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Sent: Wednesday, July 30, 2025 10:24 AM
To: Owczarski, Jim <jowcza@milwaukee.gov>
Cc: CAOLegalAssignments <CAOLegalAssignments@milwaukee.gov>
Subject: RE: Two Files for Review

Good morning,

Our office has reviewed the ultrasonic pest repellant ordinance draft:
<https://milwaukee.legistar.com/LegislationDetail.aspx?ID=7449363&GUID=35A314C0-E2ED-42CF-AD58-E2DFED50960B&Options=ID%7cText%7c&Search=250454>.

My thoughts are as follows:

- There is nothing on the state or federal level that prohibits the regulation of ultrasonic pest repellants
- With that said, as the LRB memo noted, there is little evidence that ultrasonic pest repellants have impacts on humans at the kilohertz they produce
- I think a definition of either “intermittent ultrasonic frequency” or just “ultrasonic frequency” is necessary to clarify what is being regulated.
- Db is defined, likely need to define kHz as well, as one regulates noise volume and one regulates noise pitch.
- Need consistency in language. 80-62.5 uses “Ultrasonic Repellant Devices” and 80-65 uses “ultrasonic pest repellant device”. Should use one or the other.
- Noise regulation takes in a number of factors, including ambient noise, consistency of noise, and time. My understanding is that ultrasonic repellant devices are a constant sound, which is why I would guess time and consistency are not mentioned. Is the fact that this is more of a pitch related measure the reason ambient factors are not considered? I am just trying to understand the differences in the noise based regulations.
- Lastly, since this isn’t a decibel question, how does a complainant know that an ultrasonic repellant is causing the medical issue such as headaches? Does a complainant need to first ID the actual device or do they just need to believe the neighbor has a device? If the neighbor is unwilling to state whether they have a device we’d likely need a special inspection warrant to verify, and a neighbor complaint may not be enough to get a court to issue a warrant. If we are issuing a ticket solely on a reading, I could see a court stating that is not enough to issue a ticket. What are types of devices could produce this frequency that could impact a reading? There are some enforceability concerns.

Summary: this type of regulation is not prohibited; however, I think the enforcement aspects of the ordinance need to be clarified.

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