

ORDINANCE 2023-10-19-0747

AMENDING CHAPTER 15 OF THE CITY CODE, ENTITLED “HEALTH” TO REQUIRE A DOMESTIC VIOLENCE RESOURCE SIGN BE POSTED CONTAINING INFORMATION REGARDING SERVICES AND ASSISTANCE AVAILABLE TO VICTIMS OF DOMESTIC VIOLENCE IN PLACES OF PUBLIC ACCOMMODATION IN ORDER TO INCREASE COMMUNITY AWARENESS.

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WHEREAS, domestic violence is also called family violence, domestic battering, spousal abuse, domestic abuse and intimate partner violence; and

WHEREAS, current estimates indicate 1 in 3 women and 1 in 4 men in Texas have experienced domestic violence; and

WHEREAS, in 2021, 19,945 reports were filed through the San Antonio Police Department (SAPD) related to family violence, including 22 homicides; and

WHEREAS, in 2022, SAPD filed 20,547 reports and documented 17 homicides and San Antonio Metropolitan Health District (Metro Health) Crisis Advocates served more than 11,000 people who experienced family violence; and

WHEREAS, District 8 Councilmember Manny Pelaez filed Council Consideration Requests (CCRs) on October 7, 2021, including directing City staff to draft an ordinance to require that all places of public accommodation display in bathrooms clearly visible signage featuring domestic violence and sex trafficking prevention resources; and

WHEREAS, Metro Health presented background information on the CCR at the Governance Committee meeting on January 11, 2022 and the request was directed to the Community Health, Environment, and Culture Committee (CHECC) for further review of response recommendations, which occurred on March 8, 2022, and August 25, 2022; and

WHEREAS, on August 25, 2022, the CHECC requested that Metro Health research two possible options: drafting a proposed ordinance and considering a voluntary approach to disseminate the signage; and

WHEREAS, Metro Health conducted an online survey in English and Spanish to gauge public sentiment on this issue from November 2022 to January 2023 and gathered more than 1,400 responses; and

WHEREAS, when looking at the overall support for an ordinance, 79% of those surveyed supported or strongly supported the idea of a mandate; and

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WHEREAS, Metro Health presented the two options to the CHECC on April 27, 2023 and the Committee voted for Metro Health to bring forward an ordinance requiring domestic violence resources signage with no penalty to City Council A Session; and

WHEREAS, Metro Health will develop and provide the required signage at no cost to the participating establishments and will execute an education and distribution campaign over the 12-month implementation period to prepare the community for the ordinance; and

WHEREAS, Metro Health will ensure wide-reaching education and promotion takes place, so all establishments have enough time to learn about the new ordinance and train their staff; and

WHEREAS, the ordinance will become effective October 1, 2024, use a complaint-based model, not include penalties and Metro Health will be responsible for education and ensuring compliance; and

WHEREAS, an ordinance requiring signage posted in bathrooms in places of public accommodation will increase the number of people who are linked to the resources and have the opportunity to receive the information in a private setting; and

WHEREAS, approval of the proposed City Code amendments will adopt an article in Chapter 15 of the City Code, titled "Domestic Violence Signage" requiring places of public accommodation to post signage with domestic violence resources; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 15 of the City Code of San Antonio, Texas entitled "Health" is hereby amended by adding language that is underlined (added) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 15 of the City Code of San Antonio, Texas is hereby amended as follows:

ARTICLE XII. – DOMESTIC VIOLENCE SIGNAGE

Sec. 15-282. – Definitions.

City means the City of San Antonio.

Department means the health department of the city also known as the San Antonio Metropolitan Health District.

Director means the director of the San Antonio Metropolitan Health District or their authorized designee.

Person means an individual, association, corporation, or any other business entity.

Place of public accommodation shall include every business within the city, whether wholesale or retail, which is open to the general public and offers, for compensation, any product, service or facility. The term place of public accommodation shall include, but not be limited to, all taverns, hotels, motels, apartment hotels, apartment houses with four (4) or more tenant units, restaurants or any place where food or beverages are sold, retail and wholesale establishments, hospitals, theaters, motion picture houses, museums, bowling alleys, golf courses and all public conveyances, as well as the stations or terminals thereof.

Sec. 15-283. - Scope and intent of article.

To provide regulations for the display of signage related to domestic violence in order to increase community awareness and vigilance about this critical issue and ensure that those in need have access to support services.

Sec. 15-284. - Duties and powers of the director.

The director is hereby authorized to carry out and enforce the provisions of this article, to educate the community about this article, to render interpretations of this article, and to adopt policies and procedures in order to clarify and administer the application of this article's provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this article. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this article.

Sec. 15-285. – Requirement of display of domestic violence signage.

(a) A person who operates a place of public accommodation shall post in clear view, signage prescribed by the department, featuring domestic violence prevention resources in all restrooms at the entity. The signage shall be placed on the bottom right corner of the restroom mirror. If no mirror is available, or the mirror is smaller than forty-eight (48) inches by thirty (30) inches in size, then the signage shall be placed on the back of the restroom door at eye level or five feet from the floor.

(b) The director shall prescribe the design and content of the signage required to be posted under this article and make the signage available on the department's website, in person or by mail upon request. The signage shall contain information regarding services and assistance available to victims of domestic violence and be in English and Spanish, and any other language determined appropriate by the director.

Sec. 15-286. - Enforcement.

(a)The department shall have authority to enforce the provisions of this article.

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(b) Any citizen may register a complaint with the department which may initiate an investigation by the department.

(c) The department, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this article.

(d) The director shall inform the entity of any discovered failure to comply with this article. The entity shall cure the violation or demonstrate to the director that the finding of non-compliance was incorrect. If the entity is found to be in non-compliance, the department shall provide the entity signage and resource materials.

(e) Section 1-5 of the City Code does not apply to this article.

SECTION 3. All other provisions of Chapter 15 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 4. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 5. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 6. The revisions to Chapter 15 of the City Code of San Antonio, Texas shall be effective on October 1, 2024.

PASSED AND APPROVED this 19th day of October, 2023.

/s/ Ron Nirenberg

Mayor

Attest: Debbie Racca-Sittre

City Clerk

M A Y O R

Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney