



## Legislation Text

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**File #:** 16-0569, **Version:** 3

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### Resolution to Direct the City Administrator and City Attorney to Develop a Draft Ordinance to Require Activation of Closed Captioning in Places of Public Accommodation

The Ann Arbor Commission on Disability Issues has passed a resolution recommending passage of an ordinance requiring activation of closed captioning, where available, on televisions used in places of public accommodation. This resolution directs City staff to develop a draft ordinance.

The Commission on Disability Issues provides the following memorandum regarding the proposed ordinance:

Summary of Proposed Ordinance: Require closed captioning, where available, to be activated on all televisions used in places of public accommodation. Does not require purchase of new equipment. Civil penalty of \$500 if found in violation.

#### Reasons behind Ordinance:

1. Safety/emergency preparedness
  - a) It is essential to have closed-captioning on televisions at all times in the case of an emergency so that Deaf/Hard-of-Hearing consumers may be able to access emergency information broadcasted on televisions.
2. Ease of access to content
  - a) The City of Ann Arbor aims to be inclusive for all of its citizens, and having closed captioning on at all times would remove the barrier of information access for its residents and visitors with hearing disabilities, as well as those with hearing who may have difficulty hearing the aural content on televisions in noisy environments.

Model this Ordinance is based on: Portland, Oregon

Other cities a similar ordinance has been enacted in:

1. Portland, Oregon (2015)
2. San Francisco (2008)
  - i. Article 44 of the San Francisco Police Code, "CLOSED CAPTIONS ACTIVATION REQUIREMENT ORDINANCE."

Examples of places that would be subject to this Ordinance:

1. Waiting Rooms in hospitals, outpatient clinics, and other medical offices
2. Lobbies and reception areas of businesses open to the public
3. Service areas of bars and restaurants
4. Exercise, lounge, dressing and bar and restaurant areas of health clubs
5. Sales areas of retail stores
6. Service areas of barbershops, hair, or nail salons

Prior challenges in enacting ordinances similar to this:

1. Closed captioning in sports bars - bar owners argue that closed captioning impedes the viewing of the sports game.
  - a) Counterarguments:
    - i. Sports fans' enjoyment does not trump the Americans with Disabilities Act and the needs of those with hearing loss
    - ii. If captioning is poorly placed on the television during the sports game, a report should be made to the Federal Communications Commission, the federal agency overseeing the use and placement of closed captioning on television programming. The FCC will be able to remedy poorly-placed closed captioning.

Educational Materials:

1. An advocacy group created this website for the Portland Ordinance: <http://captionsonnow.net/>
  - a) A similar informational webpage illustrating how business can comply with this ordinance could be created with the support of personnel in the City Communications Office.

Prepared by: Christopher Frost, Assistant City Attorney

Reviewed by: Tom Crawford, Interim City Administrator

Sponsored by: Councilmember Westphal

RESOLVED, That City Council directs the City Administrator and City Attorney to prepare for City Council's consideration a draft ordinance that requires activation of closed captioning, where available, on televisions used in places of public accommodation; and

RESOLVED, That City Council requests that the Disability Commission and Cable Commission review options to provide closed captioning of City Council meetings and other public meetings.

**As Amended by Ann Arbor City Council on April 18, 2016**