



Division of State Parks

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| General Title #00-4 | General Sale and Display of Art | 10/2009 | Page 1 of 2 |
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REFERENCES: White vs. the City of Sparks, Ninth Circuit Court of Appeals; Assembly Bill No. 351 (2005 session).

PURPOSE: It is the policy of the Division of State Parks to ensure all rights to display and sell original works of art or artistic performances, as a form of expression protected under the First Amendment, are protected in all of Nevada's state parks.

ORGANIZATION: This policy provides guidelines for employees to follow when responding to requests to display and sell art in our parks.

PRIOR POLICY: New policy.

PROCEDURES:

- I. Authority
 - A. Chapter 407, Reviser's Note (Ch.158, Stats. 2005)
- II. Regulations for allowing the self expression of original performing and visual art in state parks.
 - A. Park supervisors are required to designate space for artists to display or sell their visual artwork or to perform original work, which is a form of self expression by the artist. The work must be an original form of self expression and it must be displayed or performed by the artist in person.
 1. Every attempt should be made to designate space to meet the needs of the artist, but it may be located where it does not interfere with the use and enjoyment of park facilities and/or resources by other park visitors or with any other activities approved or promoted by state parks or any of its affiliate organizations.
 2. The space should allow the artists to perform, display and sell their art where it is visible and accessible to park visitors, while providing some level of comfort to the artist and visitors who wish to view the performance or displayed artwork.
 3. The park supervisor may establish a limit on the number of artists allowed to display their art at any one time or to establish reasonable times when artists are allowed to display their art.
 - B. Artists who are displaying or selling their art, in designated areas, may not be charged a fee, except the park entrance fee, to display, sell or perform their art.
 - C. A person who displays, sells, or performs art in a state park, recreation area, historic park or a historic site pursuant to this policy is not immune from park regulations, local and state laws and any criminal and/or civil liability that may arise from their conduct in connection with the display, sale or performance of the art.

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- D. All art displayed or performed in the park must meet the standards of decency of the local community where the park is located. Should an issue arise regarding any art that is either performed or displayed, the Deputy Attorney General (DAG) assigned to NDParks should be consulted prior to taking any action to remove the art displayed or performed.

- E. Should the art or the performance be deemed by the DAG to be outside of the standard of decency of the local community where the art is displayed or the performance occurs, the park supervisor or designee may require the art be removed or the performance stopped.

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| Original signed by: SIGNED | 10/21/09 |
| David K. Morrow, Administrator | Effective Date |

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| Original signed by: SIGNED | 10/21/09 |
| Allen Biaggi, Director | Date |

Copy to Regions: 10/22/09

Review Date: _____