

CITY OF SOMERVILLE
ORDINANCE NO. 2023-
IN CITY COUNCIL: _____, 2023

Be it ordained by the City Council, in session assembled, that Chapter 8, Article I of the code of ordinances of the City of Somerville is amended by adding the following section.

Sec. 8-18. – Closed captioning ~~activation~~.

~~(a) Purpose. The purpose of this ordinance is to expand accessible communication in places of public accommodation.~~

~~(b)(a) Definitions.~~ When used in this section, ~~unless the context otherwise requires,~~ the following terms shall have the following meanings, ~~except where context clearly indicates a different meaning:~~

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

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.

Public area means any part of a public facility that is open to the general public.

Public facility means any place, business, facility, or other establishment of whatever kind, or agency, whether owned privately or by a public agency which caters or offers services, facilities, or goods to or is intended for the use or convenience of the general public whether for a charge, fee, or not. Nothing contained herein shall be construed to include or apply to any place, business, facility or other establishment which is by its nature distinctly private, except for in those periods when such establishment caters or offers services to the general public.

Public entertainment venue means a place that is open to the public for mass gathering for entertainment, regardless of whether or not a ticket or payment of any type is required for admission. The term includes, but is not limited to, cinemas, theaters, concert halls, sports centers, and festivals.

Regular hours means the hours of any day in which a public facility is generally open to members of the general public.

~~(1) Activating closed captioning.~~

~~(e)(b) Activation.~~ Any person owning or managing a public facility in the City of Somerville must activate closed captioning on television receivers in use in any public area during regular hours.

(1) ~~Exception.~~ This section does not require public entertainment venues to activate closed captioning on television receivers.

(2) This section does not require a public facility to make closed captioning available in a public area ~~of the public facility~~ if no television receiver ~~of any kind~~ is available ~~in the public area~~ or ~~if the only television available~~ the only public television available in the public area cannot receive or activate closed captioning.

(3) Nothing in this ordinance shall be construed to imply an exemption from state and federal requirements, ~~such as those for effective communication and reasonable accommodations required under the Americans with Disabilities Act.~~

~~(d)(c) Enforcement.~~

(1) Violations of this ordinance may be reported to the licensing authorities on a form prescribed by the city clerk's office. ~~If a violation of this ordinance occurs, individuals can file a complaint with the Commission for Persons with Disabilities or the Licensing Commission.~~

- (2) The ~~Disabilities~~ Commission for Persons with Disabilities shall have the authority to ~~investigate~~ investigate ~~address and work to enforce complaints brought before it~~ lack of closed captioning in public facilities, including by ~~conducting unscheduled inspections of public facilities~~, providing guidance for bringing public facilities into compliance, and ~~having representatives testify before the Licensing Commission or Licenses and Permits Committee~~ making complaints to the licensing authorities of violations identified by members of the commission. Complaints reported by members of the Commission for Persons with Disabilities to a licensing authority shall be considered to have been investigated sufficiently to prompt action by that body.
- (3) Public Facilities that violate this ordinance ~~multiple times~~ may be subject to ~~having their permits or licenses conditioned, revoked, or denied by the Licensing Commission or the Licenses and Permits Committee~~ the attachment of conditions to, or revocation or denial of, their license by the licensing authority.

~~(e)~~(d) Effective date. This ordinance will take effect on January 2, 2024.

Approved:

President

Approved:

Mayor