File #: O-347-22, **Version:** 1

Council Members Gadus, Komives and Melden

Amending the Toledo Municipal Code by enacting a new Chapter 556, Closed Captioning.

SUMMARY & BACKGROUND:
City Council has determined that hearing loss is a significant problem affecting many residents and visitors to the City of Toledo and that requiring activation of closed captioning on compatible television receivers while in use in places of public accommodation improves the health, safety, and welfare of the city by increasing available channels of communication to persons with hearing loss.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new Chapter 556, Closed Captioning, of the Toledo Municipal Code is enacted as follows:

556.01 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section:

(a) 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.

(b) 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.

(c) Place of Public Accommodation 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.

(d) Responsible Person means an owner, employee, manager, or agent with the authority to control a Closed -Captioned Television Receiver in a Place of Public Accommodation.

556.02 Activation of closed captioning.

(a) 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 Accommodation that is open to the general public.

(b) A Responsible Person is not required to:

(1) Turn on a Closed-Captioned Television Receiver that is off;

(2) Provide a Closed-Captioned Television Receiver in the Place of Public Accommodation; or

(3) Upgrade or replace a receiver of television programming that is incapable of displaying Closed Captioning.

556.03 Penalties.

Each violation of this chapter shall be a minor misdemeanor with the first offense receiving a warning and all subsequent violations punishable by a maximum fine of $150. Where a Responsible Person is not immediately apparent, there shall be a rebuttable presumption of responsibility on the part of the owner of the Place of Public Accommodation.

556.04 Enactment.

This ordinance shall take effect and be in force from and after December 1, 2022.

SECTION 2. That it is found and determined that all formal actions of Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of its committees that result in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Vote on emergency clause: yeas 11, nays 0.

Passed: September 13, 2022, as an emergency measure: yeas 11, nays 0.

Attest:
Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved: September 15, 2022
Wade Kapszukiewicz
Mayor