



CITY COUNCIL TRANSMITTAL


Lisa Shaffer (Dec 20, 2022 10:22 MST)

Lisa Shaffer, Chief Administrative Officer

Date Received: 12/20/2022

Date sent to Council: 12/20/2022

TO: Salt Lake City Council **DATE:** 12-19-2022
Dan Dugan, Chair

FROM: Ashley Lichtle, Mayor's Office 
FROM: Kaletta Lynch, Chief Equity Officer 

SUBJECT: Public Accommodation Closed Captioning Ordinance

STAFF CONTACTS: Ashley Lichtle, ADA Coordinator,

Ashley.Lichtle@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: Approve the attached ordinance requiring places of public accommodations to enable closed captioning on all televisions in places accessible to the public, per recommendation of the Accessibility and Disability Commission.

BUDGET IMPACT: None.

BACKGROUND/DISCUSSION:

Televisions are used in many public spaces, such as hospitals, doctor's office waiting rooms, airports, bars, restaurants, gyms, coffee shops, bus stations, and other public accommodations. The use of televisions in these public spaces allows the public to engage in a collective experience such as watching sports, passing time while waiting for a service or obtaining news in emergencies- such as information about the COVID-19 pandemic.

About one in five Americans have some type of hearing loss in one or both ears and do not have access to information in the same way as those who can hear. To provide an equitable experience for our deaf or hard of hearing residents and visitors in these public places, places of public accommodation can activate closed captioning and thereby ensure those individuals are able to fully participate in or experience the full benefits of the public televisions. Cities such as San Francisco, CA, Ann Arbor, MI, Portland, OR, Rochester, NY and Seattle, WA have closed captioning ordinances and Maryland, New York, and Minnesota have implemented statewide laws.

Having closed captioning enabled in public spaces will provide equal access for all deaf and hard of hearing people but many other people can benefit. Closed captioning can provide better access for veterans with hearing loss, the

elderly, people with autism or sensory disabilities, ADHD, dyslexia, learning disabilities, down syndrome and auditory neuropathy, and people who are learning English as a second language or are limited English proficient (LEP). In a noisy environment, hearing people can benefit from having the captions turned on and such enhanced access can be helpful when there's an emergency broadcast.

Public accommodations subject to turning on closed captions would not incur a cost because all televisions since 1990 now have a captioning feature built in due to the Television Decoder Circuitry Act of 1990. Managers of public accommodations would simply have to learn how to access the television's menu if they did not already know how. Closed caption activation guides for various streaming platforms can also be provided to places of public accommodation through the Mayor's Office of Equity and Inclusion website.

Who wouldn't be required to participate in this?

- Public accommodations that don't have any televisions in a public area,
- Locations where the only television in the space cannot display closed captioning, or
- Locations selling different models of televisions, where such models are available for viewing, would only be required to ensure that at least one television for each model has the closed captioning on.

SALT LAKE CITY ORDINANCE
No. ____ of 2023

(Activation of Closed Captioning on Televisions in Public Areas)

An ordinance enacting chapter 10.08 of the Salt Lake City Code requiring activation of closed captioning on televisions located in public areas.

WHEREAS, the City Council of Salt Lake City (the “Council”) desires to promote the full and equal access to all citizens and visitors alike in the interest of eliminating isolation and segregation and encouraging that gathering and participation of all persons;

WHEREAS, the 2000 United States Census found over 19% of the population has disabilities and 17% of those individuals have a sensory disability;

WHEREAS, the provision of closed captioning of television monitors in public areas of congregation, including, small businesses, social recreations facilities, and other buildings generally accessible to the public promotes full communication access for people who are deaf or hard of hearing;

WHEREAS, the provision of closed captioning of television monitors in public areas of congregation, including, small businesses, social recreations facilities, and other buildings generally accessible to the public also assists many non-native English speakers; and

WHEREAS, the provision of closed captioning on television monitors in public areas of congregation, including small businesses, social recreation facilities, and other

buildings generally accessible to the public can be provided easily and at little or no cost to the owner or occupant of such buildings;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Chapter 10.08 of the Salt Lake City Code shall be, and hereby is, enacted to read as follows.

Chapter 10.08

CLOSED CAPTIONING IN PLACES OF PUBLIC CONGREGATION

10.08.010 - TITLE.

10.08.020 – INTENT AND PURPOSE.

10.08.030 - DEFINITIONS.

10.08.040 – ACTIVATION OF CLOSED CAPTIONING.

10.08.050 – ENFORCEMENT AND PENALTIES.

10.08.010 - TITLE.

This chapter shall be known as the "Closed Captioning Ordinance" of Salt Lake City.

10.08.020 – INTENT AND PURPOSE.

Hearing loss has been identified as a significant problem affecting many residents and visitors to Salt Lake City. Requiring activation of closed captioning on compatible television receivers while in use in places of public congregation improves the health, safety, and welfare of the city by increasing available channels of communication to persons who are deaf or hard of hearing.

10.08.030 - 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 congregation* 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 congregation.

10.08.040 – 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 congregation 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 congregation; or

(c) Upgrade or replace a receiver of television programming that is incapable of displaying closed captioning.

10.08.050 – ENFORCEMENT AND PENALTIES.

(1). A peace officer or other city enforcement official may issue civil notices of violation to responsible persons who violate the provisions of this chapter. Notices of violation shall be adjudicated as civil violations in accordance with the procedures set forth in title 2, chapter 2.75 of this Code.

(2). The following penalties shall be imposed where a notice of violation is issued for a violation of this chapter:

(a). Where a notice of violation has been issued for a first violation of this chapter, such notice of violation shall constitute a written warning.

(b) Where a notice of violation has been issued for a second violation of this chapter, the recipient of such notice of violation shall pay a civil penalty of fifty dollars (\$50.00).

(c). Where a notice of violation has been issued for a third violation of this chapter, the recipient of such notice of violation shall pay a civil penalty of one hundred dollars (\$100.00).

(d). Where a notice of violation has been issued for a fourth or subsequent violation of this chapter, the recipient of such notice of violation shall pay a civil penalty of two hundred dollars (\$200.00).

(e). Any reference to second, third, fourth, and subsequent violations refers to repeat violations of the same section of City code chapter 10.08 that occur within a twenty-four (24) month period.

SECTION 2. That this ordinance shall become effective immediately upon publication.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____
2023.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2023.

Published: _____

APPROVED AS TO FORM

Date: December 14, 2022

By: Jaysen Oldroyd
Jaysen Oldroyd, Senior City Attorney

LEGISLATIVE DRAFT

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WHEREAS, the 2000 United States Census found over 19% of the population has disabilities and 17% of those individuals have a sensory disability;

WHEREAS, the provision of closed captioning of television monitors in public areas of congregation, including, small businesses, social recreations facilities, and other buildings generally accessible to the public promotes full communication access for people who are deaf or hard of hearing;

WHEREAS, the provision of closed captioning of television monitors in public areas of congregation, including, small businesses, social recreations facilities, and other buildings generally accessible to the public also assists many non-native English speakers; and

WHEREAS, the provision of closed captioning on television monitors in public areas of congregation, including small businesses, social recreation facilities, and other

LEGISLATIVE DRAFT

26 buildings generally accessible to the public can be provided easily and at little or no cost
27 to the owner or occupant of such buildings;

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10.08.010 - TITLE.

10.08.020 – INTENT AND PURPOSE.

10.08.030 - DEFINITIONS.

10.08.040 – ACTIVATION OF CLOSED CAPTIONING.

10.08.050 – ENFORCEMENT AND PENALTIES.

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42 **10.08.010 - TITLE.**

43 This chapter shall be known as the "Closed Captioning Ordinance" of Salt Lake City.

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45 Hearing loss has been identified as a significant problem affecting many residents and
46 visitors to Salt Lake City. Requiring activation of closed captioning on compatible
47 television receivers while in use in places of public congregation improves the health,
48 safety, and welfare of the city by increasing available channels of communication to
49 persons who are deaf or hard of hearing.

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55 when the user activates the feature.

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58 limited to a television, digital set top box, and other technology capable of
59 displaying closed captioning for television programming.

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61 a refreshment, entertainment, recreation, health, or transportation facility of any
62 kind, whether licensed or not, whose goods, services, facilities, privileges,
63 advantages, or accommodations are extended, offered, sold, or otherwise made
64 available to the public.

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71 television receiver is in use in any part of the place of public congregation that
72 is open to the general public.

73 (2) A responsible person is not required to:

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104 refers to repeat violations of the same section of City code chapter 10.08
105 that occur within a twenty-four (24) month period.
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109 publication.
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111 Passed by the City Council of Salt Lake City, Utah this ___ day of _____
112 2023.

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CHAIRPERSON

117 ATTEST:

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120 _____
CITY RECORDER

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123 Transmitted to Mayor on _____.

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125 Mayor's Action: _____ Approved. _____ Vetoed.

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MAYOR

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CITY RECORDER

LEGISLATIVE DRAFT

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(SEAL)

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Published: _____

<p>APPROVED AS TO FORM</p> <p>Date: _____</p> <p>By: _____ Jaysen Oldroyd, Senior City Attorney</p>
