

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2021-21

AN ORDINANCE

**RELATING TO CLOSED CAPTIONS; CREATING A NEW SECTION 7.5 SFCC 1987 TO
REQUIRE PLACES OF PUBLIC ACCOMMODATION TO ACTIVATE CLOSED
CAPTIONING ON TELEVISION RECEIVERS.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. A new Section 7.5 of SFCC 1987 is ordained to read:

7.5 CLOSED CAPTIONING IN PLACES OF PUBLIC ACCOMODATION

7.5-1 Purpose.

The purposes of this section are the following:

A. To provide inclusion to those members of the public who are deaf or hard of
hearing in places of public accommodation;

B. To prevent the exclusion, segregation, or denial of service for those who are deaf
or hard of hearing; and

C. To provide a benefit to all members of the public who are viewing televised or
streamed media in situations in which it is difficult to hear audio.

1 **7.5-2 Definitions.**

2 For purposes of this Section:

3 *Closed Captioning* means a user-activated transcript or dialog of the audio portion of a
4 television program that is displayed on a television receiver screen.

5 *Closed-Captioned Television Receiver* means a receiver of television or streamed
6 programming that has the ability to display closed captioning, including but not limited to, a
7 television, display screen, digital set top box, and other technology capable of displaying closed
8 captioning for television or streamed programming.

9 *Department* means the relevant city department as assigned by the city manager.

10 *Place of Public Accommodation* means the following locations:

11 (1) An inn, hotel, motel, or other place of lodging, except for an establishment
12 located within a building that contains not more than five rooms for rent or hire and that is
13 actually occupied by the proprietor of such establishment as the residence of such
14 proprietor;

15 (2) A restaurant, bar, or other establishment serving food and/or drink;

16 (3) A place of exhibition of entertainment such as a motion picture house,
17 theater, concert hall, or stadium;

18 (4) A place of public gathering such as an auditorium, convention center, or
19 lecture hall;

20 (5) A sales or retail establishment such as a bakery, grocery store, clothing
21 store, hardware store, a shopping center;

22 (6) Any retail or service establishment such as a department store, laundromat,
23 dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral
24 parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office,
25 professional office of a health care provider, or hospital;

(7) A terminal, depot, or other station used for specified public transportation;

(8) A place of public display or collection such as a museum, library, or gallery;

(9) A place of recreation or exercise such as a park, zoo, amusement park, swimming pool, gym, health spa, bowling alley, or golf course;

(10) A place of education such as a day care, preschool, elementary, secondary, undergraduate, or postgraduate private school; and

(11) A social service center establishment such as a day care center, senior citizen center, homeless shelter, food bank, or adoption agency.

Public Area. Any part of a place of public accommodation that is open to the general public.

Regular Hours. The hours of any day in which a place of public accommodation is generally open to members of the general public.

Respondent. Any person who is alleged or found to have committed a violation of regulations established in this section.

7.5-3 Closed Captioning in Places of Public Accommodation.

A. Any place of public accommodation must activate closed captioning, with a yellow text color, or if yellow is not available, white text on a black background, or black text in the largest font style available, on all closed-captioned television receivers that are turned on and operating in any public area during regular hours, except in the following circumstances:

(1) When no receiver of televised or streamed programming of any kind is available in a public area of the place of public accommodations;

(2) The only source or receiver of the televised or streamed programming available in a public area of the place of public accommodation is technically incapable of displaying closed captioning; or

(3) If multiple television models are in use and displayed together for sale in

1 a public area and at least one closed-captioned television is available for viewing.

2 B. Powers and duties of the department.

3 (1) The department shall investigate alleged violations of this section and shall
4 have such powers and duties as are necessary and proper for the administration and
5 enforcement of this ordinance.


6 (2) The department shall assess a civil penalty of up to two hundred and fifty
7 dollars (\$250.00) for the initial offense, and five hundred dollars (\$500.00) for each
8 subsequent offense to any respondent who fails to demonstrate compliance within thirty
9 (30) days of a notice of such violation.

10 F. Exclusions.

11 (1) This section shall not be interpreted or applied to diminish or conflict with
12 any requirements of state or federal law. In the event of any conflict, state and federal
13 requirements shall supersede the requirements of this section.

14 (2) This section does not apply to programming that is exempt from closed
15 captioning requirements under state or federal law.

16 PASSED, APPROVED, and ADOPTED this 29th day of September, 2021.

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20 ALAN WEBBER, MAYOR

21 ATTEST:

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23 
24 Kristine Mihelcic (Oct 5, 2021 08:25 MDT)

25 KRISTINE MIHELIC, CITY CLERK

1 APPROVED AS TO FORM:

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3 _____

4 ERIN K. McSHERRY, CITY ATTORNEY

24 *Bill No. 2021-21*

25 *Legislation/2021/Ordinances/2021-21 Requiring Closed Captions*