

SIGN CODE ORDINANCE 3.125
EXHIBIT A

Article 15 - SIGNS

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ARTICLE 15 SIGNS

Sec. 16-15-10. Purpose

(a) The purpose of this Article shall be to create the legal framework for a comprehensive and balanced system of signs. This system will preserve the right of free speech and expression, provide easy and pleasant communication between people and the environment, and avoid excessive levels of visual clutter or distraction that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this Article to authorize the use of signs that are:

1. compatible with their surroundings,
2. appropriate to the activity that displays them,
3. expressive of the identity of individual activities and the community as a whole,
4. legible in the circumstances in which they are seen,
5. unlikely to distract drivers to a dangerous degree, and
6. able to preserve the right of free speech and expression.

(b) The use of signs is regulated primarily by lot or premise type and by building frontage and location. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Article.

(c) The primary intent of this Article shall be to regulate signs of a commercial nature intended to be viewed from any vehicular right-of-way.

(d) This Article shall be known as the "Larkspur Sign Code". References herein to "the code," "this code," or the like, refer to this Article.

Sec. 16-15-20. Compliance required

It is unlawful hereafter to display, construct, erect, alter, use or maintain any sign, except in conformance with the provisions of this Article. It is unlawful to alter, maintain, enlarge, use, or display any such sign erected or constructed prior to the enactment of this Article, except in conformance with the provisions herein set forth. Nothing in this Article shall be interpreted to require the town to force removal of a sign which was originally and properly authorized, and which the town would have to pay for the value of the signs.

Sec. 16-15-30. Noncommercial signs and messages

Any sign authorized to be displayed by this Article may contain a noncommercial message.

Sec. 16-15-40. Construction of provisions – Word usage

The words and terms used, defined, interpreted, or further described in this Article shall be construed as follows:

- (a) The particular controls the general.
- (b) The present tense includes the future tense.
- (c) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

Sec. 16-15-50. Definitions

“Abandoned sign” means a commercial sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity or for which no legal owner can be found.

“Accessory use” means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

“Access point” means that point on the street at which or from which the public is afforded an entrance to the property or establishment of the sign owner. Some properties or establishments have more than one access point.

“Administrator” means that person appointed by the Town Council to administer the provisions of this Article. Unless and until changed by the Town Council, the administrator shall be the Town Manager.

“Animated sign” means signs which use movement or change of lighting to depict action or create a special effect or scene.

“Attached signs” means signs attached to the building to which they pertain and not otherwise supported.

“Banner sign” means a sign composed of a logo or design on a lightweight material not enclosed in a rigid frame and secured or mounted to allow limited movement.

“Barber pole” means a cylindrical sign traditionally used to identify a barbershop.

“Billboard” means a commercial sign other than a sandwich board, which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

“Building fascia” means the general outer surface of any main exterior wall or foundation wall of the building, including windows and storefronts.

“Cabinet” means the generally hollow portion of a sign to which, or in which, is attached the means of illumination of such and to which the face of translucent materials are attached or on which advertising copy is painted.

“Copy” means the logo, wording, or design on a sign surface in either permanent or removable form.

Detached Sign. See “Freestanding sign.”

“Double-faced sign” means a sign with two faces if not parallel then with an interior angle of not greater than 90 degrees.

“Electrical sign” means a sign or sign structure in which electrical wiring, connections or fixtures are used.

“Electronic Message Sign” means a sign that uses any form of lights to display full-color imagery. The content may be a series of static slides, a broadcast quality video, or animation sequence, or a combination of both.

“Facade” means the entire building front including the parapet. See “Building fascia.”

“Face of a sign” means the area of a sign on which the copy is placed.

“Festoons” means a string of ribbons, tinsel, pinwheels, or similar materials.

“Foot Candle” A quantitative unit of measure for luminance equal to one lumen per square foot measured at ground level.

“Freestanding sign” means an on-premise sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building.

“Frontage” means the length of the property line on any one premises along a public right-of-way on which it borders. On a corner lot, only one street line shall be considered as a front line. The owner of a corner lot shall designate which street line is to be considered as the front line.

“Frontage, building” means the length of the longest outside building wall on a public right-of-way.

“Ground sign” means a type of freestanding sign which is erected on the ground and contains no free air space between the ground and the top of the sign.

“Height (of a sign)” means the vertical distance measured from the ground to the highest point of the sign.

“Illuminated sign” means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

“Incidental Sign” - is any sign, handbill, or poster which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently, or which relates to such events or occurrence that are not taking place on the premises on which the sign is located. Examples of such signs include, but are not limited to, signs, handbills, or posters relating to garage sales, political candidates or ballot measures, concerts, “swap meets” and the like.

“Instructional sign” means a sign reasonably necessary for the safe circulation of pedestrian or vehicular traffic within a given parcel, which may be freestanding or attached to a building.

“Lot” means a parcel of land legally defined on a subdivision map recorded with the county clerk and recorder of Douglas County, or a parcel of land defined by a legal record or survey map.

“Lumen” a quantitative unit of measure measuring the amount of light emitted by a light source.

“Main use” means the principal or primary activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

“Maintenance” means, for the purposes of this Article, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

“Mansard” means a sloped roof or roof-like façade architecturally comparable to a building wall.

“Marquee” means a permanent roof-like structure or canopy of rigid materials supported by, and extending from, the façade of a building.

“Marquee sign” means any sign attached to or supported by a marquee structure.

“Multi-faced” means any sign having two or more faces. This includes double-faced signs.

“Nits”: A unit of measure used for lighting expressed as candelas per square meter.

“Noncommercial Flag” a flag that does not involve, promote, or advertise commerce or have a commercial objective or emphasis.

“Nonconforming” means a sign which was erected legally but which does not comply with this Article.

“Nonresidential” means any real property within the Town of Larkspur zoned or used other than for single family or multifamily residential uses. “Occupancy” means the portion of a building or premises owned, leased, rented or otherwise occupied for given uses.

“On-premises sign” means a commercial sign, which pertains to the use of the premises on which it is located.

“Owner” means a person recorded as such on official records. For the purposes of this Article, the owner of the property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or brought to the attention of the Town Manager, such as a sign leased from a sign company.

"Painted wall sign" means any sign which is applied with paint or similar substance on the face of a wall.

"Parapet" means the extension of a false front or wall above a roofline.

"Permanent sign" means any sign which is permanently affixed or attached to the ground or to any structure.

"Person" means any individual, corporation, association, firm, partnership, trust or similarly defined interest.

"Portable sign" means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

"Premises" means a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

"Private warning sign" an owner erected sign designed to warn of known dangers.

"Projecting sign" means a sign, other than a wall sign, which is attached to and projects from a building wall a distance of 12 inches or more or is attached to any other structure in like manner, which structure was not designed for the sole support of such sign.

"Public right-of-way" means any dedicated or accepted street, alley or other right-of-way, including sidewalks.

"Public service information sign" means any sign intended primarily to promote items of general interest to the community, such as time, temperature, date, atmospheric conditions, traffic control, upcoming dates of public interest, and emergency messages.

"Residential" means any real property within the Town of Larkspur zoned or used for single family or multifamily residential uses.

"Roof line" means the top edge of a roof or building parapet, whichever is higher, excluding any cupola, pylons, chimneys, or minor projections.

"Roof sign" means any sign, which is erected to extend over or on the roofline of a building.

"Rotating sign" means a sign in which the sign itself, or any portion of the sign, moves in a revolving manner. Such motion does not refer to methods of changing copy.

"Sandwich board sign" means a sign with two faces attached at the top and open at the bottom so that the structure forms a wedge and is self-supporting.

"Sign" means any device structure, fixture or placard that has a visual display visible from a public right-of-way and designed to identify, announce, direct, convey, or inform.

"Sign plan" means a comprehensive site plan of any building, lot, parcel, collection of parcels or other premises, showing the number, size, description, color, copy and location of all signs thereon.

“Sign structure” means any structure, excluding buildings, which supports, has supported or is capable of supporting a sign.

“Snipe sign” means a temporary sign or poster affixed to a tree, fence, or any other roadside object.

“Subdivision tract” means land designated on a final subdivision plat as a “tract “or otherwise designated for conveyance or dedication to a special district, owner’s association, or other entity allowing for common ownership of such land by the owners of lots within the subdivision, and used for the purpose of open space, parks, or landscaping. For purposes of this Article, the term “subdivision” tract” applies only to tracts, adjacent to right-of-ways, in subdivisions that contain one or more lots intended for single family residential development.

“Temporary sign” means a sign or sign structure that is not intended to be and not actually used for more than 60 days and is neither permanently imbedded in the ground nor permanently affixed to a building.

“Under-canopy sign” means a sign suspended beneath a canopy, ceiling, roof, or marquee.

“Use” means the purpose for which a building, lot, or structure is intended, designed, occupied, or maintained.

“Vehicular sign” means a sign which is affixed to a vehicle or trailer in such a manner that the carrying of such sign or signs is no longer incident to the vehicle’s primary purpose but becomes a primary purpose in itself. This definition does not apply to signs on vehicles when in motion.

“Wall sign” means a sign attached parallel to and extending not more than 12 inches from the wall of a building on which all lettering is also parallel to said wall. This definition includes painted, individual letter and cabinet signs, and signs on a mansard roof marquee or canopy.

“Wind-driven signs” means a sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

“Window” means an opening in the wall or door(s) of a building to let in light along with the frame and panes of glass that fill it.

“Window sign” means a sign installed on the inside or outside of a window and intended to be viewed from the outside.

Sec. 16-15-60. Prohibited signs

The following signs are prohibited on all properties:

- (a) Signs for which no valid permit has been issued by the town of Larkspur and which are not exempt from the permit requirement set forth in this Article.
- (b) Except as otherwise provided in this Article, a sign which is located on property, which becomes vacant and unoccupied for a period of 90 days or more shall be considered abandoned. An abandoned sign, including any supporting structure, is to be removed by the owner of the sign or the owner of the premises. Any abandoned, painted wall sign shall be refinished so that it cannot be readily distinguished from the surrounding wall. A sign which is not removed or refinished may be removed by the town at the expense of the owner of the sign. An extension of time may be granted by the town manager upon good cause for such extension being shown; provided, that the sign is conforming in size and height. If the sign is nonconforming in size and/or height, the entire structure, including the sign face, shall be removed if the property remains vacant and abandoned for a period of 90 days or more. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis; provided, that there is clear intent to continue operation of the business.
- (c) A sign which is structurally unsafe, or constitutes a hazard to the safety or health of any person by reason of inadequate maintenance or dilapidation, or is capable of causing electrical shocks to persons likely to come in contact with it, or is likely to cause injury to persons walking underneath it, or is an obstruction to pedestrians along the right-of-way, or signs that obstruct a driver's view or line of sight near an intersection, must be removed, repaired or replaced so as to be in compliance with this section within 30 days after notification by the Town Manager or such shorter time as the Town Manager may reasonably require.
- (d) Signs that have not been maintained in accordance with the following provisions:
 - (1) Missing or damaged sections shall be repaired or replaced within 30 days.
 - (2) Nonfunctioning light bulbs, missing or damaged changeable copy or words or letters which have moved from their proper position shall be replaced or repaired within 48 hours.
 - (3) Nonfunctioning neon signs shall be repaired or replaced within 30 days, or the owner shall be able to demonstrate that physical action toward repair or replacement shall have been taken to the satisfaction of the Town Manager.
 - (4) When weather or climatic condition permits, peeling or badly faded paint shall be replaced, repainted or the like within 30 days after receipt of a notice from the town of Larkspur that said condition exists.
 - (5) Banners must be removed if torn, faded or not capable of affixing to the structure it is attached to.
- (e) Signs imitating or resembling official traffic or government signs or signals or signs other than government signs using any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering a motor vehicle or in any other way creating an unsafe distraction for motor vehicle operators.
- (f) Signs with commercial messages that concern illegal activity or are false or misleading.

- (g) Moving, animated, wind-driven or rotating signs, except for public service informational signs or signs permitted with a special event permit.
- (h) Signs that obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley, or other thoroughfare, or which obstruct free ingress to or egress from a required door, window, fire escape or other required exit.
- (i) Signs erected on a public right-of-way without proper authorization.
- (j) Searchlights.
- (k) Rooftop signs on two-story buildings.
- (l) Vehicular signs
- (m) Snipe signs, handbills, or temporary signs fastened to trees, fences, telephone poles, public benches, or street lights or placed on any public property or public right-of-way excepting temporary signs authorized under section 16-15-80(p), or section 16-15-80(s)
- (n) Signs which contain statements, words, or pictures of an obscene, indecent, or immoral character.
- (o) Illuminated signs which flash, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations or which employ a light source of intensity which exceeds the limitation in the lighting area of this code during non-daylight hours, which is defined as the period between one hour after sunset to one hour before the following sunrise.
- (p) Portable signs except Sandwich Board signs that are displayed in compliance with the provisions of this Article, including Section 16-15-100
- (q) Billboards, except for signs permitted under Section 16-15-80(p), Or by special review by the Town Council at a public hearing.
- (r) Festoons.
- (s) Electronic Message Signs

Sec. 16-15-70. Determining Area of Signs

(a) Multifaced Signs. Where a sign has two or more faces, the area of all faces should be included in determining the area of the sign; except where two such faces are placed back-to-back and form no more than a 90-degree angle, the area of the sign shall be taken as the area of either face if the two faces are equal area or as the area of the larger face if the two faces are of an unequal area.

(b) Wall Signs. The area shall be determined within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If a sign is composed of individual letters or symbols using the wall as the background (signs without backing) with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of one geometric figure encompassing all letters or symbols. The combined area of the individual figures shall be considered the total sign area and shall be contained in a geometric figure.

(c) Freestanding signs: the area shall be determined by the area of the sign containing the copy, not including the post or poles that are used to support it.

Sec. 16-15-80. Signs permitted on all properties

The following signs are permitted in all districts, subject to obtaining the required permits, unless it is specifically stated below that the sign is exempt from permit requirements:

- (a) Signs showing underground or public utilities. (Exempt)
- (b) Interior window signs. (Exempt)
- (c) Private warning signs not to exceed 4 square feet. (Exempt)
- (d) Signs of any kind that are posted by a governmental entity, including a public-school district. (Exempt)
- (e) A sign that is integrated into or on a coin operated machine, vending machine, gasoline pump, or telephone booth. (Exempt)
- (f) Decorative lighting displays, *i.e.*, holiday lights that do not display a commercial message (Exempt)
- (g) A sign that cannot be viewed *from a* public right-of-way or adjacent parcel. (Exempt)
- (h) A sign carried by a person. (Exempt)
- (i) One sign per building not exceeding four square feet. (Exempt)
- (j) Signs required or specifically authorized for a public purpose by any law, statute or ordinance. (Exempt)
- (k) A sign not to exceed six square feet in sign area on a parcel that is for sale. Such signs will be removed within seven days following closing on the parcel. Parcels for sale that are one acre or larger may have a sign not in excess of 16 square feet and 10 feet high when for sale. A parcel is for sale if it is actively listed as such, as evidenced by such parcel's listing in a multiple listing service or other real estate listing service, or by sale by owner. (Exempt).
- (l) Temporary signs on construction sites. (Not Exempt). In addition to any temporary signs allowed pursuant to this code, temporary signs may be displayed on a parcel for the duration of any active construction of a new building that will contain a primary use and requiring a building permit and occurring on that parcel. Each sign placed in accordance with this subparagraph shall meet the following requirements:
 - (1) The maximum size of any one sign shall be thirty-two (32) square feet.
 - (2) Such signs may be erected 10 days prior to beginning construction and shall be removed after six months or completion of construction, whichever comes first, unless the town manager grants an extension.
 - (3) Signs under this subsection (l) may be attached to fences or trailers or may be freestanding.
 - (4) required construction signs. (Exempt)
- (m) Instructional signs. (Not Exempt). Instructional signs shall be allowed provided that such signs comply with the following limitations, as determined by the town manager:
 - (1) The number of instructional signs located on the site is the minimum needed to serve the intended instructional purpose.
 - (2) The signs are not located or designed to be legible or serve to attract attention beyond the perimeter of the site or premise.
- (n) Any government posted sign used for land use code or liquor license purposes or notices. (Exempt)

- (o) A property may have a single, noncommercial temporary sign up to six square feet in area. All size and number restrictions on noncommercial temporary signs under this subparagraph are suspended from September 15 to November 15 and February 15 to April 15 of each year and one month prior to one week after any special election of the Town of Larkspur. (Exempt).
- (p) Temporary signs not to exceed 32 square feet each that are placed no more than 30 days prior to and seven days following a registered event. For the purposes of this subsection, "registered event" means a civic, patriotic, or special event of public interest taking place within the Town or the surrounding community. Events under this subsection (p) must be registered with the Town manager. The information to be provided in an application for permits under this subsection (p) need only include the size, copy, material, location, and other information requested by the town manager on the special event permit. (Not Exempt)
- (q) Temporary signs and sandwich boards for Town Sponsored or supported events are allowed to be placed 2 weeks prior to the events and shall be taken down as soon as possible, but not later than 72 hours of the events end. (Exempt)
- (r) Banners one per lot up to 32 square feet in size, except during the months of June, July, or August where a 2nd banner is allowed. (Not Exempt)
- (s) Snipe sign approved with a temporary sign permit up to 4 square feet in size for the following purposes and times. (Not Exempt)
 - (1) Lost Pets or Missing Person: 60 days
 - (2) In Home Town business with Larkspur business license: 60 days up to twice a year
 - (3) Garage or Estate Sales: 1 day before to the day after the sale no longer than 5 days.

Sec. 16-15-90. Special regulations on residential properties

The following regulations shall apply on residential properties:

- (a) The allowable height of freestanding and ground signs is not to exceed six feet. Placement is to be at least six feet from any public right-of-way.
- (b) Prohibited signs.
 - (1) Projecting and temporary signs in excess of 16 square feet, except in relation to construction as set forth in Section 16-15-80(l).
 - (2) All roof signs.
- (c) For permitted nonresidential uses, one freestanding or wall sign, not to exceed 24 square feet in sign area is permitted with application and permit.
- (d) Subdivision tracts. Permanent signs shall be allowed on each subdivision tract and may not exceed 32 square feet
- (e) One freestanding sign shall be permitted for each apartment or condominium complex, not to exceed 24 square feet or 10 feet in height, and one wall sign for each

street frontage, not to exceed 24 square feet. Unit numbers or building numbers, in the event that a complex is made up of two or more buildings, shall not be larger than four square feet on as many sides of the individual buildings as necessary and shall be exempt from permit requirements. Wall signs shall not be placed higher than the second floor or the bottom of the eaves.

(f) Total signage on a residential property may not exceed 24 square feet per building; except that if a sign is erected under Section 16-15-90 or Section 16-15-80(l) total signage may not exceed 32 square feet per building.

Sec. 16-15-100. Special regulations on nonresidential properties

All signs shall be permitted on nonresidential properties, unless otherwise prohibited in this Article, subject to the following restrictions:

- (a) All new PUD and major commercial developments shall submit a comprehensive signage plan for approval using the regulations in this Article. One sign permit per plan required.
- (b) Attached signs may not extend beyond the face or wall of a building.
- (c) No sign suspended above the right-of-way shall be less than eight feet above the right-of-way at its closest point thereto.
- (d) Signs which extend above the roofline or the uppermost edge of a parapet wall may not extend more than four feet above the roof (or parapet) or 25 feet above the ground, whichever is lower.
- (e) Freestanding signs may not exceed a height above grade of 25 feet.
- (f) Maximum number of signs and area in Nonresidential use and zones areas per building on lots up to 100 linear feet of road footage.
 - (1) The maximum aggregate areas of all signs shall be no more than 250 square feet with no one sign over 200 square feet. If any one single lot is over 100 linear feet and has more than one building each building will be considered as a separate lot for purposes of this section.
 - (2) Each additional separately owned or managed business within any one building shall increase the maximum aggregate area allowable for all signs by 10 square feet.
 - (3) In determining the area of wall signs, the sign shall not be larger than 50 % of the area of the exterior face of the wall it is located.
 - (4) No building may have more than eight square feet of changeable copy in its total signage. This restriction shall not apply to theaters, playhouses, or other such entertainment facilities
 - (5) Window signs shall not be deducted from the maximum sign area for the building in which they are situated. However, no sign shall be larger than 50% of the window in which they are located.
- (g) The maximum number of signs permitted for each building is three, only one of which may be freestanding. Notwithstanding the above, buildings containing

more than one business shall be allowed one additional sign per business. This subsection does not apply to incidental signs.

(h) Sandwich boards shall be permitted on the public right-of-way, on the following conditions:

- (1) Any one side of a sandwich board sign shall not exceed dimensions of three feet by four feet in size. The lettering must be at least 3 inches in height as to be visible from the roadway. Larger signs may be permitted only upon the express authorization of the Town Council after a public meeting and on such terms and conditions as the Town Council, in its sole discretion, may impose.
- (2) Such signs shall be freely movable and may be placed on the public right-of-way only during those hours the establishment advertised on the sign is open for business. At all other hours such sign shall be removed from the public right-of-way.
- (3) Any business or establishment advertised on the sign must be within 100 feet of the location of the sign.
- (4) No sandwich board sign shall be located on the right-of-way adjacent to an establishment or place of business without the express consent of the owner or rightful occupant of the establishment or place of business. Such owner or rightful occupant shall not consent to or allow the placement of more than two sandwich board signs on the right-of-way adjacent to the property at any one time.
- (5) Although sandwich board signs may be located on public right-of-way, they must be positioned at all times in a manner so as not to substantially interfere or impede the public's use of such right-of-way.
- (6) No establishment or place of business shall have more than two sandwich board signs advertising such establishment or place of business at any one time.
- (7) In addition to and not in lieu of other remedies provided by this Article to enforce this section as part of the Town Sign Code, the Town Manager is hereby authorized to cause the removal of and take possession of any sign found not in compliance with this section, including but not limited to signs that are in violation of the size limitations of this section or signs that are displayed other than during the times permitted by this section or in a manner contrary to the provisions of this section, and to retain possession of such sign unless and until directed to do otherwise by the Town Council or a Court of competent jurisdiction.
- (8) Sandwich boards for special events that are Town sponsored or supported the boards can be placed in a public Right-of-way in a way up to 14 days prior to and until 72 hours after the event, however, all other requirements of Section 16-15-100(h) must be followed.

Sec. 16-15-110. Safety Standards

- (a) Building permits must be obtain from the Town for all freestanding, monument or projecting signs and detailed drawings must be submitted for a permit review by

the Town's building permitting agent. All signs which are lighted or electrical must have an electrical building permit from the Town.

- (b) All signs shall be built in accordance with all electrical and other applicable safety requirements.
- (c) Freestanding or projecting signs and sign structures shall be engineered to withstand a wind load of a minimum of 30 pounds per square foot of sign area without failure of face retention system or sign structure.
- (d) Engineering data sufficient to prove the reliability of the structure and the foundation shall be submitted with the drawings at the time of building permit application for freestanding, monument, or projecting signs. All such signs must be inspected and approved prior to installation of the support structure.
- (e) Signs in danger of falling, or which become insecure or otherwise represent an unsafe condition, shall constitute a violation under the provisions of this article and shall be removed or corrected by the sign owner under the provisions of the Larkspur Sign Code.
- (f) Electrical wiring shall be concealed and shall comply with all applicable state or county electrical codes. Proof of such compliance shall be required prior to the issuance of a building permit.
- (g) All freestanding and ground signs shall be self-supporting, erected on or permanently attached to a sufficient foundation.
- (h) Anchors and supports shall be guarded and protected when near driveways, parking lots or similar locations where they could be damaged by moving vehicles. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied. No anchor or support of any sign, except flat wall signs, shall be connected to or supported by an unbraced parapet wall.
- (i) The town specifically disclaims any and all liability for the construction, improvement, maintenance and repairs or replacements of any signs. The liability for construction, improvement, maintenance, repairs, and replacement is with the owner of the signs who shall be liable in the event of any injury caused by those activities and shall indemnify and hold the town harmless from any liability.

Sec. 16-15-120. General regulations on sign illumination

(a) Illumination

- (1) Sign illumination shall not shine past property lines as to not create a hazardous glare for pedestrians or vehicles on adjacent properties or public ways.
- (2) The light source, whether internal to the sign or external, shall be shielded from view and diffused through an external translucent surface if contained within the sign itself. This shall not preclude the use of exposed neon when approved as part of a lighting plan for a site plan.
- (3) Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any adjacent properties or public ways.

- (4) Internally illuminated signs, including monument signs, wall signs and projecting signs are encouraged to have dark background with light lettering, unless otherwise approved in lighting plan for a site plan.
- (5) Non-conforming electronic message signs shall adjust their brightness in response to ambient conditions have a face time of no shorter than 8 seconds and a maximum nighttime brightness of 300 nits and a maximum daytime brightness of 10,000 nits.

Sec. 16-15-130. Nonconforming Signs

(a) All signs legally existing and in place as of the date of adoption of this Article shall deemed valid nonconforming signs whether they conform to the dimensions and location requirements of this Article.

(b) A nonconforming sign or sign structure shall be brought into conformity with this Article if it is altered, reconstructed, replaced, expanded, or relocated. A mere change in copy is not an alteration or replacement for purposes of this subsection.

(c) Removal of a nonconforming sign or sign structure or a replacement of a nonconforming sign or sign structure with a conforming sign is required when:

(1) A nonconforming sign or sign structure, or a substantial portion of a nonconforming sign or sign structure is blown down, destroyed, relocated, or for any reason or by any means taken down. As used in this subsection, "substantial" means 50 percent or more of the entire sign or sign structure;

(2) The condition of the nonconforming sign or sign structure has deteriorated without maintenance as required by this Article, or the nonconforming sign or sign structure or building it is mounted on is destroyed or damaged by fire, flood, wind, storm, or otherwise; and the cost of restoration of the sign or sign structure to its condition immediately prior to such deterioration or event exceeds 50 percent of the cost of reconstruction of the sign or sign structure; or

(3) The use of the nonconforming nonresidential sign or sign structure, or the property on which it is located, has ceased, become vacant, or been unoccupied for period of 90 consecutive days or more. An intent to abandon is not required as the basis for removal under this subsection.

Sec. 16-15-140. Administration

The Town Manager shall be appointed as administrator of this Article by the Town of Larkspur Town Council and is authorized to process applications for permits and variances and enforce and carry out all provisions of this Article, both in letter and spirit. The Town Manager or his or her designee, is empowered, upon presentation of proper

credentials, to enter any building, structure, or premises in the Town for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspection shall be carried out during the business hours of the establishment unless an emergency exists. The fee for a sign permit is on the Town's fee schedule and is subject to review each year with the fee schedule review.

Sec. 16-15-150. Permit Process and Appeals Process

(a) Any person, firm, corporation, or business entity desiring to construct, erect, remodel or otherwise change or affect any sign within the town, except those signs specified in Section 16-15-150 and all signs listed as exempt, is required to make application for a permit. No work shall be commenced on any sign until such permit is issued by the town upon the applicant's compliance with this Article; provided however, that no permit is required to keep any sign in good repair or otherwise maintain a sign in conformance with the provisions of this Article.

(b) Unless otherwise provided by this Article, all new signs shall require permits and payment of fees. If the business advertised by the sign changes, then any replacement signs to be used by the new business must conform to all requirements of this Article.

(c) The information provided by the applicant shall include:

(1) One complete scale drawing showing size, shape, design, materials, sign plan, including any required landscaping, specific sign location, elevation of sign on building, content, mounting method and lighting shall be submitted to the town manager or designee.

(2) Such additional information as may be requested by the Town Manager.

(3) A nonrefundable fee shall accompany each application.

(d) Once the application is complete and submitted, the Town Manager shall review it. Within 30 days of submission of a completed application, the Town Manager shall approve or deny the application. Approval may be with or without conditions. If the permit is denied, the Town Manager shall provide a written explanation of the reasons for denial. If the application is neither approved nor denied within 30 days of submission of a completed application, the permit shall be deemed to be approved.

(e) The applicant may appeal the decision of the Town Manager to the Town Council. Such appeal shall be submitted to the Town Clerk in writing within 10 days of the date the Town Manager denies the application or grants it with conditions.

(f) The appeal shall be heard by the Town Council within 30 days of the date the written appeal is submitted to the Town Clerk.

(g) The Town Council shall determine whether the Town Manager properly grants subject to conditions or denied the application. The Town Council can affirm, reverse, or modify the Town Manager's decision.

Sec. 16-15-160. Exemptions from permit requirements.

(a) The following shall not require permits, but may not exceed the specified height and size as found in Section 16-15-70, 16-15-80, 16-15-90, and 16-15-100:

(1) Noncommercial flags may be displayed in all districts. Such flags shall not exceed 50 square feet in size and no flagpole may be higher than ten feet taller than the tallest structure on the property.

(2) Barber poles. Barber poles may not exceed six feet in height or one foot in diameter.

(3) Gravestones.

(4) Height limitations of this Article shall not apply to spires, belfries, cupolas, antennas, domes, electronic towers, water tanks or other similar structures not capable of providing human occupancy.

(5) Official government signs or traffic signs of the Town of Larkspur, County of Douglas, or State of Colorado.

(6) Signs not legible from a public right-of-way or adjacent property.

(7) Signs on athletic fields and scoreboards intended for on-premises viewing. Scoreboards shall not exceed 20 feet in height and 150 square feet in size.

(8) The display of street numbers. Street numbers must be affixed to the structure or property they are meant to identify.

(9) Public notices or signs relating to emergency.

Sec. 16-15-170. Variances.

The Town Manager may grant a variance from certain requirements of this Article where the literal application of this Article would create a particular hardship for the sign user and all the following criteria for a variance are met by completing a sign variance form:

(a) It is the policy of the Town to encourage aesthetically pleasing signs without substantial interference with the business to which the sign relates.

(b) Projecting signs should not substantially obscure any part of another sign relating to another use.

(c) Excessively large or tall signs should be avoided to prevent visual obstruction of the natural scenery within the Town.

(d) Variances should not be granted which would allow any business to use an unfair advertising advantage over any other business use.

(e) Any variance granted shall be the minimum necessary to alleviate any hardship, in accordance with the standards and subject to the procedures of Section 16-3-40.

(f) For the purpose of this Article only, any person aggrieved by a decision of the Town Manager may appeal the decision in writing to Larkspur Town Council. The Town Council's review shall be limited to the question of whether the Town Manager has exceeded its authority or abused its discretion.

Sec. 16-15-180. Violations and Penalties.

(a) When, in the opinion of the Town Manager, a violation of this Article exists, the town manager shall issue a written order to the alleged violator. The order shall specify those sections of this Article which appear to be in violation and the individual has 10 days from the date of the order in which to correct the alleged violation or to institute an appeal to the Town Council. If, upon inspection, the town manager finds that a sign is abandoned, the town manager shall issue a written order to the owner of the sign and/or owner or occupant of the premises stating the nature of the alleged violation and requiring them to remove or repair the sign within 10 days from the date of the order. In cases of emergency, including signs that are structurally, materially, or electrically effective or in any way endanger the public, the town manager may cause the immediate removal of a dangerous or defective sign, without notice, at the expense of the owner of the sign or premise. In the case of prohibited signs, the sign owner or owner of the premises shall remove the offending sign within two days of receipt of written notification personally served on the sign owner or owner of the premises or by certified mail, return receipt requested. If the return receipt is not received in 10 days, the town manager shall obtain service of the notice upon the alleged violator. If the sign is not removed two days thence, then the town may remove it and recover costs from the owner of the sign or the premises, and such owners shall be in violation hereof.

(b) It is a violation of this Article for any person to construct or reconstruct any sign not in conformance with the provisions of this Article. In the case of a continuing violation, each 24-hour period in which the violation exists constitutes a separate violation.

(c) Any violation of any provision of this Article may result in a penalty up to the maximum set forth in Section 1-4-20 of the Larkspur Municipal Code.

(d) Any snipe sign found to be placed within any Public right-of-way will be taken down by Town staff. In the event of continued placement of the same snipe sign the owner, if they can be identified, they will be notified and if continued violations occur section (b) above will apply.

Sec. 16-15-190. Severability.

This Article and the various components, sections, subsections, sentences, and phrases are hereby declared to be severable. If any court of component jurisdiction shall declare any part of this Article to be unconstitutional or invalid, such ruling shall not affect any other provisions of this Article not specifically included in said ruling.