

ORDINANCE 23-31

TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED  
"ADMINISTRATION AND PERSONNEL"  
- Re: Amending Chapter 2.23 (Community and Family Resources Department) by adding  
Section 2.23.240 - Closed Captioning in Places of Public Accommodation

WHEREAS, pursuant to its home rule power, the City of Bloomington may promote the quality of life, health, safety, and welfare of its citizens; and

WHEREAS, Bloomington Municipal Code 2.23.110 states that it is the public policy of the City of Bloomington to provide all citizens equal opportunity to access public accommodations; and

WHEREAS, the City of Bloomington's Comprehensive Plan was adopted on March 20, 2018 and provides a long-range vision for the community; and

WHEREAS, the Comprehensive Plan includes the following:

**Goal 1.1 Inclusivity** (p.28): Prioritize programs and strategies that support inclusive recreational and cultural activities.

**Policy 1.1.2:** Continue and enhance programs that embrace Bloomington's diversity of cultures, languages, gender orientations, and abilities, and support populations that have traditionally been excluded.

**Goal 2.3 Resilient Public Spaces** (p.39): Ensure public spaces are of high quality, engaging, and active.

**Policy 2.3.2:** Ensure public spaces are accessible to all ages and abilities and serve to connect all generations.

**Policy 2.3.3:** Ensure public spaces and facilities are well-maintained and frequently updated and that these spaces and facilities are responsive to cultural and technological changes.

WHEREAS, the lack of communication access to the audio content on television programming in public places presents a barrier for individuals with certain disabilities; and

WHEREAS, television's audible content has not been accessible to some individuals, including persons who are deaf, hard of hearing, have hearing loss, have developmental disabilities, have sensory disabilities, are non-native English speakers, and others; and

WHEREAS, when businesses enable the "closed captions" function on their televisions, a transcript of the program's audio content is shown scrolling across a portion of the screen; and

WHEREAS, visible captions would reduce or eliminate a significant communication barrier for people with hearing loss and other disabilities by providing access to the information being given by speakers on television programming in all of Bloomington's public places; and

WHEREAS, visible captions would also increase access to information for the general public, because televisions are often located in crowded and noisy commercial spaces where everybody may have difficulty hearing;

WHEREAS, the Bloomington/Monroe County Human Rights Commission and the Council for Community Accessibility considered this ordinance at meetings on November 20, 2023 and November 27, 2023, respectively, and recommend its passage;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Bloomington Municipal Code Chapter 2.23 entitled "Community and Family Resources Department" shall be amended by inserting Section 2.23.240, entitled "Closed Captioning in Places of Public Accommodation", with the title appearing in the Table of Contents for the chapter and the text reading as follows:

2.23.240 - Closed Captioning in Places of Public Accommodation.

- (a) Purpose and Applicability. The purpose of this Section is to expand access to closed captioning in places of public accommodation within the corporate boundaries of the City of Bloomington.
- (b) Definitions. When used in this section, the following terms shall have the following meanings:
- (1) "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.
  - (2) "Closed captioning television receiver" (CCTR) 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.
  - (3) "Place of public accommodation" has the meaning set forth at Bloomington Municipal Code 2.23.120(23) for the term "public accommodation".
  - (4) "Regular hours" means the hours of any day in which a place of public accommodation is generally open to members of the general public.
  - (5) "Responsible Person" means an owner, employee, manager, or agent with the authority to control a closed captioning television receiver in a place of public accommodation.
- (c) Activation of Closed Captioning.
- (1) A responsible person at a place of public accommodation in the City of Bloomington must activate and leave activated closed captioning on any closed captioning television receivers in use in any part of the place of public accommodation that is open to the general public at all times during regular business hours.
  - (2) Exceptions. A responsible person is not required to:
    - (A) power on a CCTR that is powered off;
    - (B) provide a CCTR in a place of public accommodation;
    - (C) upgrade or replace a receiver of television programming that is incapable of displaying closed captioning; or
    - (D) activate closed captioning on more than one of every five CCTRs displaying the identical channel or program, more than two of every ten CCTRs, and so on. If two or more CCTRs under this rule have closed captioning activated, they shall not be adjacent to each other.
- (d) Enforcement.
- (1) An individual may allege a violation of Section 2.23.240 by filing a complaint with the Bloomington/Monroe County Human Rights Commission ("Human Rights Commission").
  - (2) The Human Rights Commission shall have the authority to investigate complaints brought before it and to issue appropriate orders pursuant to Bloomington Municipal Code 2.23.

(e) Other Applicable Laws. 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.


SECTION 2. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect beginning on January 1, 2025.


PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 13th day of December, 2023.

  
SUE SGAMBELLURI, President  
Bloomington Common Council

ATTEST:

  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 13th day of December, 2023.

  
NICOLE BOLDEN, Clerk,  
City of Bloomington

SIGNED and APPROVED by me upon this 13th day of December, 2023.

  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance is sponsored by Councilmember Volan and makes amendments to Title 2 of the Bloomington Municipal Code to add a new Section 2.23.240 entitled "Closed Captioning in Places of Public Accommodation" that would require places of public accommodation to activate closed captioning on closed captioning television receivers.

*Distributed to: Clerk, Council Attorney, Community + Family Resources department, Legal, and Mayor.*