

Eureka Live Art Walls
ARTIST AGREEMENT

Type of Permit & # _____

Name _____ Date you wish to paint _____

CONTACT INFORMATION: (optional; see notes below regarding filming and copyright)

____ Yes, I wish to be contacted if Eureka Live Art Walls (ELAW) learns that my work is requested to be reproduced or altered as part of a commercial film shoot or special event.

____ Yes, I wish to be added to the Eureka Live Art Walls Art email list.

Phone #1 _____ Phone #2 _____ Email _____

I AGREE TO COMPLY WITH ALL OF THE RULES AND SAFETY REGULATIONS THAT APPLY TO ARTISTS, AS SET FORTH BELOW:

Print Name _____ Signature _____

Age at time of signing _____ Date _____

If ARTIST is under the age of 18, they need to have their parent or guardian sign as well.

Print Name /Signature (Parents or Guardian for minors)

Relationship to minor _____ Date _____

RULES

Painting Permit must be worn outside of all clothes while painting on any surface in the Eureka Live Art Walls (ELAW) area. ARTISTS agree to not paint or mark any surfaces other than those to which the permit applies in or around the ELAW area without express permission from the property owner or lessee.

The following rules must be observed at all times in the Eureka Live Art Walls area:

1. No drinking of alcoholic beverages or possession of open alcoholic beverages
2. No usage or sale of controlled substances
3. No camping
4. No commercial messages, corporate logos or references are to be painted on the walls except as commentary on such logos.
5. ARTISTS must be 18 years of age or older to use spray paint in the Eureka Art Walls area. Minors are encouraged to paint, but may use only paintbrushes, rollers or other materials approved by the Supervisor on site.
6. Permits must be returned to Eureka Live Art Walls Staff at least one half hour prior to sundown each day.

RESTRICTED CONTENT

ELAW reserve the right to restrict or remove any artwork they deem inappropriate. Artwork that contains the following content is not permitted:

1. Hate speech
2. Extreme or gratuitous violence
3. Pornography
4. Illicit drug references
5. Gang references
6. Profanity
7. Explicit religious images and/or images of political officials
8. Or any other content, which would be prohibited from public display due to its graphic or obscene nature.

Notes on Content

The Eureka Live Art Walls area is a public site on public land that is used by a wide variety of people for a wide variety of activities. Because diverse people often pass through this area on their way to other sites in the area, it is necessary to limit some specific content displayed in this limited public forum.

The above rules do not completely ban art or speech on the above topics from the area. People are not restricted from making signs, speaking publicly or distributing written messages which address issues related to the those topics which are restricted from being painted on the surfaces of the Eureka Live Art Walls.

THE PERMIT AREA

The PERMIT AREA of the Eureka Live Art Walls is described as follows: The concrete retaining wall starting just east of M Street and Waterfront Drive, continuing 500 feet to the end of the wall.

PERMITS

All ARTISTS must do the following in order to participate in the permit process:

1. ARTISTS must keep the area where they are painting free of all trash while painting and upon completion of their work

regardless of whether the trash is theirs or not;

2. Stop painting and complete clean-up at least one half-hour prior to sundown.

General Permit

ARTISTS may paint on any slotted walls that are in rotation to be re-painted. ARTISTS will be given a map with specified numbered areas with the permitted areas when they pick up their permits.

1. Participate in a crew of at least three artists, each of whom must obtain a General Painting permit.
2. Submit a sketch (black & white or color) of the proposed design with any potentially Restricted Content clearly indicated;
3. Pick an available day in which all painting must be completed.

If the work is not completed within the designated time, ARTISTS understand that they may be required to leave the work incomplete. In any event, it may be painted over in the next time slot.

ARTISTS INTELLECTUAL PROPERTY RIGHTS (COPYRIGHT)

ARTISTS shall retain, all copyright, licensing, and/or other intellectual property rights in the art created by them on the walls, and other specified surfaces within the PERMITTED AREA, except for the following:

ARTISTS agree that any artwork on the walls is temporary in nature and that it may be removed by other artists or ELAW at any time without notice.

ARTISTS are encouraged to leave contact information such as phone number or e-mail so that the artist can be contacted in the event that a commercial film project or special event wishes to reproduce or alter an ARTIST's work as part of their project. Film companies that wish to film and reproduce an ARTIST'S work as part of their own work are supposed to contact ELAW and indicate what artwork they wish to use. Upon receipt of a request from a third party to use an ARTIST's work, ELAW will attempt to contact that ARTIST to notify them that a third party wishes to talk with them regarding their artwork. If ELAW is not able to contact the artist, they will assume intellectual rights of the Eureka Live Art Walls and will act accordingly to protect the overall interest of the Art Walls.

ARTISTS acknowledge that third party filming or recreation of an ARTIST's work for criticism, comment, news reporting, teaching, scholarship, or research, may constitute a fair use of such work. ARTISTS agree to not limit the use of their work for reproduction for these purposes.

If an ARTIST does not wish to have their work reproduced or altered as part of a specific event or film production, or they cannot work out acceptable terms for its use, it is agreed that ARTIST's work may be covered so as to not unduly restrict the use of the area for filming or special events.

It is understood that ELAW is not responsible for contacting the ARTIST, negotiating on their behalf or are making any guarantees of payment for use of their artwork. ELAW will make efforts to ensure that ARTIST's work is not used as part of a commercial film production without their consent, but ELAW cannot control the area 24 hours a day, nor monitor all uses of a reproduction of your work.

SAFETY REGULATIONS General Safety Regulations for All Artists It is advised that all artists using paint should read and follow the instructions on the back of the container of the particular brand of spray paint or bucket paint that they are using.

- Artists are encouraged to use latex or vinyl gloves while painting to protect their hands from prolonged exposure to paint.
- After painting, artists should clean their hands thoroughly with soap and water.
- Individuals under the age of eighteen may not use spray paint in the area.
- In case of eye contact with paint, flush thoroughly with large amounts of water for 15 minutes and get medical attention.

Safety Regulations for Spray Paint

All artists are encouraged to wear a NIOSH (*National Institute for Occupational Safety and Health*) approved respirator with fresh cartridges while using spray paint. Respirators should not only limit paint mist but the chemical vapors by using a respirator that has replaceable chemical cartridge filters.

Chemical Cartridges - (*Gas and/or Vapor-removing Cartridge-type Respirators*) are filled with specially treated activated carbon, which will adsorb certain gases and/or vapors. You should change the

cartridges when you taste or smell a substance, or your eyes, throat or respiratory system become irritated. It's best to schedule a cartridge "change-out" before you notice that you are being exposed to the contaminant.

Small children, pregnant women or women whom suspect they may be pregnant should not breathe paint fumes, and should maintain a distance of at least 25 feet from any people actively using spray paint.

Vapors from spray paint are harmful. Vapors may affect the brain or nervous system causing dizziness, headache or nausea, cause eye skin, nose and throat irritation. Use with adequate ventilation at all times. Avoid continuous breathing of vapor and spray mist. To avoid breathing vapors or spray mist, only paint when there is a breeze present. If you experience eye watering, headaches, or dizziness, stop painting. Before painting further, increase fresh air or wear respiratory protection such as a NIOSH approved respirator with fresh cartridges.

- All used spray cans should be deposited in the specially marked trashcans that are reserved for spray paint only.
- Reports have associated repeated and prolonged occupational exposure to solvents with permanent brain and nervous system damage. Intentional misuse by deliberately concentrating and inhaling spray paint vapors may be harmful or fatal.
- Spray paint is flammable when it comes in contact with an open flame. No smoking while using spray paint.
- Artists should use caution when using spray paint to ensure that the tip is facing away from them when they spray.
- Do not puncture, incinerate, burn or store spray paint above 120 degrees Fahrenheit.

Release of Liability

By signing this form, I agree to release ELAW, and the City of Eureka, as well as any of their respective subcontractors, employees, representatives, agents or associates from any loss, liability, or damages of any kind (collectively, "loss") that may arise from my presence in and around the Eureka Live Art Walls, or my participation as an ARTIST who paints on the Wall(s), unless such loss is caused in whole or in part by the gross negligence or willful misconduct of the release. I take full responsibility for any and all of my actions while occupying the Eureka Live Art Walls area.

Signature

Date

Print Artist's Name