

LA CROSSE COUNTY HEALTH DEPARTMENT ADVISORY ORDER No. 2

WHEREAS, La Crosse County remains in the midst of the COVID-19 pandemic; and

WHEREAS, La Crosse County continues to have high rates of positive COVID-19 test ratios (January 20, 2021 metrics – 25.1%); and

WHEREAS, Coulee COVID-19 Collaborative continues to consider local metrics and has issued mitigation strategies (<http://www.couleecovid19.org>); and

WHEREAS, although our local hospitals are currently in the green zone (all patients can be “quickly tested and cared for”) hospitals throughout the state are strained; and

WHEREAS, the best way to ease the dire strain on our hospital system is to decrease the number of COVID-19 patients needing hospitalization. The only tools Wisconsinites have to do this is to limit in-person gatherings, diligently wash hands, practicing physical distancing, and wear a face covering when you must be around other people outside your household; and

WHEREAS, although COVID-19 vaccination distribution is beginning across the State, it will be some time before the general population is vaccinated; and

WHEREAS, to limit in-person gatherings, diligently wash hands, practicing physical distancing, and wear a face covering when you must be around other people outside your household are important measures to stop the spread of COVID-19;

NOW, THEREFORE BE ADVISED, that while all ongoing health recommendations remain of significant importance to reduce the spread of COVID-19, the following health recommendations are critical and by this Order and Directive are hereby imposed:

1. DEFINITIONS.

- a. "Enclosed space" means a confined space open to the public where individuals congregate, including but not limited to outdoor bars, outdoor restaurants, taxis, public transit, ride-share vehicles, and outdoor park structures.
- b. "Face covering" means a piece of cloth or other material that is worn to cover the nose and mouth completely. A "face covering" includes but is not limited to a bandana, a cloth face mask, a disposable or paper mask, a neck gaiter, or a religious face covering. A "face covering" does not include face shields, mesh masks, masks with holes or openings, or masks with vents.
- c. "Physical distancing" means maintaining at least six feet of distance from other individuals who are not members of your household or living unit.

2. FACE COVERING REQUIRED. Every individual, age five and older, shall wear a face covering if both of the following apply:

- a. The individual is indoors or in an enclosed space, other than at a private residence; and;

- b. Another person or persons who are not members of individual's household or living unit are present in the same room or enclosed space. Face coverings are strongly recommended in all other settings, including outdoors when it is not possible to maintain physical distancing.

3. EXCEPTIONS.

- a. Individuals who are otherwise required to wear a face covering may remove the face covering in the following situations:

- i. While eating or drinking.
- ii. When communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.
- iii. While obtaining a service that requires the temporary removal of the face covering, such as dental services.
- iv. While sleeping.
- v. While swimming or on duty as a lifeguard.
- vi. While a single individual is giving a religious, political, media, educational, artistic, cultural, musical, or theatrical presentation for an audience, the single speaker may remove the face covering when actively speaking. While the face covering is removed, the speaker must remain at least 6 feet away from all other individuals at all times.
- vii. When engaging in work where wearing a face covering would create a risk to the individual, as determined by government safety guidelines.
- viii. When necessary to confirm the individual's identity, including when entering a bank, credit union, or other financial institution.
- ix. When federal or state law or regulations prohibit wearing a face covering.

- b. In accordance with CDC guidance, the following individuals are exempt from the face covering requirement in Section 2:

- i. Children between the ages of 2 and 5 are encouraged to wear a mask when physical distancing is not possible. The CDC does not recommend masks for children under the age of 2.
- ii. Individuals who have trouble breathing.
- iii. Individuals who are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
- iv. Individuals with medical conditions, intellectual or developmental disabilities, mental health conditions, or other sensory sensitivities that prevent the individual from wearing a face covering.
- v. Incarcerated individuals. The Wisconsin Department of Corrections shall continue to comply with COVID-19 protocols to ensure the health and safety of its staff and individuals in its care. Local governments are strongly encouraged to continue or create COVID-19 protocols to ensure the health and safety of their staff and individuals in their care.

4. LEGISLATURE AND JUDICIARY. State facilities or offices under the control of the Wisconsin State Legislature or the Wisconsin Supreme Court are exempt from this Order. The Wisconsin State Legislature and the Wisconsin Supreme Court may establish guidelines for face coverings that are consistent with the specific needs of their respective branches of government.

BE FURTHER ADVISED THAT, the recommendations issued by the Coulee COVID-19 Collaborative addressing “*Business Gathering Sizes*” are hereby adopted and incorporated in all circumstances where those recommendations are for 25% or greater capacity.

ENFORCEMENT AND APPLICABILITY

This advisory is not intended to be independently enforceable. La Crosse County Health Department will take complaints and investigate businesses violating the above guidelines. Violations of the health guidelines may result in enforcement under Wisconsin Administrative Code DHS s. 145.06(6) and/or La Crosse County Ordinance s. 11.25.

This means that if, based on credible, clear and convincing evidence, the Health Department’s investigation finds that a business is violating the above guidelines, the Health Department may issue a specific directive to the individual business providing that business an opportunity to correct or abate the violation.

If, based on credible evidence, the business violates or does not comply with the specifics of the health directive issued to that individual business, further enforcement under DHS s. 145.06(5) or La Crosse County Ordinance s. 11.25 may be pursued in Court with the individual business having the opportunity to respond and be heard.

Dated: January 29, 2021.

BY: 
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