

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 22

Package I

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Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

November 20, 2025 – 6:00 p.m.

Cobb County Community Development

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The Official Code of Cobb County, Georgia is amended by adding a chapter numbered 22 to read as follows:

CHAPTER 22 – CABLE AND VIDEO SERVICE PROVIDERS; STATE FRANCHISE HOLDERS

Sec. 22-1. - Title and Purpose

- (a) *Title.* This ordinance shall be known as the "Preserving Cobb County Rights over State Franchised Cable Service Providers and Video Service Providers" ordinance.
- (b) *Purpose.* The purpose of this ordinance is to exercise full authority and obtain full benefits from state franchised cable service providers and video service providers.

Section 22-2. – Definitions

- (a) Other than Utility, all capitalized terms shall have the same meaning as presently provided for in the Consumer Choice for Television Act, O.C.G.A. §§ 36-76-1, et. seq.
- (b) The board of commissioners or board means the present governing body of the county or any successor to the legislative powers of the present board of commissioners.
- (c) Utility – For purposes of Section 106-3 of the Code, "Utility accommodations in rights-of-way," the term "Utility" shall include a state franchised cable service provider and a state franchised video service provider as provided for in the Consumer Choice for Television Act.

22-3. - General Provisions

- (a) *Franchise Fee.* In compliance with O.C.G.A. § 36-76-6 (2), the county shall provide a written notice to the Secretary of State for each applicant for, or holder of, a state franchise with a service area located within the county providing notice of the five (5%) percent franchise fee rate the county imposes.
- (b) *PEG Channels.* In compliance with O.C.G.A. § 36-76-6 (2), the county shall provide notice in writing to the holder of a state franchise that such holder is required to designate capacity in its network to allow for the airing of noncommercial PEG programming consistent with the obligations it had under the local franchise under which the state franchise holder operated prior to obtaining the state franchise.

Section 22-4. - Police Powers and Conditions of Right-of-Way Occupancy

- (a) In accordance with O.C.G.A. § 36-76-10 (3) and (4), Cobb County seeks to exercise the maximum control possible over a state franchised cable service provider's and a state franchised video service provider's conduct on County property and within the County's rights of way. Specifically, but without limitation, Sec. 106-3 of the Code and any manual adopted pursuant to Section 106-3 shall apply to any state franchised cable operator and state franchised video operator.

- (b) All transmission and distribution structures, lines and equipment erected by a state franchise holder within the county shall be located so as to cause minimum interference with the proper use of the rights-of-way and shall be constructed, operated and maintained in material compliance with all adopted county and applicable national construction and electrical codes, including, without limitation, Section 106-3. If the state franchise holder fails to comply with such requirements, the county department of transportation may take such measures as it determines necessary in its reasonable discretion to remediate the area or work. If restoration work is corrected by the department, the cost will be billed to the state franchise holder.
- (c) The state franchise holder shall not construct or operate its cable system or video system within the county unless it has complied with all current county regulations and procedures relating to the placement, location, specifications and manner of installation for such cable system facilities. In particular, a state franchise holder shall not locate facilities within the county rights-of-way which are not on utility poles without first disclosing such activity to the county permitting manager and obtaining approval, which approval shall not be unreasonably withheld. Nothing in this subsection shall be interpreted to require a state franchise holder to alter or rearrange its then existing operations or facilities upon the county's adoption of new regulations affecting such operations or facilities unless a failure to do so seriously threatens the health, safety or welfare of county residents.
- (d) If the county or state shall require the removal, relocation or reinstallation of any portion of the state franchise holder's cable system within the county's right-of-way, upon written notice from the county, the state franchise holder shall relocate or reinstall those facilities affected as soon as possible. Such relocation, removal or reinstallation shall only be requested if it is necessary for the public health, safety or welfare and in such cases the state franchise holder shall bear all of its costs in completing the removal, relocation or reinstallation.
- (e) Where electric or telephone utility facilities are located underground within the county, the state franchise holder shall locate its facilities underground as well, regardless of when the utilities are placed underground. If facilities of a state franchise holder are placed underground at the request of a property owner where other utility facilities are placed aerially, the additional cost of locating the cable facilities underground shall be borne by the property owner making the request. Except where facilities are on the county right-of-way the company shall not be liable for the cost of relocating facilities, aerial or underground, where such relocation is required to accommodate a streetscape, sidewalk, or private development.
- (f) A state franchise holder shall have the authority to trim trees overhanging the county right-of-way so as to prevent the branches of such trees from coming into contact with the state franchise holder's facilities. All such trimming shall be done under the supervision and direction of the county and at the state franchise holder's expense. The county department of transportation reserves the right to trim trees coming in contact with the state franchise holder's facilities should the county determine in its reasonable discretion that a hazardous condition exists. The county shall not be liable for any damages that may occur to the state franchise holder's facilities as a result of such tree trimming.
- (g) If the state franchise holder disturbs a county right-of-way, it shall, at its own expense and in a manner approved by the county's utility permitting manager, replace and restore such right-of-

way to as good a condition as existed before the state franchise holder's work was begun and in conformance with all county ordinances and department of transportation regulations.

- (h) At the request of any person holding a valid building moving permit issued by the county, a state franchise holder shall temporarily raise or lower its wires to permit the moving of such building. The state franchise holder's costs in moving its facilities shall be paid by the person holding the permit and the state franchise holder may require payment in advance for its work. Such person shall give the state franchise holder at least 48 hours' notice of such request and any disputes between such person and the state franchise holder shall be resolved by the county manager or his/her designee.
- (i) If, in the case of public emergency, the county department of transportation director or county department of public safety director determines it necessary to cut or remove any of the state franchise holder's facilities, they may do so. All necessary repairs shall be completed at the state franchise holder's, or its insurance company's, expense. The state franchise holder shall not be penalized under this chapter for any delays or problems incurred in its cable or video operation as a result of such action by the county. This section shall not be interpreted to indemnify the county in the case of gross negligence or willful misconduct.
- (j) A state franchise holder's work, while in progress, shall be properly executed at all times with suitable barricades, flags, lights, flares or other devices as are reasonably required to protect the public using the right-of-way or property involved and in conformance with all county ordinances and department of transportation regulations.

Section 22-5. - Surety bond or other security.

- (a) The county reserves the right to require a state franchise holder to obtain a surety bond, letter of credit, or other equivalent form of security, running in favor of the county, to guarantee the faithful performance by the state franchise holder of all provisions of this chapter. If the state franchise holder is found to be in material violation of this chapter, the amount of damages suffered by the county shall be recoverable from such bond, letter of credit, or other form of equivalent security, including obligations owed under any indemnity granted by the state franchise holder in favor of the county.
- (b) The bond, letter of credit or other form of equivalent security shall be in a form reasonably satisfactory to the county and shall contain a provision that it shall not be terminated or otherwise allowed to expire without at least 30 days' prior written notice to that effect to both the county and the state franchise holder. Such bond, letter of credit, or other form of equivalent security, along with evidence of payment of the required premiums, shall be filed with the county.

Sec. 22-6. - Indemnity.

- (a) The state franchise holder shall, at its sole cost and expense, fully indemnify, defend and hold harmless the county, its officers, boards, commissions and employees against any and all claims, suits, actions, liability and judgments from third parties for damage arising out of the installation, operation or maintenance of the cable system or video system, including copyright infringement, whether or not the act or omission complained of is authorized, allowed or prohibited by this

chapter, unless such damage was caused by the negligence of the county or its officers, boards, commissions or employees.

- (b) The state franchise holder shall pay all expenses incurred by the county, including reasonable attorneys' fees and other costs of litigation, in defending itself with regard to all claims and actions mentioned in subsection (a) of this section.

Sec. 22-7. - Enforcement and Penalties.

- (a) Enforcement. The provisions of this chapter shall be enforced by the county communications department and the county department of transportation. The county manager may also authorize other county department as may be deemed necessary to support enforcement.
- (b) Penalties. Violations of this chapter shall be subject to the penalties outlined in the Section 1-10,

Sec. 22-8. - Severability and Effective Date.

- (a) Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.
- (b) Effective Date. This ordinance shall become effective upon its adoption by the Cobb County Board of Commissioners.