

TOWN OF PRESCOTT VALLEY

POLICIES AND PROCEDURES

Subject:

TOWN FACILITIES USAGE

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**Res. No. 1745, April 28, 2011
Town Facilities Usage**

Approved By:

**Larry Tarkowski
Town Manager**

Date: _____/S

5.0 PROCEDURES

5.1.10 Miscellaneous Requirements

D. Artwork Displays

1. Artwork displays which visually enhance the Facilities, invite public participation and interaction, improve the social environment for Staff and Users, and otherwise comply with these Policies, are permitted in the facilities. Such artwork displays may include (but are not necessarily limited to) paintings, drawings, sculpture, photography, graphic arts, diplomas, certificates, awards, posters, memorials, flags, mosaics, stained glass, plants (real and artificial), mixed media, collections of historic or community interest, crafts, jewelry, carvings, and similar forms of artistic expression for civic, cultural, educational and recreational purposes.
2. Artwork displays in the Facilities may include items owned or provided by the Town, by Staff, and/or by Users. Artwork displays may be prepared directly by Staff as part of Town activities, operations and programs; provided by Users as part of Town-sponsored events, partnerships and programs; provided by Users in accordance with separate agreements with the Town; and/or provided by Users under programs established from time to time by Council-appointed boards and commissions (expressly including the Free Exhibition Program administered by the Arts and Culture Commission).
 - a. Artwork displays purchased or otherwise acquired by the Town, prepared by Staff, included in Town-sponsored events, partnerships and programs,

provided through separate agreements, and/or provided through Council-appointed board and commission programs, shall generally comply with the Town Arts and Culture Assessment prepared from time to time by the Arts and Culture Commission (and approved by the Council) per Town Code §18-01-030(B) (as amended).

- b. Spaces within the Facilities for the Free Exhibition Program administered by the Arts and Culture Commission shall be designated from time to time by the Manager (or his designee).
 - i. Artwork displays may be located in the spaces designated for the Free Exhibition Program for up to thirty (30) days. This exhibition period may be extended to a total of sixty (60) days at the discretion of the Director if no subsequent artwork display is scheduled for that space. The Director may, after reasonable notice, shorten the exhibition period if the Manager (or his designee) removes the space from the Free Exhibition Program for any reason.
 - ii. Users wishing to place artwork displays in the Free Exhibition Program spaces must submit a complete application (application forms being available from the Parks and Recreation Department or online at www.pvaz.net). Selections shall be made by the Art Advisory Committee of the Arts and Recreation Commission on a first-come, first-served basis within thirty (30) days after receipt of a complete application. The Committee's discretion as to selection shall be guided by application's compliance with these Policies as well as considerations of artistic merit, degree of general public interest in the subject matter and medium, importance as a record or reflection of the times or of the community, residency of the artist, and consistency with the mission of the Arts and Culture Commission. Items of high value, extreme delicacy, or that create an unsafe environment will generally not be selected.
 - iii. Selected artwork displays must be appropriately framed, assembled, and wired for hanging in integration with any display systems provided by the Town. If displays will not be hanging, Users must provide free-standing display cases/stands/pedestals. Easels are not permitted. Any protective covers must be plexiglass in order to avoid danger from breakage. Displays may not take up more than the space(s) assigned. Installation is subject to oversight by Art Advisory Committee members (or designees). Art displays must be delivered and removed at the times specified, and the Town reserves the right to remove any displays not timely removed and to temporarily store (and eventually dispose of) the same at the Town's sole discretion. Users are responsible for the reasonable cost to repair any damage to Facilities as a result of installation and removal of artwork displays.

- iv. The Town will provide such information boards for artwork displays as it determines, in its discretion, are appropriate. Such information may include (but is not necessarily limited to) title, artist name, medium, description, and any availability for purchase. The Town may also provide public notification of the artwork display with exhibition dates and times, in its sole discretion.
 - v. The Director (or his designee) shall serve as agent for artwork displays made available for sale. Such displays will only be sold at the price designated by Users. Twenty percent (20%) of sale proceeds shall be retained by the Town for use towards Town arts and culture programs. Users shall pay any applicable taxes from their share of the proceeds. Displays sold during the exhibition period must remain on site for the duration of the exhibit but will be labeled as “sold”.
 - vi. Users whose artwork displays are selected for the Free Exhibition Program will be required to acknowledge in writing that a risk of damage, loss, vandalism or theft is inherent in such public displays, and must expressly indemnify and hold the Town harmless for, from and against any liability for loss related thereto. Users shall further acknowledge that the Town has no obligation to provide insurance coverage for the artwork displays, nor to provide special security during the exhibition period.
 - vii. The Town reserves the right to photograph and/or have photographed any artwork displays for promotional and/or record-keeping purposes.
- c. All artwork displays in the Facilities must comply with the following requirements:
- i. not be obscene, pornographic or inappropriate for minors.
 - ii. not violate the Establishment Clause of the 1st Amendment of the U.S. Constitution.
 - iii. not be defamatory.
 - iv. not tend to incite or produce any imminent lawless act or disrupt the orderly operation of the Facilities.
 - v. not be integral to criminal conduct or in violation of other applicable law.
 - vi. not infringe on intellectual property rights (e.g. copyright, patent, trade or service mark).
 - vii. not be an invasion of privacy.

- viii. not constitute harassment under Title VII of the Civil Rights Act of 1964.
 - ix. not constitute a physical hazard or public nuisance.
- d. In permitting artwork displays in the Facilities, the Town does not accept responsibility for ensuring that all points of view are represented in any particular display. Granting of permission for particular artwork displays does not imply Town endorsement of their content or message, nor does the Town ensure the accuracy thereof.