



ORDINANCE NO. 28649

1 BY REQUEST OF COUNCIL MEMBERS BEALE, BLOCKER, AND USHKA
2 AN ORDINANCE relating to public accommodations; amending Chapter 1.29 of
3 the Tacoma Municipal Code by the addition thereto of a new
4 Section 1.29.190, to be known as "Provision of Universal Closed
5 Captioning," to require persons owning or managing a place of public
6 accommodations to activate closed captioning on television receivers
7 located within the City; and declaring an effective date.

8 WHEREAS the purpose of the Tacoma Area Commission on Disabilities
9 ("TACOD") is to remove barriers and promote the rights of all persons with
10 disabilities to make Tacoma accessible for everyone; and to advise, educate,
11 collaborate, and serve as a resource for the City on issues and laws for people
12 with disabilities, and

13 WHEREAS TACOD is authorized to advise, educate, collaborate and
14 advocate for and on behalf of people with disabilities, and provide
15 recommendations to the City Council and the Community, Vitality and Safety
16 ("CVS") Committee, and

17 WHEREAS all televisions broadcasts of programming in the United
18 States include captions, and most television sets are capable of displaying
19 captions, but many businesses commonly do not enable closed captions, and

20 WHEREAS current projections indicate that 35,000, or 4 percent of the
21 regional population of Tacoma and Pierce County residents, are either deaf or
22 hard of hearing; however, the current Tacoma Municipal Code does not
23 specifically encompass the provision of closed captioning for persons in need of
24 accommodations, and
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1 WHEREAS, in addition to benefitting members of the public who are deaf
2 or hard of hearing, closed captioning benefits people with learning disabilities,
3 sensory disabilities, attention deficits, and autism, as well as the elderly and
4 persons learning English as a second language, and

5 WHEREAS, at its meeting of July 11, 2019, the CVS Committee was
6 briefed on TACOD's recommendations relating to closed captioning in public
7 places, and the committee recommended that an ordinance be prepared for
8 its consideration, and

9 WHEREAS, on September 26, 2019, staff from the Office of Equity and
10 Human Rights presented the proposed ordinance to the CVS Committee, and
11 the committee recommended that the ordinance be forwarded to the full City
12 Council for consideration, and

13 WHEREAS, so that the City may conduct outreach and education about this
14 ordinance, staff is recommending an effective date of March 1, 2020; Now,
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16 Therefore,

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18 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TACOMA:

19 Section 1. That Chapter 1.29 of the Tacoma Municipal Code is hereby
20 amended by the addition thereto of a new Section 1.29.190, to be known
21 as "Provision of Universal Closed Captioning," as set forth in attached Exhibit "A."
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23 Section 2. That this ordinance shall become effective on March 1, 2020.

24 Section 3. That the City Manager is hereby directed to support and
25 conduct a broad education and outreach program to secure the full participation
26 of establishments that fall within the ordinance.



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Section 4. That the City Manager is hereby directed to support and conduct a concurrent education campaign for the general public on the ordinance and the benefits of closed captioning.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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CHAPTER 1.29 HUMAN RIGHTS COMMISSION

Sections:

- 1.29.010 Findings.
- 1.29.020 Creation of a Human Rights Commission.
- 1.29.030 Commission Responsibilities of the Office of Equity and Human Rights.
- 1.29.040 Definitions.
- 1.29.050 Unlawful discriminatory employment practices.
- 1.29.060 Additional unlawful discriminatory practices.
- 1.29.070 Liberal construction.
- 1.29.080 Severability.
- 1.29.090 Savings clause.
- 1.29.100 Unlawful discriminatory housing practices.
- 1.29.110 Discrimination in residential real estate-related transactions.
- 1.29.120 Prohibition against discrimination because of disability.
- 1.29.130 Housing for older persons.
- 1.29.140 Interference, coercion or intimidation.
- 1.29.150 Adjustment and settlement of complaints.
- 1.29.160 Election for civil action in lieu of hearing for housing cases.
- 1.29.170 Enforcement of fair housing provisions by private persons.
- 1.29.180 Labeling of single-occupant restrooms.
- 1.29.190 Provision of Universal Closed Captioning.

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1.29.190 Provision of Universal Closed Captioning.

A. Definitions.

“Closed captioning” means a transcript or dialog of the audio portion of a television program that is displayed on either the bottom or top portion of a television receiver screen when the user activates the feature.

“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.

“Covered entity” means any place of public accommodation in Tacoma.

“Public area” means any part of a place of public accommodation that is open to the general public.

“Regular hours” means the hours of any day in which a place of public accommodation is generally open to members of the general public.

B. Requirements for closed captioning in places of public accommodation. Any person owning or managing a place of public accommodation with a receiver of television programming in the City must activate closed captioning. Captions should be displayed using sans serif fonts at the maximum size settings on all televisions. Background and foreground text colors should be displayed using high contrast color schemes. Exceptions include:

- 1. When the only receiver of television programming available in a public area of the place of public accommodation is technically incapable of displaying closed captioning; or



2. If a covered entity is exempt from closed captioning requirements under state or federal law.
C. Enforcement. The requirements of this subsection shall be enforced and violations penalized pursuant to Chapter 1.82 of the Tacoma Municipal Code.

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