

**Additional Proposed Legislation for the  
September 19, 2017 City Council Meeting -  
Filed in the Office of the City Clerk  
August 31 through September 14, 2017**

**\* \* Please Note \* \***

**For questions regarding the proposed legislation,  
call the City Clerk's Office at 585-428-7421**



**City of Rochester, NY  
Rochester City Council**

City Hall Room 301A • 30 Church Street • Rochester, New York 14614-1290

**COMMITTEE OF  
THE WHOLE  
INTRODUCTORY NO.**

357

Loretta C. Scott, President  
Councilmember At-Large

Dana K. Miller, Vice- President  
Councilmember At-Large

September 11, 2017

Molly Clifford  
Councilmember  
Northwest District

**TO THE COUNCIL**

Carolee A. Conklin  
Councilmember At-Large

Ladies and Gentlemen:

Matt Haag  
Councilmember At-Large

Re: Amending Chapter 63 of the  
Municipal Code with Regard to Closed  
Captioning

Adam C. McFadden  
Councilmember  
South District

Transmitted herewith for City Council approval is legislation amending Chapter 63 of the Municipal Code and establishing a Closed Captioning Ordinance within the City of Rochester. This initiative is in response to a citizen driven request and will provide increased access to information for members of the deaf and hard of hearing population.

Jacklyn Ortiz  
Councilmember At-Large

Michael A. Patterson  
Councilmember  
Northeast District

This legislation will require any business that provides television access to its patrons to utilize the closed captioning option. Businesses will be required to provide closed captioning during all regular business hours, unless the television is not being utilized, if the program in question does not offer closed captioning, or if the television receiver is incapable of displaying closed captioning.

Elaine M. Spaul  
Councilmember  
East District

If approved, the City of Rochester will become one of the first municipalities in the country to adopt a Closed Captioning Ordinance. Other cities with Closed Captioning Ordinances include: San Francisco, California; Portland, Oregon; and Ann Arbor, Michigan.

Respectfully submitted,

Loretta C. Scott

Dana K. Miller

Molly Clifford

Carolee A. Conklin

Matt Haag

Adam C. McFadden

Jacklyn Ortiz

Michael A. Patterson

Elaine M. Spaul

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# INTRODUCTORY NO.

357

Ordinance No.

## Amending Chapter 63 of the Municipal Code

Section 1. Chapter 63 of the Municipal Code, Human Rights, as amended, is hereby further amended in Sections 63-2 and 63-3 as follows:

### § 63-2 Definitions.

When used in this chapter, the following terms shall have the following definitions:

#### **AGE**

Includes only persons who are 18 years of age and older.

#### **BONA FIDE OCCUPATIONAL QUALIFICATION**

A qualification reasonably necessary to the operation of a particular business.

#### **CLOSED CAPTIONING**

A visual 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.

#### **CLOSED-CAPTIONED TELEVISION RECEIVER**

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.

#### **COMMERCIAL SPACE**

Any space in a building, structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property; and any space which is used or occupied, or is intended, arranged or designed to be used or occupied, as a separate business or professional unit or office in any building, structure or portion thereof.

#### **CREDIT**

The right conferred upon a person by a creditor to incur debt and defer its payment, whether or not any interest or finance charge is made for the exercise of this right.

#### **CREDITOR**

Any person or financial institution which extends credit or arranges for the extension of credit by others.

#### **CREED**

Religion and all aspects of religious observance and practice, as well as belief; provided, however, that in all provisions of this chapter dealing with employment, the term shall be limited to religious observances and practices which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

## **DISABILITY**

- A. A physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques;
- B. A record of such an impairment; or
- C. A condition regarded by others as such an impairment; provided, however, that in all provisions of this chapter dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.
- D. However, as used in this chapter, the term "disability" shall not include any conditions or disorders which are excluded from coverage under the Federal Americans With Disabilities Act.  
[Added 6-28-2001 by Ord. No. 2001-221]

## **DISCRIMINATION, DISCRIMINATE or DISCRIMINATORY**

Any direct or indirect act, policy or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference based on, or the perception of, age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, marital status or source of income; or the aiding, abetting, inciting, coercing or compelling thereof.

## **DISTINCTLY PRIVATE**

Any private club, institution or membership organization, except that it shall not include any club, institution or membership organization that has more than 100 members, provides regular meal service and regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from or on behalf of a nonmember for the furtherance of trade or business.

## **DWELLING, DWELLING UNIT and TWO-FAMILY DWELLING**

Shall have the same meaning as set forth in § 120-208 of the Municipal Code.

## **EMPLOYEE**

Does not include any individual employed by his or her parents, spouse or child, or in the domestic service of any person.

## **EMPLOYER**

Does not include any employer with fewer than four persons in his or her employ.

## **EMPLOYMENT AGENCY**

Any person undertaking to procure employees or opportunities to work.

## **FINANCIAL INSTITUTION**

Banks and trust companies, private bankers, foreign banking corporations and national banks, savings banks, licensed lenders, savings and loan associations, credit unions, sales finance companies, insurance premium finance agencies, insurers, credit

card issuers, mortgage brokers, mortgage companies, mortgage insurance corporations, wholesale and retail merchants and factors, bonding companies, surety companies, or other commercial institutions that extend secured or unsecured credit or offer insurance.

#### **GENDER**

Includes the biological and/or social characteristics of gender and gender identity.

#### **GENDER IDENTITY OR EXPRESSION**

Having, or being perceived as having, a gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth.

#### **HOUSING**

Any building, structure, or portion thereof, which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings.

#### **LABOR ORGANIZATION**

Any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

#### **MARITAL STATUS**

The status of being married, unmarried, divorced, separated, or widowed.

#### **NATIONAL ORIGIN**

Ancestry, persons not citizens and their descendants, and persons naturalized and their descendants.

#### **PERSON**

One or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

#### **PLACE OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT**

All providers, whether licensed or unlicensed, of goods, services, facilities, accommodations, advantages, amusements and privileges of any kind, and places, whether licensed or unlicensed, where goods, services, facilities, accommodations, advantages, amusements and privileges of any kind are extended, offered, sold or otherwise made available to the general public, or that receive financial support through the general public or through governmental subsidy of any kind. Such term shall not include any institution, club or place of accommodation which proves that it is in its nature distinctly private.

#### **REAL ESTATE BROKER**

Any person, firm or corporation who, for another and for a fee, commission or other valuable consideration, lists for sale, sells, at auction or otherwise, exchanges, buys or rents, or offers or attempts to negotiate a sale, at auction or otherwise, exchange, purchase or rental of an estate or interest in real estate, or collects or offers or attempts to collect rent for the use of real estate, or negotiates, or offers or attempts to negotiate,

a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate.

#### **REAL ESTATE SALESPERSON**

A person employed by a licensed real estate broker to list for sale, sell or offer for sale, at auction or otherwise, to buy or offer to buy or to negotiate the purchase or sale or exchange of real estate, or to negotiate a loan on real estate, or to lease or rent or offer to lease, rent or place for rent any real estate, or who collects or offers or attempts to collect rent for the use of real estate for or in behalf of such real estate broker.

#### **REASONABLE ACCOMMODATION**

Actions taken which permit an employee, prospective employee or member with a disability to perform in a reasonable manner the activities involved in the job or occupation sought or held or which permit an employee's or a prospective employee's religious observance or practice; provided, however, that such actions do not impose an undue hardship on the business, program or enterprise of the entity from which action is requested.

#### **REDLINING**

The practice of denying financing, credit or insurance based on discrimination as to the applicant or the neighborhood in which the applicant resides or is seeking to reside.

#### **REGULAR BUSINESS HOURS**

The hours of any day in which a place of public accommodation, resort or amusement is open to members of the general public.

#### **SEXUAL ORIENTATION**

Homosexuality, heterosexuality, bisexuality or asexuality, whether actual or perceived.

#### **SOURCE OF INCOME**

Payments from a lawful occupation or employment, as well as other payments including, but not limited to, pensions, annuities, public assistance, supplemental security income, social security disability insurance, unemployment benefits, Housing Choice Vouchers (formerly known as Section 8), other housing voucher or subsidy programs, and any other governmental or charitable subsidy.

#### **§ 63-3 Discrimination in places of public accommodation, resort or amusement.**

A. It shall be unlawful, due to discrimination, for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, to directly or indirectly:

- (1) Refuse, withhold from, deny or charge a higher rate for any goods, services, facilities, accommodations, advantages, amusements or privileges of any kind, including the extension of credit;
- (2) Publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the goods, services, facilities, accommodations, advantages, amusements or

privileges of any kind of any such place shall be refused, withheld from, denied or charged a higher rate to any person, or that the patronage or custom thereof of any person is unwelcome, objectionable or not acceptable, desired or solicited;

**(3)** Deny any individual the full and equal, enjoyment of facilities and services by failing to continuously activate the closed captioning feature on closed-captioned television receivers in use at any place of public accommodation, resort or amusement that is accessible to the public during regular business hours. This provision shall not apply if:

- on:
- (a) The Closed-Captioned Television Receiver has not been turned
  - (b) No receiver of television programming is available;
  - (c) The Closed-Captioned Television Receiver is incapable of displaying closed captioning.

B. Nothing in this section shall be construed to prevent the barring of any person, because of the gender of such person, from a place of public accommodation, resort or amusement based on bona fide considerations of public policy.

Section 2. This ordinance shall take effect ninety days after it is adopted.

Strikeout indicates deleted text, new text is underlined





## City of Rochester

City Hall Room 300A, 30 Church Street  
Rochester, New York 14614-1290  
www.cityofrochester.gov

PUBLIC SAFETY,  
& RECREATION  
PRODUCTORY NO.  
**358**

**Lovely A. Warren**  
Mayor  
**Adam C. McFadden**  
Chair, Public Safety, Youth and Recreation  
South District Representative

September 11, 2017

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement with United Negro College Fund  
for a College Fair

Council Priority: Support the Creation of Effective  
Education Systems, and Public Safety

Transmitted herewith for Council approval is legislation establishing \$30,000 for support of a Historically Black College Fair in partnership with the United Negro College Fund which will be held in Rochester on October 23, 2017.

This conference is open to the public in an effort to increase awareness among city youth with regards to collegiate opportunities, specifically Historically Black Colleges and Universities (HBCUs). Over 100 HBCUs have been invited to participate in this event.

This event provides students the opportunity to interact with colleges and universities from around the country. At the college fair, youth will learn about HBCUs and have the opportunity to receive admittance and scholarships that day.

This will be the third consecutive year that this event is held in Rochester and it has been extremely successful in its first two years.

	2015	2016
Student Attendance	800	1200
HBCUs Represented	27	31
Students Admitted On-Site	59	246
Scholarships Awarded On-Site	\$1.5 million	\$1.1 million

Sincerely,

Lovely A. Warren  
Mayor

Adam C. McFadden  
Chair, Public Safety, Youth and Recreation

