any person licensed as a veterinarian under ch. 443, Wis. Stats., having knowledge or reason to believe or suspect that an animal or bird has a disease of zoonotic importance or having such a disease has died shall report the same to the commissioner. Such report shall be made to the commissioner within 24 hours either by telephone or by deposit at the commissioner's office in a form required by the commissioner. The report shall include the disease and the place where the animal or bird is kept or located, and the name, address and telephone number of the owner or keeper, and other information as required.

62-19. Penalties. Any person who violates a section listed in column A shall be liable on conviction to the penalties for the class of violations listed in column B and described in ch. 61:

A	B
62-7-1	Class F
62-7-2	Class C
62-7-3	Class F
62-9-5	Class F
62-10	Class L
62-11	Class E
62-13	Class E
62-17	Class A

For legislative history of chapter 62, contact the Municipal Research Library.

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