

1 [Requiring Activation of Closed Captions During Video Events.]

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3 **Ordinance amending the San Francisco Police Code by amending Sections 4401 and**  
4 **4402 to require the activation of closed captioning during video events in a park, open**  
5 **space, zoo, or other outdoor recreation area.**

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

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

10 Section 1. The San Francisco Police Code is hereby amended to add Article 44,  
11 Sections 4400 to 4407, to read as follows:

12 SEC. 4400. TITLE.

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

14 SEC. 4401. DEFINITIONS.

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

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

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

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

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

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

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

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

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

18 SEC. 4402. ACTIVATION OF CLOSED CAPTIONING REQUIRED.

19 (a) It shall be unlawful for any Person owning or managing a Public Facility to fail to  
20 keep Closed Captioning activated on any Closed-Captioned Television Receiver that is in use  
21 during Regular Hours in any Public Area.

22 (b) It shall be unlawful for any Person sponsoring a Video Event to fail to keep Closed  
23 Captioning activated during the course of the Video Event.

24 SEC. 4403. REMEDIAL ACTION NOT REQUIRED.

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

6           **SEC. 4404. CIVIL PENALTIES AND FEES.**

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

18           **SEC. 4405. CRIMINAL FINES.**

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

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

5 SEC. 4406. DISCLAIMER.

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

10 SEC. 4407. SEVERABILITY.

11 If any provision of this Article, or the application of any such provision to any Person or  
12 circumstances, shall be held invalid, the remainder of this Article, to the extent it can be given  
13 effect, or the application of those provisions to Persons or circumstances other than those to  
14 which it is held invalid, shall not be affected thereby, and to this end the provisions of this  
15 Article are severable.

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

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19 By: \_\_\_\_\_  
20 WILLIAM K. SANDERS  
21 Deputy City Attorney