* [CHAPTER 5.14. - FIRST AMENDMENT PROTECTED EXPRESSIVE MERCHANDISE AND DISPLAYS ON SIDEWALKS](https://www.municode.com/library/nv/reno/codes/administrative_code?searchRequest=%7B%22searchText%22%3A%22Art%20first%20ammendment%22%2C%22pageNum%22%3A1%2C%22resultsPerPage%22%3A25%2C%22booleanSearch%22%3Afalse%2C%22stemming%22%3Atrue%2C%22fuzzy%22%3Afalse%2C%22synonym%22%3Afalse%2C%22contentTypes%22%3A%5B%22CODES%22%5D%2C%22productIds%22%3A%5B%5D%7D&nodeId=PT2REMUCO_TIT5PRLIPEFR_CH5.14FIAMPREXMEDISI)
* [Sec. 5.14.010. - Definitions.](https://www.municode.com/library/nv/reno/codes/administrative_code?searchRequest=%7B%22searchText%22%3A%22Art%20first%20ammendment%22%2C%22pageNum%22%3A1%2C%22resultsPerPage%22%3A25%2C%22booleanSearch%22%3Afalse%2C%22stemming%22%3Atrue%2C%22fuzzy%22%3Afalse%2C%22synonym%22%3Afalse%2C%22contentTypes%22%3A%5B%22CODES%22%5D%2C%22productIds%22%3A%5B%5D%7D&nodeId=PT2REMUCO_TIT5PRLIPEFR_CH5.14FIAMPREXMEDISI_S5.14.010DE)
* [Sec. 5.14.020. - Purpose.](https://www.municode.com/library/nv/reno/codes/administrative_code?searchRequest=%7B%22searchText%22%3A%22Art%20first%20ammendment%22%2C%22pageNum%22%3A1%2C%22resultsPerPage%22%3A25%2C%22booleanSearch%22%3Afalse%2C%22stemming%22%3Atrue%2C%22fuzzy%22%3Afalse%2C%22synonym%22%3Afalse%2C%22contentTypes%22%3A%5B%22CODES%22%5D%2C%22productIds%22%3A%5B%5D%7D&nodeId=PT2REMUCO_TIT5PRLIPEFR_CH5.14FIAMPREXMEDISI_S5.14.020PU)
* [Sec. 5.14.030. - Reserved.](https://www.municode.com/library/nv/reno/codes/administrative_code?searchRequest=%7B%22searchText%22%3A%22Art%20first%20ammendment%22%2C%22pageNum%22%3A1%2C%22resultsPerPage%22%3A25%2C%22booleanSearch%22%3Afalse%2C%22stemming%22%3Atrue%2C%22fuzzy%22%3Afalse%2C%22synonym%22%3Afalse%2C%22contentTypes%22%3A%5B%22CODES%22%5D%2C%22productIds%22%3A%5B%5D%7D&nodeId=PT2REMUCO_TIT5PRLIPEFR_CH5.14FIAMPREXMEDISI_S5.14.030RE)
* [Sec. 5.14.040. - Reserved.](https://www.municode.com/library/nv/reno/codes/administrative_code?searchRequest=%7B%22searchText%22%3A%22Art%20first%20ammendment%22%2C%22pageNum%22%3A1%2C%22resultsPerPage%22%3A25%2C%22booleanSearch%22%3Afalse%2C%22stemming%22%3Atrue%2C%22fuzzy%22%3Afalse%2C%22synonym%22%3Afalse%2C%22contentTypes%22%3A%5B%22CODES%22%5D%2C%22productIds%22%3A%5B%5D%7D&nodeId=PT2REMUCO_TIT5PRLIPEFR_CH5.14FIAMPREXMEDISI_S5.14.040RE)
* [Secs. 5.14.050—5.14.080. - Reserved.](https://www.municode.com/library/nv/reno/codes/administrative_code?searchRequest=%7B%22searchText%22%3A%22Art%20first%20ammendment%22%2C%22pageNum%22%3A1%2C%22resultsPerPage%22%3A25%2C%22booleanSearch%22%3Afalse%2C%22stemming%22%3Atrue%2C%22fuzzy%22%3Afalse%2C%22synonym%22%3Afalse%2C%22contentTypes%22%3A%5B%22CODES%22%5D%2C%22productIds%22%3A%5B%5D%7D&nodeId=PT2REMUCO_TIT5PRLIPEFR_CH5.14FIAMPREXMEDISI_SS5.14.050--5.14.080RE)
* [Sec. 5.14.090. - Regulations for display stands and sales of expressive merchandise.](https://www.municode.com/library/nv/reno/codes/administrative_code?searchRequest=%7B%22searchText%22%3A%22Art%20first%20ammendment%22%2C%22pageNum%22%3A1%2C%22resultsPerPage%22%3A25%2C%22booleanSearch%22%3Afalse%2C%22stemming%22%3Atrue%2C%22fuzzy%22%3Afalse%2C%22synonym%22%3Afalse%2C%22contentTypes%22%3A%5B%22CODES%22%5D%2C%22productIds%22%3A%5B%5D%7D&nodeId=PT2REMUCO_TIT5PRLIPEFR_CH5.14FIAMPREXMEDISI_S5.14.090REDISTSAEXME)
* [Secs. 5.14.100—5.14.120. - Reserved.](https://www.municode.com/library/nv/reno/codes/administrative_code?searchRequest=%7B%22searchText%22%3A%22Art%20first%20ammendment%22%2C%22pageNum%22%3A1%2C%22resultsPerPage%22%3A25%2C%22booleanSearch%22%3Afalse%2C%22stemming%22%3Atrue%2C%22fuzzy%22%3Afalse%2C%22synonym%22%3Afalse%2C%22contentTypes%22%3A%5B%22CODES%22%5D%2C%22productIds%22%3A%5B%5D%7D&nodeId=PT2REMUCO_TIT5PRLIPEFR_CH5.14FIAMPREXMEDISI_SS5.14.100--5.14.120RE)
* [Sec. 5.14.130. - Severability](https://www.municode.com/library/nv/reno/codes/administrative_code?searchRequest=%7B%22searchText%22%3A%22Art%20first%20ammendment%22%2C%22pageNum%22%3A1%2C%22resultsPerPage%22%3A25%2C%22booleanSearch%22%3Afalse%2C%22stemming%22%3Atrue%2C%22fuzzy%22%3Afalse%2C%22synonym%22%3Afalse%2C%22contentTypes%22%3A%5B%22CODES%22%5D%2C%22productIds%22%3A%5B%5D%7D&nodeId=PT2REMUCO_TIT5PRLIPEFR_CH5.14FIAMPREXMEDISI_S5.14.130SE)

[Scroll to Top](https://www.municode.com/library/)

* **CHAPTER 5.14. - FIRST AMENDMENT PROTECTED EXPRESSIVE MERCHANDISE AND DISPLAYS ON SIDEWALKS**

[[1]](https://www.municode.com/library/#fn_39)

FOOTNOTE(S):

--- (**1**) ---

**Editor's note—** Ord. No. 5689, § 1, adopted April 27, 2005, repealed former Ch. 5.14, in its entirety, which pertained to street performers. Section 2 of said ordinance enacted provisions designated as a new Ch. 5.14 to read as herein set out. See also the Code Comparative Table. Ord. No. 6327, § 1, adopted April 16, 2014, changed the title of Ch. 5.14 from "FirstAmendment Artisans and Sidewalk Speakers" to "First Amendment Protected Expressive Merchandise and Displays on Sidewalks."

* **Sec. 5.14.010. - Definitions.**

*Display stand* means any objects used to create, display or sell merchandise or to facilitate expression protected by the First Amendment. By way of example and not limitation, the term includes tables and chairs to facilitate sales of commercial or expressive merchandise, petitioning or leafleting; artist's easels; booths; and props used to facilitate a performance or entertainment.

*City* means the City of Reno.

*City council* or *council* means the present governing body of the city or any future council constituting the legislative body of the city.

*Commercial* means activity or speech, including but not limited to the advertising or selling of merchandise, conducted for the primary purpose of proposing or completing a transaction for generation of profit and which is thereby subject to a lower standard of protection under the First Amendment than pure speech or expression.

*Creative unit* means two or more persons jointly engaged in the creation or production of items of artistic sell expression, no one of whom stands in an employer-employee relationship to any of the other members thereof. At least one member of the creative unit must be present to be protected by the First Amendment when creating, displaying, offering or selling items of artistic self expression on sidewalks, parks or other public forums.

*Expressive merchandise* means: (i) items of artistic self expression; (ii) items inextricably intertwined with a particularized message; and, (iii) any other items which have been held by the courts to be expressive and protected by the First Amendment of the United States Constitution.

*Items inextricably intertwined with a particularized message* means an item which is offered, displayed or sold that is inseparable from and intrinsically intertwined with the overall expression of a political, religious, philosophical or ideological message, doctrine, concept, belief or idea. Examples include but are not limited to: bumper stickers; hats or buttons with messages such as "Earth Now", "Peace Not War" or "Support Unions"; bibles; religious brochures; election pamphlets; a toy stuffed whale with a "Greenpeace" logo or tag affixed so that it is intended to convey a philosophical message of "Save the Whales"; and an unlabeled toy doll of an emaciated child, with no apparent connection to any organization, distributed to donors by "Save the Children" at a booth with their name and educational handouts.

*Items of artistic self expression* means the creation, display, offer or sale by the item's creator or creative unit of one or more items which are inherently expressive of its creator's perspective and therefore fully protected by the First Amendment. These items include but are not necessarily limited to: paintings, drawings, sculpture, tattooing, photography, prints of self expression, engravings, stained glass as non-functional "art for art's sake", recordings of the artist's composition or performance of performing arts including music, dance, theater, and films.

Artistic self expression does not include items which are intended to serve any functional or utilitarian use or purpose, even if the item is decorative. Examples of such items include handcrafts, jewelry, tools, clothing, food, pottery, silver work, metal work, woodwork, leather goods, house wares, appliances, clothing, sunglasses, auto parts, oils, incense, perfume, lotions, candles, toys, stuffed animals and trinkets.

Artistic self expression may include items that appear on first impression to be functional or utilitarian, but have been modified to demonstrate the expressive "art for art's sake" intent of its creator, and are not intended to serve any utilitarian, functional or commercial uses or purposes. Examples include but are not limited to:

(1)

A stained glass window presented as art for art's sake, and not intended or understood to be used as a functional window.

(2)

Pottery as tableware is utilitarian even if it is decorative. However, pottery may become expressive where it has been modified and presented as art for art's sake, i.e., modified and presented to be expressive of its creator's perspective and intended for display rather than for use as tableware.

(3)

While a macramé pot hanger has a functional purpose and would not be protected artistic self expression, a macramé soft sculpture with no other purpose than to hang on the wall as "art for art's sake" would be protected.

*Merchandise* means personal property, commodities or goods.

*Sidewalk* means areas lawfully open to public use or passage including walkways, paths, sidewalks and other public ways set apart by curbs, barriers, markings or other delineation for pedestrian travel, excluding streets and other public ways improved, used or designed for use by vehicular traffic.

*Special event* means any event, activity or assembly duly authorized by the city pursuant to RMC,[§ 5.13.010](https://www.municode.com/library/) et seq.

*Special event permit* means a permit issued under RMC,[§ 5.13.010](https://www.municode.com/library/nv/reno/codes/administrative_code?searchRequest=%7B%22searchText%22%3A%22Art%20first%20ammendment%22%2C%22pageNum%22%3A1%2C%22resultsPerPage%22%3A25%2C%22booleanSearch%22%3Afalse%2C%22stemming%22%3Atrue%2C%22fuzzy%22%3Afalse%2C%22synonym%22%3Afalse%2C%22contentTypes%22%3A%5B%22CODES%22%5D%2C%22productIds%22%3A%5B%5D%7D&nodeId=PT2REMUCO_TIT5PRLIPEFR_CH5.13SPEVSPAC_S5.13.010DE) et seq.

*Special event venue* means that area for which a special event permit has been issued.

*(Ord. No. 5689, § 2, 4-27-05; Ord. No. 6147, § 1, 4-14-10; Ord. No. 6327, § 1, 4-16-14)*

* **Sec. 5.14.020. - Purpose.**

It is the purpose of the city council to protect the rights of its citizens to engage in protected free speech expression through the display and sale of fine art and other expressive merchandise. The city council recognizes that there are other forms of speech or conduct protected by the First Amendment which it supports, but which are not addressed in this chapter. It is also the purpose of the city council to keep the sidewalks free of congestion and to ensure free and safe public passage on sidewalks and streets by establishing narrowly tailored time, manner and place regulations governing the use of display carts and the display and sale of expressive merchandise on sidewalks.

*(Ord. No. 5689, § 2, 4-27-05; Ord. No. 6147, § 1, 4-14-10; Ord. No. 6327, § 1, 4-16-14)*

* **Sec. 5.14.030. - Reserved.**

**Editor's note—**

Ord. No. 6147, § 1, adopted April 14, 2010, repealed[§ 5.14.030](https://www.municode.com/library/nv/reno/codes/administrative_code?searchRequest=%7B%22searchText%22%3A%22Art%20first%20ammendment%22%2C%22pageNum%22%3A1%2C%22resultsPerPage%22%3A25%2C%22booleanSearch%22%3Afalse%2C%22stemming%22%3Atrue%2C%22fuzzy%22%3Afalse%2C%22synonym%22%3Afalse%2C%22contentTypes%22%3A%5B%22CODES%22%5D%2C%22productIds%22%3A%5B%5D%7D&nodeId=PT2REMUCO_TIT5PRLIPEFR_CH5.14FIAMPREXMEDISI_S5.14.030RE), which pertained to certificate required. See also the Code Comparative Table.

* **Sec. 5.14.040. - Reserved.**

**Editor's note—**

Ord. No. 6327, § 1, adopted April 16, 2014, repealed[§ 5.14.040](https://www.municode.com/library/), which pertained to business license required. See also the Code Comparative Table.

* **Secs. 5.14.050—5.14.080. - Reserved.**

**Editor's note—**

Ord. No. 6147, § 1, adopted April 14, 2010, repealed §§ 5.14.050—5.14.080, which pertained to age eligibility for First Amendment artisans and sidewalk speakers; fee setting procedure; First Amendment artisan application; expiration; and First Amendment artisan certificate: disclaimer, transfer and display. See also the Code Comparative Table.

* **Sec. 5.14.090. - Regulations for display stands and sales of expressive merchandise.**

(a)

The use of display stands and the creation, display, offer or sale of expressive merchandise shall be allowed on city sidewalks to further expression protected by the FirstAmendment, subject to limitations that display stands and expressive merchandise shall:

(1)

Leave at least five feet of clear passageway along any sidewalk.

(2)

Not be located within 18 inches of the curb line of any sidewalk.

(3)

Not extend more than eight feet above any sidewalk.

(4)

Not impede access to the entrance of any adjacent building or driveway.

(5)

Not be located within ten feet of a crosswalk, bridge, fire hydrant, fire department standpipe connection, fire escape, driveway of a fire station, police station, or hospital, bus stop, any entrance or exit doorway, wheel chair ramp, green, yellow or red zone, or obstruct a commercial business sign.

(6)

Not lean against or hang from any building or any other structure, including, but not limited to, structures such as lamp posts, parking meters, mail boxes, traffic signal stanchions, fire hydrants, fire department standpipe connections, trees, tree boxes, benches, bus shelters, or traffic barriers which lawfully occupy public space.

(b)

A person erecting or using a display stand or displaying expressive merchandise on a sidewalk, including but not limited to persons engaged in the creation, display, offer or sale of expressive merchandise, shall abide by the provisions of the Special Events Chapter, RMC[Chapter 5.13](https://www.municode.com/library/), and particularly RMC[Section 5.13.045](https://www.municode.com/library/) relating to vending and free speech areas, during special events.

*(Ord. No. 5689, § 2, 4-27-05; Ord. No. 6147, § 1, 4-14-10; Ord. No. 6346, § 1, 9-24-14)*

* **Secs. 5.14.100—5.14.120. - Reserved.**

**Editor's note—**

Ord. No. 6147, § 1, adopted April 14, 2010, repealed §§ 5.14.100—5.14.120, which pertained to suspension or revocation of First Amendment artisan certificate; appeal; and criminal violations; penalties. See also the Code Comparative Table.

* **Sec. 5.14.130. - Severability**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or ineffective.