



League of Wisconsin Municipalities Toolkit for Implementing Municipal Safer at Home Restrictions

When the Wisconsin Supreme Court struck down DHS's Emergency Order 28, Safer at Home, as invalid and unenforceable on May 13, local governments were presented with the question of whether to adopt and enforce local safer at home restrictions to quell the spread of COVID-19 within their communities and to ensure local health facilities have adequate capacity for dealing with COVID patients. Municipalities without a health department must abide by any safer at home restrictions imposed by the county health officer. If the county health officer has not issued a county safer at home order, municipal policymakers have the discretion to issue safer at home orders to prevent or minimize the spread of COVID-19 within their communities, pursuant to their emergency powers under Ch. 323. While most communities as of early summer 2020 have decided not to enact local safer at home orders, the League has prepared this Local Safer at Home Toolkit in case circumstances change in the future and local policymakers become interested in adopting safer at home orders or ordinances to address a surge in COVID-19 cases within their community. The Toolkit explains municipal authority to implement safer at home restrictions, includes sample local safer at home orders, and provides links to county level COVID-19 data and metrics to support local safer at home orders.

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1. Municipal authority to issue local safer at home orders

- a. League FAQ <https://lwm-info.org/1591/Emergency-Orders-Plans---Local>
- b. Legal opinion from Local Solutions Support Center <https://files.constantcontact.com/719b6d0b001/015bc710-2a8e-4be8-b256-ab1030534bd5.pdf>
- c. Wisconsin Attorney General opinion <https://www.doj.state.wi.us/sites/default/files/OAG-03-20.pdf>
- d. Local Powers to Address COVID-19 in the Wake of Wisconsin Legislature v. Palm and OAG 03-20 <https://www.boardmanclark.com/publications/municipal-newsletter/local-powers-to-address-covid-19-in-the-wake-of-wisconsin-legislature-v-palm-and-oag-03-20>

2. Sample local safer at home type orders, ordinances, policies

- a. Eau Claire's City-County Health Department order <https://www.eauclairewi.gov/Home/ShowDocument?id=32605> See also, Eau Claire FAQ <https://www.eauclairewi.gov/Home/ShowDocument?id=32621>
- b. Madison and Dane County Health Agency order <https://publichealthmdc.com/coronavirus/forward-dane/requirements>
- c. Beloit Resolution <https://files.constantcontact.com/719b6d0b001/d86568c5-05c3-4525-9aff-33d62ac002cf.pdf> (also see attached).

- d. Racine's Safer at Home Ordinance
<https://files.constantcontact.com/719b6d0b001/bf98afce-3fe4-475d-95dd-2c8ee88d6da1.pdf> Caveat: (The ability of Racine to enact and enforce this order has been challenged in Racine County circuit court by a local business. On June 19 a Racine Circuit Court judge issued a preliminary injunction ordering the city to not enforce the order while the case is pending.)
- 3. Sample Municipal plans, strategies, and guidelines for reopening safely, including regulatory relief**
 - a. City of River Falls Recovery Guide <https://www.rfcity.org/crushingcovid19>
 - b. Tosa Restarts Temporary Regulatory Relief Program <https://lwm-info.org/DocumentCenter/View/4036/R-20-076-Tosa-Restarts-Temporary-Regulatory-Relief-Program>
 - c. Racine's Standards for Reopening During Pandemic
<https://www.racinecoronavirus.org/wp-content/uploads/2020/06/City-of-Racine-COVID-19-Safer-Racine.pdf>
 - d. Madison ["Streatery" Restaurant Recovery Program](#) (PDF)
 - e. Milwaukee [Active Streets for Businesses](#) through the DPW [Guidelines Application Instructions](#)
- 4. Local COVID Health Data/Metrics Supporting Municipal Safer at Home Health Orders**
 - a. Find county and regional COVID-19 data on Wisconsin DHS website here: <https://www.dhs.wisconsin.gov/covid-19/local.htm> Also, check your county health office's website.
 - b. Beloit FAQ regarding its safer at home order. [https://www.beloitwi.gov/vertical/sites/%7B662E25CC-A6A0-4B38-B151-A18A081D6A0A%7D/uploads/Beloit_Reopening - recommendations - Updated June 2 2020.pdf](https://www.beloitwi.gov/vertical/sites/%7B662E25CC-A6A0-4B38-B151-A18A081D6A0A%7D/uploads/Beloit_Reopening_-_recommendations_-_Updated_June_2_2020.pdf)
 - c. Dane County Dashboard
<https://cityofmadison.maps.arcgis.com/apps/opsdashboard/index.html#/e22f5ba4f1f94e0bb0b9529dc82db6a3>