

COVID-19 EMERGENCY PROCLAMATION NO. 5

REOPENING OF MEQUON

I, John M. Wirth, as Mayor and Chief Executive Officer of the City of Mequon, make the following Proclamation in consideration of the following:

A. COVID-19, a novel strain of coronavirus, was detected in December of 2019 and has subsequently spread throughout the world, including every state in the United States.

B. On January 3, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern.

C. On March 12, 2020, Governor Tony Evers declared a public health emergency in connection with COVID-19. That emergency order expired on May 11, 2020.

D. On March 13, 2020, President Donald Trump proclaimed a National Emergency in connection with concerning COVID-19.

E. On March 16, 2020, I proclaimed, on behalf of the City of Mequon, a Public Health Emergency as defined in Wisconsin Statutes Section 323.02(16) and a Disaster as defined in Wisconsin Statutes Section 323.02(6); accordingly, the City of Mequon implemented its emergency authority under Wisconsin Statutes Section 323.11. The Common Council affirmed that proclamation at its meeting on March 17, 2020.

F. As of Wednesday, May 13, 2020, the Wisconsin Supreme Court determined that the Safer at Home Order dated as of April 16, 2020 (Order No. 28) imposed by the Secretary-Designee of the Wisconsin Department of Health Services is unenforceable because the order circumvented the rule-making and legislative process. Cities are allowed, however, to make similar rules because of the requirement of Common Council ratification.

G. Although in my opinion the Safer at Home Order was unclear, inconsistent and overreached, and I agree with the Wisconsin Supreme Court that the Secretary-Designee of the Department of Health Services far exceeded her authority, social distancing and limitations on gatherings have slowed the spread of the virus, enabled our medical community to keep-up and saved lives.

~~H. I am concerned that the City of Milwaukee, and possibly other neighboring communities, remain subject to closure requirements and that residents of those communities will decide to use bars, restaurants, stores and other businesses and facilities in the City of Mequon. While under normal circumstances Mequon businesses enjoy extra customers, and the City of Mequon cannot and should not preclude these customers, there is a significant likelihood of additional demand on our businesses, and extra customers increase the number of people within businesses resulting in turn in a higher likelihood of the spread of the virus.~~

I. A gradual but certain reopening of businesses will allow monitoring of the effect of changes, protect from a spike of infections and allow for modifications if there is such a spike while still allowing our businesses to get back to business.

J. I fully expect rules to be proposed and adopted by the State of Wisconsin before this Proclamation terminates. This Proclamation provides a bridge to those rules.

K. It is necessary and proper, pursuant to Wisconsin Statutes Section 323.14(4)(b), in order to provide for the health, safety, protection and welfare of people and property within the City, for me to issue this Proclamation in advance of a Common Council meeting.

BASED ON THE FOREGOING and pursuant to Wisconsin Statutes Sections 323.14(4)(b) and 323.52(1) and Sections 26-24 of the Code, I proclaim as follows:

1. Existing Proclamations. Proclamations 1 through 4 remain in full force and effect.
2. City Buildings. City buildings shall remain closed to the public until Monday, June 1, 2020; however, the lobby of the Public Safety Building shall be reopened immediately.
3. Bars, Restaurants, Retail Stores, Theaters, Health Clubs and Fitness Facilities.

(a) Capacity. Bars, restaurants, retail stores, theaters, health clubs and fitness facilities are allowed to be open; however, any such business that reopens is required to post publicly the maximum capacity under the fire code for which it has been approved. The number of total people allowed in any space shall be limited to 40% of the capacity allowed under the fire code. Unless superseded by state regulations or another Proclamation, such capacity shall be increased to 60% on Monday, May 25, 2020; to 80% on Monday, June 1, 2020; and to 100% on ~~Monday, June 8, 2020~~ at 11:59 p.m. on Wednesday, June 10, 2020.

(b) Restaurant Patios. Patios outside restaurants may be open but, until ~~Monday, June 8, 2020~~ 11:59 p.m. on Wednesday, June 10, 2020, tables shall be distributed so that there is at least eight feet between each table. Restaurants are encouraged, but not required, to maintain such distancing past such date.

(c) Curbside Services. Restaurants and retail stores are encouraged, but not required, to maintain or have curbside services.

(d) Other Safe Practices. All businesses covered by this Section 3 are encouraged to implement other safe practices, including social distancing, as recommended by the Center for Disease Control and the Washington Ozaukee Public Health Department (see below).

4. Personal Care Businesses. Personal care businesses such as salons, barber shops, nail salons and massage facilities may be open but must maintain social distancing except that the personal care provider and customer may violate the six-foot distancing requirement. Personal care

providers must (a) maintain at least six feet between workstations; (b) wear masks; (c) disinfect all tools, surfaces and chairs between customers; and (d) implement all safe practices recommended by the Center for Disease Control and the Washington Ozaukee Public Health Department (see below).

5. Other Businesses and Institutions. Other businesses and institutions, including houses of worship, may be open; however, all are encouraged to implement social distancing and other safe practices recommended by the Center for Disease Control.

6. Parks and Other City Lands. Residents continue to be encouraged to use our parks; however, social distancing shall be required, playgrounds and the pool are closed, and individuals may not engage in team or contact sports in the parks, including baseball, softball, basketball, football, soccer and ultimate frisbee. Park buildings shall remain closed. No gatherings of more than 10 people shall be allowed in parks or on city lands.

7. Masks. People are encouraged, but not required, to wear face masks in any business open to the public and in public areas within office spaces. Any business may, but is not required to, require the use of face masks.

8. Employees. All businesses are encouraged, but not required, to allow employees to work from home to the extent practical and to accommodate seniors and employees with medical conditions that make them higher risk (e.g., people with heart and respiratory conditions, significant obesity, diabetes, liver disease or immune deficiencies; and people who smoke, are undergoing cancer treatment, have had marrow or organ transplants, are on certain medications that put them at risk or are undergoing dialysis) so that they are not exposed to the public.

9. Additional Information. Businesses are encouraged to review the recommendations and guidelines of the Washington Ozaukee Public Health Department for reopening.. They can be found at <http://www.washozwi.gov/Services/Communicable-Disease/Blueprint-FAQ>.

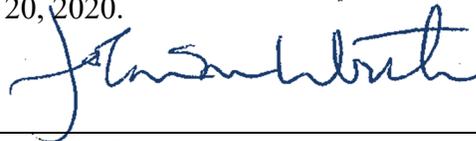
10. Enforcement. The fire inspector, police department and the department of community development are authorized to enforce the requirements of Sections 3(a), 3(b), 4 and 6 of this Proclamation. Violations are subject to municipal citations and forfeitures of \$250 per occurrence.

11. Amendment. This Proclamation may be amended if circumstances warrant, including if COVID-19 infections increase, by majority vote of the Common Council.

12. Termination. This Proclamation shall terminate upon 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.

Pursuant to Wisconsin Statutes Section 323.14(4)(b), this Proclamation was ratified, as amended, by unanimous vote of the Common Council at its meeting on May 20, 2020. ~~is subject to ratification, alteration, modification or repeal by the Common Council at its next meeting, but the subsequent action taken shall not affect the prior validity of this Proclamation.~~

Dated May 14, 2020, as amended on May 20, 2020.



John M. Wirth
Mayor

Legislative Notes:

- A. I proposed the changes with a single underline for clarification prior to such meeting.
- B. Changes stricken and changes double-underlined were unanimously recommended by the Committee of the Whole and adopted by the Common Council at its meeting on May 20, 2020.