



Legislation Details (With Text)

File #: 16-1522 **Version:** 1 **Name:** 11/10/16 Add Ordinance Chapter 120 Closed Captioning

Type: Ordinance **Status:** Passed

File created: 11/10/2016 **In control:** City Council

On agenda: 2/6/2017 **Final action:** 2/6/2017

Enactment date: 11/10/2016 **Enactment #:** ORD-16-24

Title: An Ordinance to Add a New Chapter 120 (Closed Captioning) to Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-16-24)

Sponsors: Kirk Westphal

Indexes:

Code sections:

Attachments: 1. 16-24 Closed Captioning Ordinance Briefed and Approved.pdf, 2. 16-24 Closed Captioning Ordinance Briefed.pdf, 3. R-16-145, 4. Closed captioning ordinance memo.pdf, 5. CDI resolution to support closed captioning ordinance.pdf, 6. Closed Captioning Chapter 120 Briefed.pdf, 7. CCOrdinanceSurveyDec2016Report 1.pdf, 8. SurveyReport 2.pdf

Date	Ver.	Action By	Action	Result
2/6/2017	1	City Council	Held and Closed	
2/6/2017	1	City Council	Adopted on Second Reading	Pass
1/3/2017	1	City Council	Held and Continued	
1/3/2017	1	City Council		
1/3/2017	1	City Council	Postponed at Second Reading	Pass
11/21/2016	1	City Council		
11/21/2016	1	City Council	Held and Continued	
11/21/2016	1	City Council	Postponed at Second Reading	Pass
11/10/2016	1	City Council	Approved on First Reading	Pass

An Ordinance to Add a New Chapter 120 (Closed Captioning) to Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-16-24)

Approved Resolution R-16-145 directed the City Administrator and City Attorney to develop a draft ordinance to require activation of closed captioning on televisions that are in use in places of public accommodation (e.g. bars, hotel lobbies, restaurants, etc.). The draft ordinance was reviewed and approved by the Commission on Disability Issues at their October 19 meeting.

The ordinance requires activation of closed captioning whenever televisions are in use in places of public accommodation. The ordinance does not require that a television be turned on (the business may choose to leave the television off entirely). However, if it is turned on, then the closed captioning must also be activated. The ordinance does not require upgrading or purchasing new equipment to display closed captioning. The ordinance will be enforced by police and community standards.

The Commission on Disability Issues has discussed possibilities for the Commission to conduct outreach and education, including contacting local merchant associations and major establishments

that would fall under the ordinance. The Commission has also discussed developing educational materials, such as business cards that could be distributed to local merchants, as well as guidelines for customers to request turning on closed captioning before seeking enforcement.

The Commission has recommended that the ordinance be effective July 1, 2017 to allow a time period for businesses to become aware of the ordinance and educate their staff and for the Commission to determine and recommend education and outreach strategies.

Prepared by: Christopher Frost, Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

ORDINANCE NO. ORD-16-24

First Reading:	November 10, 2016	Approved:	February 6, 2017
Public Hearing:	November 21, 2016	Published:	February 9, 2017
	January 3, 2017		
	February 6, 2017	Effective:	July 1, 2017

CLOSED CAPTIONING ORDINANCE

AN ORDINANCE TO ADD A NEW CHAPTER 120 (CLOSED CAPTIONING) TO TITLE IX OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Title IX of the Code of the City of Ann Arbor be amended by adding a Chapter 120 which shall read as follows:

**CHAPTER 120
CLOSED CAPTIONING**

9:500. - Title.

This chapter shall be known as the "Closed Captioning Ordinance" of the City of Ann Arbor.

9:501. - Intent and purpose.

City Council has determined that hearing loss is a significant problem affecting many residents and visitors to the City of Ann Arbor and that requiring activation of Closed Captioning on compatible television receivers while in use in places of public accommodation improves the health, safety, and welfare of the City by increasing available channels of communication to persons with hearing loss.

9:502. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section:

- (1) *Closed Captioning* means a transcript or dialog of the audio portion of a television program that is displayed on a portion of a television receiver screen when the user activates the feature.
- (2) *Closed-Captioned Television Receiver* means a receiver of television programming that has the ability to display Closed Captioning, including but not limited to a television, digital set top box, and other technology capable of displaying Closed Captioning for television programming.

- (3) *Place of Public Accommodation* means a business, an educational institution, or a refreshment, entertainment, recreation, health, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.
- (4) *Responsible Person* means an owner, employee, manager, or agent with the authority to control a Closed-Captioned Television Receiver in a Place of Public Accommodation.

9:503. - Activation of closed captioning.

- (1) A Responsible Person must activate and leave activated Closed Captioning on any Closed-Captioned Television Receiver while the Closed-Captioned Television Receiver is in use in any part of the Place of Public Accommodation that is open to the general public.
- (2) A Responsible Person is not required to:
- (a) Turn on a Closed-Captioned Television Receiver that is off;
 - (b) Provide a Closed-Captioned Television Receiver in the Place of Public Accommodation; or
 - (c) Upgrade or replace a receiver of television programming that is incapable of displaying closed captioning.

9:504. - Penalties.

Each violation of this chapter shall be a civil infraction punishable by a minimum fine of \$50, with a maximum fine of up to \$500. Where a Responsible Person is not immediately apparent, there shall be a rebuttable presumption of responsibility on the part of the owner of the Place of Public Accommodation.

9:505. - Effective date.

This Chapter shall take effect on July 1, 2017.

Section 2. That Section 1:17 of Title 1 of the Code of the City of Ann Arbor be amended to read as follows:

1:17. - Code violation citations.

The administrators of the following services areas and the persons holding the positions or performing the functions listed within each services area are authorized to issue citations for violations of the indicated chapters of this Code. This designation of authority is in addition to that otherwise provided by law.

- (1) *Community services area.*
- (a) Planning and development services unit (Chapters 2, 26, 27, 28, 33, 38, 47, 50, 55, 56, 57, 59, 60, 61, 62, 63, 65, 79, 82, 94, 98, 99, 100, 101, 103, 104, 105, 106, 116 and 119):
 - Building Official.

 - City Planner.

 - Development Services Inspectors.

 - Project & Programs Manager.

 - Senior City Planner.

(b) Community television network-Public information services unit (Chapter 32):
Cable Administrator.

(2) *Public services area.*

(a) Field operations services unit (Chapters 26, 27, 28, 33, 38, 39, 40, 47, 49, 82, 106 and 119):
Field Operations Manager.

Field Operations Supervisor.

Field Operations Technician.

Natural Area Preservation Manager.

Natural Area Preservation Technician.

Conservation Worker.

Outreach Coordinator.

Conservation Crew Leader.

Field Biologist.

(b) Wastewater treatment services unit (Chapters 27, 28 and 33):
Wastewater Treatment Services Manager.

Administrative Assistant to Wastewater Treatment Services Manager.

(c) Systems planning unit (Chapters 26, 33, 40, 47, 55, 56, 57, 59, 60, 62, 63, 70, 98, 100, 104, 106, 116 and 119):
Systems Planning Unit Manager.

Environmental Coordinator.

Fertilizer Program Administrator.

Solid Waste Coordinator.

Recycling Coordinator.

Environmental Systems Analyst.

Urban Forestry and Natural Resources Planning Coordinator.

Stormwater and Floodplain Programs Coordinator.

(d) Project management services unit (Chapters 27, 28, 33, 38, 40, 47, 49, 50, 59, 60, 62, 63, 100, 104, 106, 119, and 126):
Project Management Manager.

Senior Project Manager.

Project Manager.

Senior Project Engineer.

Project Engineer.

Civil Engineer Specialists' Supervisor.

Civil Engineer Specialist.

(3) *Safety services area.*

(a) Fire services unit (Chapters 27, 93, 98, 99, 100, 101, 105, 106, 111, 115, 116 and 126):
Fire Chief.

Assistant Fire Chief.

Battalion Chief.

Captain.

Lieutenant.

Driver Operator.

Fire Fighter.

Fire Marshal.

Fire Inspectors.

(b) Police services unit.

Police Service Specialists (Chapters 38, 39, 47, 49, 70, 82, 85, 106, 107, 111, 114, 115, 119, 120, 126 and 127).

Community Standards Officers (Chapters 26, 30, 40, 47, 49, 56, 59, 61, 70, 79, 82, 105, 106, 111, 120 and 126).

Telecommunicator (Chapter 93).

(4) *Human resources services unit* (Chapters 23 and 112):

Human Resources Manager.

Human Rights Coordinator.

Human Rights Investigator.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of February 6, 2017.

Jacqueline Beaudry, City Clerk

Date

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on February 9, 2017.

Jacqueline Beaudry, City Clerk

Sponsored by: Councilmember Westphal