

FILE NO. 081082

ORDINANCE NO. 284-08

[Requiring Activation of Closed Captions During Video Events.]

Ordinance amending the San Francisco Police Code by amending Sections 4401 and 4402 to require the activation of closed captioning during video events in a park, open space, zoo, or other outdoor recreation area.

Note: Additions are single-underline italics Times New Roman; deletions are ~~strikethrough italics Times New Roman~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Police Code is hereby amended to amend Article 44, Sections 4401 and 4402, to read as follows:

SEC. 4400. TITLE.

This Article shall be known as the Closed Captions Activation Requirement Ordinance.

SEC. 4401. DEFINITIONS.

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

(a) "City" means the City and County of San Francisco.

(b) "Closed-Captioned Television Receiver" means a television receiver that has a built-in decoder to display Closed Captioning.

(c) "Closed Captioning" means a transcript or dialog of the audio portion of a television or other video program that is displayed on the bottom portion of a television receiver screen or other screen when the user activates the feature.

(d) "Equivalent Access" means the use of simultaneous visually assistive technology for the synchronous display of the transcript or dialog of the audio portion of a television or other video

1 program. Suitable technologies include, but are not limited to, subtitles, rear window captioning,
2 supertitles, and communication access real-time translation.

3 ~~(d)~~ (e) "Person" means a natural person or any legal entity, including but not limited to
4 a corporation, firm, partnership or trust.

5 ~~(e)~~ (f) "Public Area" means that part of a Public Facility that is open to members of the
6 general public. By way of example only, Public Area includes the following: (1) lobbies and
7 reception areas of businesses open to the public; (2) waiting rooms in hospitals, out patient
8 clinics and other medical offices; (3) service areas of bars and restaurants; (4) exercise,
9 lounge, dressing and bar and restaurants areas of health clubs; (6) sales areas of retail
10 stores; (7) classrooms and other parts of school buildings serving students and faculty
11 members; and (8) service areas of barbershops, hair or nail salons.

12 ~~(f)~~ (g) "Public Facility" means any building, business, store, office or indoor or outdoor
13 facility of any kind that is open to all members of the general public or only to certain members
14 of the general public (i.e., customers, patients, guests, residents, ticket holders, passengers,
15 students, clients, members). By way of example only, a Public Facility includes the following:
16 (1) hospitals, out-patient clinics, or other medical facilities; (2) restaurants, bars, clubs, or
17 other establishments that serve food and/or drinks for consumption on the premises; (3)
18 health, golf, tennis, swim or boat clubs, gyms, or other facilities used for recreation or
19 exercise; (4) hair or nail salons, barbershops, cleaners, day spas, laundromats, travel
20 agencies, or other facilities that offer personal services; (5) offices used by doctors, dentists,
21 accountants, lawyers, architects, engineers, insurance agents or adjustors, or other
22 professionals; (6) service stations, stores or shops for the repair or maintenance of
23 appliances, shoes, motor vehicles, or other items or products; (7) automobile and motorcycle
24 dealerships, or other showrooms for the display of merchandise offered for sale; (8) grocery
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1 and specialty food stores, or other stores that sell consumable products; (9) clothing, shoe,
2 cookware, photo, general merchandise, gift, appliance, department, furniture and hardware
3 stores, pharmacies, or other stores that sell goods or merchandise; (10) video arcades, game
4 rooms, pool halls, bowling alleys, amusement parks, or other recreation or amusement center;
5 (11) banks, savings and loan offices, brokerage houses, or other businesses offering financial
6 services; (12) inns, hotels and motels, or other places that provide accommodations to the
7 public; (13) motion picture houses, theaters, concert halls, stadiums, arenas, or other places
8 used for exhibitions or entertainment; (14) libraries, book, music, and video stores, or other
9 places that lend or sell reading, listening or viewing materials; (15) auditoriums, convention
10 centers, lecture halls, or other places used for public gatherings; (16) terminals, depots, or
11 other stations used for public transportation (including the San Francisco International
12 Airport); (17) museums, galleries, or other places used to display exhibitions of art or other
13 items; (18) public or private nursery, elementary, secondary, undergraduate, or postgraduate
14 schools, or other places of education; (19) day care centers, senior citizen centers, homeless
15 shelters, food banks, adoption agencies, or other social service centers or establishments;
16 (20) parks, open spaces, zoos, or other outdoor recreation areas; and (21) City government
17 offices.

18 ~~(g)~~(h) "Regular Hours" means the hours of any day in which a Public Facility is
19 generally open to members of the general public.

20 (i) "Video Event" means showing a movie, television show, or other video programming at
21 a park, open space, zoo, or other outdoor recreation area.

22 SEC. 4402. ACTIVATION OF CLOSED CAPTIONING REQUIRED.
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1 (a) It shall be unlawful for any Person owning or managing a Public Facility to fail to
2 keep Closed Captioning activated on any Closed-Captioned Television Receiver that is in use
3 during Regular Hours in any Public Area.

4 (b) It shall be unlawful for any Person sponsoring a Video Event to fail to keep Closed
5 Captioning activated during the course of the Video Event. Notwithstanding the foregoing, a Person
6 sponsoring a Video Event may deactivate Closed Captioning during the Video Event provided that: (1)
7 an alternative to Closed Captioning is made available during the entire Video Event; and (2) the
8 alternative to Closed Captioning offers hearing impaired Persons Equivalent Access to the Video
9 Event.

10 SEC. 4403. REMEDIAL ACTION NOT REQUIRED.

11 Nothing in this Article should be construed to require any Person owning or managing a
12 Public Facility to make a Closed Captioned Television Receiver available for viewing in a
13 Public Area if: (a) no television receiver of any kind is available in a Public Area of the Public
14 Facility; (b) the only television receiver available in a Public Area of the Public Facility is not a
15 Closed Captioned Television Receiver.

16 SEC. 4404. CIVIL PENALTIES AND FEES.

17 Any Person who violates this Article may be liable for a civil penalty not to exceed \$500
18 for each day such violation is committed or permitted to continue. Such penalty shall be
19 assessed and recovered in a civil action brought in the name of the people of the City by the
20 City Attorney in any court of competent jurisdiction. In assessing the amount of the civil
21 penalty, the court may consider any one or more of the relevant circumstances presented by
22 any of the parties to the case including, but not limited to, the following: the nature and
23 seriousness of the violations, the number of violations, the persistence of the violations, the
24 length of time over which the violations occurred, the willfulness of the Person charged with
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1 the violations, and the assets, liabilities, and net worth of the Person charged with the
2 violations. The City Attorney also may seek recovery of the attorney's fees and costs incurred
3 in bringing a civil action pursuant to this Section.

4 SEC. 4405. CRIMINAL FINES.

5 (a) Any Person who violates this Article shall be deemed guilty of an infraction.
6 Every violation determined to be an infraction is punishable by: (1) a fine not exceeding \$100
7 for the first violation within one year; (2) a fine not exceeding \$200 for a second violation
8 within one year from the date of the first violation; (3) a fine not exceeding \$500 for the third
9 and each additional violation within one year from the date of the first violation.

10 (b) When a government official authorized to enforce this Article pursuant to
11 Subsection (a) has reasonable cause to believe that any Person has committed an infraction
12 in the official's presence that is a violation of this Article the official may issue a citation to that
13 Person pursuant to California Penal Code, Part II, Title 3, Chapters 5, 5C, and 5D.

14 SEC. 4406. DISCLAIMER.


15 In enforcing this Article, the City is assuming an undertaking only to promote the
16 general welfare. The City is not assuming, nor is it imposing on its officers and employees, an
17 obligation for which a breach by the City could result in the City being liable in money
18 damages to any person who claims that such breach proximately caused injury.

19 SEC. 4407. SEVERABILITY.

20 If any provision of this Article, or the application of any such provision to any Person or
21 circumstances, shall be held invalid, the remainder of this Article, to the extent it can be given
22 effect, or the application of those provisions to Persons or circumstances other than those to
23 which it is held invalid, shall not be affected thereby, and to this end the provisions of this
24 Article are severable.

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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
WILLIAM K. SANDERS
Deputy City Attorney



City and County of San Francisco

City Hall
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Tails

Ordinance

File Number: 081082

Date Passed:

Ordinance amending the San Francisco Police Code by amending Sections 4401 and 4402 to require the activation of closed captioning during video events in a park, open space, zoo, or other outdoor recreation area.

November 18, 2008 Board of Supervisors — PASSED ON FIRST READING


Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

November 25, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

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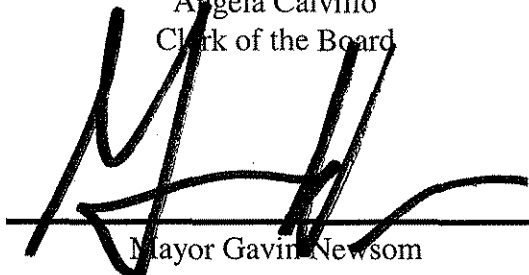
I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 25, 2008 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

12/5/2008

Date Approved



Mayor Gavin Newsom