

Local Safer At Home Orders Changed Rapidly After Statewide Order Struck Down; Businesses Encouraged to Review Local Orders Regularly to Ensure Compliance

Article

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After the Wisconsin Supreme Court struck down the statewide Safer At Home order on Wednesday, May 13, 2020, a number of local governments, at the county, city, and village levels, began issuing their own Safer At Home orders. By Wednesday evening, Brown and Dane Counties had issued orders—as well as the suburban regions of Milwaukee County, which were not subject to the City of Milwaukee's standing order. Additionally, the City of Milwaukee remained under a standing Safer at Home order that it had issued shortly before the statewide order was imposed. The following day, Thursday, saw almost a dozen additional local orders issued by local governments like Outagamie and Door Counties, and the cities of Appleton and Menasha.

However, by Friday, a number of these local governments had rescinded their local Safer At Home orders, including Brown, Calumet, Kenosha, Outagamie, and Winnebago Counties, as well as the City of Appleton. Most of these orders were in place for less than 48 hours—some less than 24 hours. Some of the local governments indicated that they were rescinding their orders because they no longer believed they had the statutory authority to issue such an order.

This created even greater chaos and confusion across the state as businesses were left not only trying to figure out what the Wisconsin Supreme Court's decision meant for their business, but also how they could be impacted by these local orders, which were rapidly changing. It left many businesses with questions as to why some counties rescinded their orders, but others did not. For example, Dane and Door County and the City of Milwaukee have not rescinded their orders. Therefore, there are still a variety of local Safer At Home orders in effect around the state that businesses must be aware of.

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As we head into the week before Memorial Day, one thing is clear after this confusing and chaotic week: **businesses must regularly review local orders to ensure compliance.** As we saw at the end of last week, several local governments rescinded their local orders, while others did not. Additionally, many of the local orders have expiration dates to occur later this week, on either the 20th or the 21st. Therefore, the orders a business may be operating under on Monday may not be the same as on Thursday. Similarly, it is unclear whether these local governments will extend their orders when they expire, or simply allow them to expire.

Therefore, it is imperative that businesses regularly check the local orders that they may be under and monitor the news for changes to such order.

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