



LRB Survey of Local Government COVID-19 Orders and Penalties

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Local health departments began to issue guidance and advisories regarding COVID-19 in the early spring of 2020. As of this report's publication in October 2020, virtually every county, city, village, town, and local health department in the state has issued some form of guidance or set of recommendations for disease prevention and containment. Most of these measures lacked penalties or enforcement mechanisms. Orders, resolutions, and ordinances with penalties or other enforcement mechanisms have been less common, but have been subject to considerable attention, especially after the statewide “[Safer at Home](#)” order was struck down by the Wisconsin Supreme Court. The Legislative Reference Bureau has seen many questions relating to local governments' COVID-19 actions. This report compiles and summarizes COVID-19-related actions taken by Wisconsin counties, cities, towns, and villages that include penalties or other enforcement mechanisms.

Essentially all local COVID-19-related orders, resolutions, and ordinances with penalties or other enforcement mechanisms were established after the Wisconsin Supreme Court struck down the statewide Safer at Home order on May 13, 2020, in *Wisconsin Legislature v. Palm*.¹ Many local governments' departments issued their first local orders immediately following the ruling in *Wisconsin Legislature v. Palm*, but a significant number of those governments rescinded those orders within the next day or two due to concerns about their validity. However, after a number of orders were rescinded, various local governments have enacted or continued to enforce various COVID-19-related orders.

Following the ruling in *Wisconsin Legislature v. Palm*, many local governments issued orders that mirrored the statewide Safer at Home order with restrictions on businesses, public gatherings, and other disease control measures. Since July, mask mandates have been common. As the school year has gotten underway, some orders have also placed restrictions on schooling and school-related activities.² Most early orders were initially set to expire within a few weeks, but have been amended, extended, or replaced as the COVID-19 pandemic has continued. New state-level orders that supersede less-strict local orders have also been issued by Governor Tony Evers and the Wisconsin Department of Health Services, but the state-level orders indicate that local governments may issue orders that are more restrictive.³

At least 13 counties and 13 cities, towns, or villages have enacted ordinances or issued orders or resolutions that include penalties or other enforcement mechanisms for some or all of their provisions. The most common enforcement mechanisms are fines or forfeitures. For individuals, fines and forfeitures range from \$10 at the lowest to \$1,000 at the highest.⁴ The most common fines and forfeitures for individuals are between \$250

1. [Wis. Legislature v. Palm](#), 2020 WI 42, 391 Wis. 2d 497, 942 N.W.2d 900.

2. The Wisconsin Supreme Court has temporarily enjoined the school-related provisions of Dane County's emergency order; see the notes on that order below for details.

3. See, e.g., [Emergency Order #1](#) § 6 (September 22, 2020) and [Emergency Order #3](#) § 6 (October 6, 2020).

4. When provisions do not specify different treatment for individuals and businesses, these same penalties might also apply

and \$500. In some cases, individuals might also be subject to imprisonment instead of or in addition to a fine or forfeiture.

Penalties for businesses or business owners, when such penalties are specified, also include fines and forfeitures between \$50 and \$1,000. In addition to fines and forfeitures, businesses are typically subject to administrative action on their licenses, including potential revocation.

The tables below list those local governments' actions through orders, resolutions, and ordinances with their initial effective dates, mandates, penalties, and durations or expiration dates, if specified.⁵ The first table lists counties' actions, and the second table lists actions by cities, towns, and villages. For orders, resolutions, and ordinances still in effect, the tables describe the mandates in the current version. For orders, resolutions, and ordinances that have expired or been rescinded, the tables instead describe the provisions that were in place at the time of expiration or rescinding. ■

Counties

County and order	Effective date	Mandates	Penalty	Duration
Ashland: Ashland County Ordinances § 201.35 (see p. 9)	August 4	Requiring the use of face coverings in certain situations.	A fine between \$25 and \$500; imprisonment for not more than 10 days for failure to pay.	“So long as any national, state, or local health official and/or health department continues to declare a public health emergency regarding COVID19.”
Bayfield: Bayfield County Health Department Order	September 5	<ul style="list-style-type: none"> · Prohibiting all gatherings in excess of 100 individuals within the same room. · Prohibiting, with exceptions, other “public gatherings” where individuals from multiple households cannot maintain six-foot distancing. · Prohibiting interscholastic competitions and spectator events. 	A forfeiture between \$200 and \$500.	Until December 4
Brown: Order of the Brown County Health Officer ⁶	May 13	Adopting state-level emergency orders as orders of the county and establishing a penalty.	A fine of not more than \$500.	Until May 20 as ordered; rescinded early on May 15

to businesses or business owners in violation of orders, resolutions, or ordinances.

5. Essentially all of the orders, resolutions, and ordinances listed also include nonbinding recommendations or guidelines for various disease prevention and containment measures, which this report does not address.

6. Some software versions have issues opening the link to this file directly, but it can be reliably accessed by pasting the following address into a browser: <https://211wisconsin.communityos.org/uploader-full/event/key/contentdownloadajax/id/1294/cid/2358/fid/253>.

County and order	Effective date	Mandates	Penalty	Duration
Clark: Clark County Ordinance 232-6-20 (see p. 11)	July 16	<ul style="list-style-type: none"> · Empowering Clark County health officers to “take all measures to prevent, suppress and control communicable diseases.”⁷ · Establishing penalties for violations or obstructions of orders by the health officer. 	A forfeiture between \$100 and \$500 per day.	Permanent
Dane: ⁸ Emergency Order #9 Amendment	Initial: May 13 Current version: September 2	<ul style="list-style-type: none"> · Requiring the use of face coverings in certain situations. · Allowing in-person instruction only for grades K–2⁹ and for students with disabilities or Individualized Education Programs (IEPs).¹⁰ · Extending restrictions on taverns and gatherings. 	<ul style="list-style-type: none"> · Within the city of Madison, a forfeiture of \$376.¹¹ · Within Dane County but outside Madison, a forfeiture of \$263.50. 	Until further notice
Door: Door County Health Order	May 14	Adopting state-level emergency orders as orders of the county and establishing a penalty.	A fine of not more than \$500.	Until May 20
Eau Claire: ¹² Eau Claire County Health Order ¹³	Initial: May 14 Current version: October 2	Establishing distancing and protective measure requirements for public spaces, businesses, mass gatherings, and public transportation.	“Issuance of citations” not further defined.	Until October 16, but “it is anticipated that this order will be extended.” ¹⁴

7. The language of the Clark County ordinance matches the language of Wis. Stat. § 252.03, which states in part that “[t]he local health officer shall promptly take all measures necessary to prevent, suppress and control communicable diseases.”

8. The Dane County order applies to both the city of Madison and to the rest of Dane County.

9. On September 10, the Wisconsin Supreme Court issued an order temporarily enjoining “those provisions of Section 4(d) of Emergency Order #9 which purport to prohibit schools throughout Dane County from providing in-person instruction to students.” As of October 9, 2020, that injunction remains in effect pending further action in court.

10. For more information about IEPs, see the [Individualized Education Program](#) information page from the Department of Public Instruction (DPI). DPI also provides guidance related to IEPs during the COVID-19 pandemic in its [COVID-19 Special Education Question and Answer Document](#).

11. Public Health Madison & Dane County, “[Put Your Mask on; Leave the Enforcing to Us](#),” July 12, 2020, <https://publichealthmdc.com>.

12. The Eau Claire City-County Health Department has jurisdiction over the city of Altoona, city of Eau Claire, and Eau Claire County.

13. Both the City of Eau Claire and Eau Claire County will consider new ordinances in mid-late October that pertain to health officers’ powers when responding to outbreaks of communicable disease and establish specific penalties for violations; see Elizabeth Dohms-Harter, “[Eau Claire City, County Look To Enforce Communicable Disease Ordinance](#),” Wisconsin Public Radio, October 7, 2020, <https://www.wpr.org>.

14. The order has been extended on, roughly, a biweekly basis since May.

County and order	Effective date	Mandates	Penalty	Duration
Florence: Florence County Health Department Order	May 14	Adopting most provisions of the state Badger Bounce Back plan . ¹⁵ Permitting most businesses to “open with best practices” and gatherings of up to 50 people.	Order is “enforceable by any local law enforcement official” but penalties are not specified.	Rescinded May 28
Kenosha: Kenosha County Health Order	May 13	Adopting state-level emergency orders as orders of the county and establishing a penalty.	Fine of not more than \$500.	Until May 26 as ordered; withdrawn early on May 14
Milwaukee (suburban): ¹⁶ Order #1 COVID-19 Public Health Plan for Suburban Milwaukee County	May 13	· Closing schools, places of public amusement, auctions, garage sales, libraries, and institutions of higher education. · Establishing distancing and protective measure requirements for businesses, public spaces, and mass gatherings.	Violations are “punishable under Wis. Stat. § 252.25 or any local ordinance in conformity therewith.” ¹⁷	Until May 21
Outagamie: Outagamie County Local Health Officer Order	May 20	Adopting a phased approach to restrictions on mass gatherings and businesses based on gating criteria.	A fine of not more than \$250, imprisonment for not more than 30 days, or both.	“Until a superseding order is issued,” as ordered; rescinded early on May 14
Outagamie: Outagamie County Public Health Order	July 13	Requiring the use of face coverings at “County facilities, grounds, or other places where services are delivered (e.g., home visits), both indoor and outdoor” unless certain other protective measures are in place.	· For county employees: subject to disciplinary action. · For other individuals: denial of access to county facilities and grounds or refusal or service.	Not specified
Pierce: Pierce County Ordinance no. 20-01 (see p. 42)	July 28	Establishing a civil penalty for noncompliance with orders of the local health officer.	A \$500 forfeiture.	Permanent

15. See the Department of Health Services’ [COVID-19: Badger Bounce Back](#) page for context and information on the Badger Bounce Back plan and its role in Wisconsin’s state-level actions on COVID-19.

16. The suburban Milwaukee County order was issued jointly by the local health department officers of Cudahy, Franklin, Greendale, Greenfield, Hales Corners, Oak Creek, North Shore, South Milwaukee/St. Francis, Wauwatosa, and West Allis-West Milwaukee.

17. Violators of Wis. Stat. § 252.25 are subject to imprisonment for not more than 30 days, a fine of not more than \$500, or both.

County and order	Effective date	Mandates	Penalty	Duration
Winnebago: Winnebago County Health Department Order	May 14	<ul style="list-style-type: none"> · Closing nonessential businesses and operations. · Establishing disease prevention requirements for businesses. · Establishing metric-based reopening phases for businesses, mass gatherings, and schools. 	A fine of not more than \$250 or imprisonment for not more than 30 days, or both.	May 20 as ordered; rescinded early on May 15

Cities, villages, and towns

Municipality and order	Effective date	Mandates	Penalty	Duration
Appleton: City of Appleton Safer at Home Order	May 14	<ul style="list-style-type: none"> · Closing nonessential businesses and operations. · Establishing disease prevention requirements for businesses. · Establishing phased, metric-based reopening for businesses, mass gatherings, and schools. 	A fine of not more than \$250 or imprisonment for not more than 30 days, or both.	Until May 20 as ordered; rescinded early on May 15
Beloit: City of Beloit Resolution 2020-166 (extending and amending prior resolutions)	Initial: July 6 Current version: October 5	<ul style="list-style-type: none"> · Requiring the use of face coverings in certain situations. · Distancing and protective measure requirements for public spaces, businesses, and mass gatherings. 	A forfeiture between \$100 and \$500, plus costs of prosecution.	Until November 17
De Pere: De Pere Ordinance 20-10 (see p. 3)	August 4	Requiring the use of face coverings in certain situations.	<ul style="list-style-type: none"> · A forfeiture between \$10 and \$50, plus “additional penalties, fees and other costs required by law” for individuals. · “Administrative action for any licenses they possess with the City” for businesses. 	Until termination of the City of De Pere’s Declaration of Emergency by the city council.

Municipality and order	Effective date	Mandates	Penalty	Duration
Green Bay: City of Green Bay Ordinance no. 29-20 (see p. 4)	July 27	Requiring the use of face coverings in certain situations	<ul style="list-style-type: none"> · A \$10 forfeiture for individuals. · Noncompliant businesses subject to “administrative action for any licenses they possess with the city.” 	Until termination of the City of Green Bay’s declaration of emergency, or if the county adopts a countywide mandate.
Lake Geneva: City of Lake Geneva Ordinance no. 02-38	May 11	Establishing city-level penalties for violation of any state or city emergency orders. ¹⁸	<ul style="list-style-type: none"> · A forfeiture between \$500 and \$1,000 per day. · City may “seek equitable relief, including injunctions to gain compliance.” 	Permanent
Menasha: City of Menasha Safer at Home Order	May 14	<ul style="list-style-type: none"> · Closing nonessential businesses and operations. · Establishing disease prevention requirements for businesses. · Establishing phased, metric-based reopening for businesses, mass gatherings, and schools. 	A fine of not more than \$250 or imprisonment for not more than 30 days, or both.	Until May 20 as ordered; rescinded early on May 15.
Mequon: Mequon COVID-19 Emergency Proclamation no. 5	May 14	<ul style="list-style-type: none"> · Temporarily closing city buildings. · Establishing graduated capacity limits and distancing requirements for businesses until June 10. 	A \$250 forfeiture per occurrence.	Until “the earlier of (a) the implementation of enforceable rules by the State of Wisconsin; or (b) the cancellation or termination of the emergency proclamation dated March 16, 2020, as affirmed by the Common Council on March 17, 2020; or (c) at 11:59 p.m. on Wednesday, June 10, 2020.” ¹⁹

18. Note that this ordinance applies broadly to any emergency order; it does not specifically mention COVID-19 or communicable disease.

19. Several changes, including shifts in the reopening and expiration dates for the proclamation, were adopted by the Mequon Common Council prior to or during the meeting in which the proclamation was ratified; see the [ratified proclamation](#), which underlines relevant changes.

Municipality and order	Effective date	Mandates	Penalty	Duration
Milwaukee: City of Milwaukee Ordinance no. 200426	July 16	Requiring the use of face coverings in certain situations.	<ul style="list-style-type: none"> · A forfeiture between \$50 and \$500 for business operators. · City attorney authorized to pursue revocation of business license. 	In effect for the duration of the “Moving Milwaukee Forward” health and safety orders.
Milwaukee: City of Milwaukee Health Department Order #4.1 ²⁰	Initial: May 14 Current version: July 30	<ul style="list-style-type: none"> · Restricting gatherings and businesses to limited size and capacity. · Permitting restaurants, bars, and schools to open only with approval of “safety plan” submitted to city. 	<ul style="list-style-type: none"> · A forfeiture between \$50 and \$500 for business operators. · City attorney authorized to pursue revocation of business license. 	Until a new order is issued or the order is withdrawn.
Racine: City of Racine Ordinance no. 0006-20	July 27	Requiring the use of face coverings in certain situations.	<ul style="list-style-type: none"> · A forfeiture between \$25 and \$100 for individuals. · A forfeiture between \$50 and \$500 for business owners and possible revocation of business license. 	Until December 31, 2020, unless extended, terminated, or modified by the common council.
Racine: “Safer Racine” Ordinance	Initial: May 13 Current version: August 4	<ul style="list-style-type: none"> · Closing schools until August 5. · Establishing disease prevention requirements for businesses, including written and implemented policies for individual businesses. · Establishing phased, metric-based reopening for businesses, mass gatherings, and schools. 	Violations or obstructions are “punishable under city of Racine Code of Ordinances” but not specified.	Not specified

20. The City of Milwaukee has indicated that it intends to continue to enforce its current orders rather than Governor Evers’s [Emergency Order #3](#). The Milwaukee order does not include the provision from Emergency Order #3 that places a 25 percent total occupancy limit on “public gatherings” in rooms or buildings. For more information, see Alison Dirr, “[Milwaukee to Enforce City’s Existing COVID-19 Order for Bars, Restaurants with Safety Plans](#),” *Milwaukee Journal Sentinel*, October 7, 2020, <https://www.jsonline.com>.

Municipality and order	Effective date	Mandates	Penalty	Duration
Superior: Resolution no. R20-13512 (see p. 31)	July 27	Requiring the use of face coverings in certain situations.	· Trespassing citations for individuals. · “Denial, revocation, or rejection of licensure, grants, awards, or other incentives for up to one year from the expiration of this resolution” for businesses.	Until the City of Superior’s existing state of emergency expires, the common council rescinds the resolution, or September 25, 2020, whichever is sooner.
Wauwatosa: City of Wauwatosa Ordinance Creating Chapter 8.20 (see p. 14)	August 4	Requiring the use of face coverings in certain situations.	· A forfeiture between \$25 and \$500 for business owners. · A forfeiture between \$25 and \$500 for residents falsely presenting an exception to the mandate.	Until January 31, 2021, unless the common council enacts a different expiration date.
Whitefish Bay: Village of Whitefish Bay Ordinance no. 1869	July 24	Requiring the use of face coverings in certain situations.	A forfeiture between \$50 and \$500.	For the duration of the local health emergency declaration, unless extended further by the village board.
Whitewater: City of Whitewater Ordinance Creating Chapter 8.37 (see p. 3)	August 1	Requiring the use of face coverings in certain situations.	· A forfeiture between \$10 and \$40 for first offense. · A forfeiture between \$50 and \$150 for subsequent offenses.	Until December 31, 2020, unless extended or terminated by the common council.