



To: Linda Elmer
Office of the City Clerk
200 East Wells Street
Milwaukee, WI 53202

Re: Proposed Licensing Ordinance for Installers

The Mobile Enhancement Retailers Association® (MERA) is an association whose purpose is to elevate the success of specialty retailers in the mobile enhancement industry. Professionalism and continuing education are cornerstones for successful business, and this is visible among MERA's membership, comprised primarily of 12-volt independent specialists. As an advocate for their interests and concerns, MERA has become involved in many discussions regarding hearing protection, sound ordinances, and the protection of the peace and tranquility of private citizens.

On behalf of MERA, I must ask whether the Licenses Committee has considered all of the ramifications of the current proposed installer licensing ordinance #061341? We have serious concerns as the ordinance seems to infringe upon due process and equal protection laws; furthermore it is constitutionally vague. The proposed ordinance seeks to hold the installer responsible for the actions of persons out of their control. The action of the noise violation has nothing to do with the action of the installing of the sound equipment. It is our opinion and that of our legal counsel that this proposed ordinance would be unenforceable because of due process.

If the City of Milwaukee tries to hold parties liable for the actions of those out of their control, what is to stop the city from holding the automakers liable for drivers who use automobiles to exceed the speed limits? This correlation could then be applied to product after product that consumers use irresponsibly.

MERA recognizes the desire of communities to regulate loud and offensive noises that disturb private citizens. No one likes any type of loud or unwanted noise that enters our homes, especially during normal sleeping hours. We must also recognize that generally our children, usually between the ages of 16 to 24, are the operators of most loud car audio systems. The vast majority of these young adults are law-abiding, good kids looking for a fun way to get together with others in their age group. For many of them car audio is a hobby, one that we feel spurs their imagination and offers them a creative outlet for their youthful exuberance. This is a far better way for them to spend their time and disposable income rather than partaking in illegal or other harmful activities. We must be diligent in understanding their needs and desires as well.

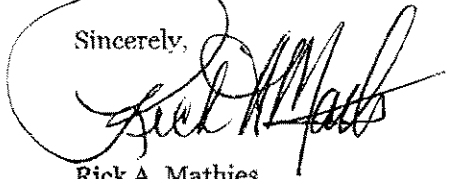
In our research we have found that some of the sound ordinances across the country were originally put in place to give authorities another tool in stopping the drug dealers in our country. MERA whole-heartedly supports any effort designed to protect our children and communities from such evils. However, we cannot let this overshadow the rights of our law-abiding adolescents by limiting their rights to have a good time.

The City of Milwaukee has extensive wording in the city ordinances to control noise. It seems that these ordinances were very well thought out and should be providing the city with adequate power to reduce the noise in your community. Consider the likely possibility that the city has an enforcement issue, one that would not be resolved simply through creation of yet another ordinance.

Mobile Enhancement Retailers Association

MERA has put together some suggested wording for a sound ordinance that could help reduce the effects of car audio systems on the peace and tranquility of private citizens. MERA's suggestions might make it easier for the law enforcement officers to issue citations to those that violate the ordinance. Please see the attached page for MERA's suggestions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick A. Mathies". The signature is written in a cursive style with a large, looping initial "R".

Rick A. Mathies
Executive Director

Proposed Sound Ordinance

No person shall play, use, operate or permit to be played, used or operated, any radio, tape recorder, cassette player, CD player or other device for receiving broadcast sound or reproducing recorded sound if the device is located;

- 1) On the public way; or
- 2) In any motor vehicle on the public way;

And if the sound generated by the device is clearly audible to a person with normal hearing at a distance greater than 100 feet between the hours of 11:00PM and 6:00AM. This section shall not apply to authorized emergency vehicles, any person participating in a parade or public assembly for which a valid permit has been obtained.

A noise free zone shall also be established for 2 blocks in either direction of churches, schools and hospitals during all hours of the day and night. Within this noise free zone the sound generated by the device cannot exceed convenient hearing of the passengers or users of the device.

Violators will be cited with a non- moving traffic infraction and fined \$100 for the first offence. Violators convicted of a seconded offense under this section within 18 months of the first offence shall be fined not less than \$100 and not more than \$250. Violators convicted of a third offense within 18 months of the first offense shall be fined not less than \$250 and not more than \$500.