

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 50

Package I

Version I - distributed on October 3, 2025

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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Cobb County...Expect the Best!

Chapter 50 – ENVIRONMENT

ARTICLE III. – LAND DISTURBING ACTIVITIES

Section 50-71 of the Official Code of Cobb County, Georgia is amended to read as follows:

Sec. 50-71. - Definitions.

This article will be known as "Cobb County Soil Erosion, Sedimentation, and Pollution Control Ordinance." The following words, terms and phrases, when used in this article and other articles of this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Stormwater management assessment districts means any districts established by the board of commissioners where there are special assessments of property owners for the purpose of ~~management and maintenance of~~ recovering costs for private stormwater infrastructure repairs.

ARTICLE IV. - POST-CONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT

DIVISION 1. – GENERALLY

Section 50-102 of the Official Code of Cobb County, Georgia is amended to read as follows:

Sec. 50-102. - Purpose and intent.

The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post-construction stormwater runoff will minimize damage to public and private property, and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. Additionally, the county is required to comply with several state and federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water ~~quality~~ quantity, velocity, and quality of post-construction stormwater runoff. The application of this article and the provisions expressed in this article shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute. The Cobb County Water System shall be responsible for the coordination and enforcement of the provisions of this article.

Section 50-106.1 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 50-106.1. - Stormwater management standards.

...

- (h) Trout Stream Protection: Trout stream protection shall be provided by controlling temperature for receiving waters with trout stream designations. In streams designated as primary trout waters by the Wildlife Resources Division of the Department of Natural Resources, there shall be no elevation of natural stream temperatures. In streams designated as secondary trout waters, there shall be no elevation exceeding 2°F of natural stream temperatures.
- (hi) Downstream analysis: Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system may fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises ten percent of the total drainage area in accordance with section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.
- (ij) Stormwater management system inspection and maintenance. The components of the stormwater management system that will ~~not be dedicated to and accepted by the county be~~ privately owned and maintained, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites shall ~~are to~~ prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This ~~plan agreement~~ shall be written in accordance with the requirements in section 50-141.1161.

Section 50-110 of the Official Code of Cobb County, Georgia is amended to read as follows:

Sec. 50-110. - Stormwater management assessment districts.

- ~~(a) The board of commissioners may designate~~ authorize stormwater management assessments ~~districts throughout the county to recover costs for the county to repair private stormwater management facilities when such facilities create a danger to the public health, safety, or welfare or they damage county infrastructure and the property owners served by the private stormwater management facility fail to make the repair. The stormwater management special district shall consist of the properties served by the stormwater management facility.~~ Thereafter, each owner of property in the county located within each ~~an~~ individual stormwater management assessment district shall pay a stormwater management assessment fee determined by the board of commissioners ~~with consideration being given to the projected~~ based on the costs to be incurred by the county related to the repairs in undertaking the duties and responsibilities of the county in accordance with the terms and provisions of this article.
- ~~(b) All funds collected by the county in accordance with subsection (a) of this section shall be used to establish and maintain a stormwater management assessment fund.~~

Section 50-111 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 50-111. - Maintenance of stormwater facilities—Residential County owned.

All dedicated and accepted residential stormwater management facilities on land transferred to and accepted by the county shall be maintained by the county in such a manner as to maintain and enhance the public health, safety and general welfare to reduce and minimize damage to property, to reduce and

minimize the impact of such facilities on land and stream channel erosion, to assist in the attainment and maintenance of water quality standards, to reduce local flooding, and to maintain, as nearly as possible, the preexisting development runoff characteristics of the area. ~~The owners shall be responsible for providing reasonable ingress and egress for maintenance.~~ The county shall not be responsible for aesthetic maintenance.

Section 50-112 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 50-112. - Maintenance of stormwater facilities—~~Commercial/industrial~~ Privately owned.

- (a) All ~~commercial/industrial~~ private stormwater management facilities in the county shall be maintained by the owners thereof in such a manner as to maintain and enhance the public health, safety and general welfare in order to be assured that such facilities are safe and will not result in injury or harm to persons or property, to reduce and minimize damage to public and private property, to reduce and minimize the impact of such facilities on land and stream channel erosion, to assist in the attainment and maintenance of water quality standards, to reduce local flooding, and to maintain, as nearly as possible, the preexisting development runoff characteristics of the area. All such maintenance of such facilities shall be at the sole cost and expense of the owners thereof.
- (b) It shall be unlawful for the owner or the occupant of any property upon which is located a stormwater management facility to fail to maintain such facility in such a manner that the facility does not create a danger to the public health, safety or welfare. Should the owner fail to so maintain such facility, such failure shall constitute a public nuisance ~~per se~~. The manager shall be entitled to inspect all stormwater management facilities subject to this article at all reasonable times in order to determine compliance or noncompliance with the terms and provisions of this article.
- (c) Subject to the terms of subsection (d) of this section, the manager shall provide written notice to the owner or the person in possession, charge or control of any property constituting a public nuisance under this article, stating that in the best professional judgment of the manager the conditions existing upon the property constitute a nuisance, setting forth action to be taken to eliminate the objectionable conditions, and requesting that such action be undertaken within the number of days specified in the notice. ~~The notice shall further state that unless the objectionable conditions are voluntarily removed or remedied within the time specified, that it will be the duty of the manager to cause a summons to be issued requiring the party notified to appear in the superior court of the county to have determined whether the conditions involved constitute a nuisance and therefore should be abated.~~ When the property is in a residential subdivision, the manager shall provide all properties associated with the stormwater management facility a copy of said notice. If the conditions constituting a public nuisance are not abated by the owner or the person in possession, charge or control of the property within the amount of time specified in the notice, then the county may address the nuisance under Chapter 83, Nuisance. Under emergency circumstances where there exists the danger of bodily injury or death, the manager is not required to provide a written notice before the county addresses the nuisance.
- ~~(d) If the manager shall determine that conditions constituting a nuisance exist on any property subject to this article, it shall be the duty of the manager to issue a summons to the owner of such property, persons in possession, and all parties in interest, to appear before the judge of the superior court of the county to determine whether or not such conditions constitute a nuisance and should be abated.~~

- ~~(e) If, upon a hearing as provided for in this section before the judge of the superior court of the county, the judge shall find that the conditions stated in this section exist and that such conditions constitute a nuisance, and further orders to abate such nuisance within a specified time, then each subsequent ten-day period thereafter during which the conditions adjudicated to be a nuisance by the judge remain in existence subsequent to the expiration of the time filed in the judgment for abatement shall constitute an offense.~~
- ~~(f) Upon the adjudication by the judge of the superior court of the county that a nuisance exists and notwithstanding the provisions of subsection (e) of this section, if the owner or person in possession of the property has not abated the nuisance after the expiration of five days from the date of the adjudication that a nuisance exists, then the manager shall cause the nuisance to be abated and the objectionable conditions to be removed from the property. The manager shall be authorized to take such actions as are necessary to remove from the property such objectionable conditions constituting the nuisance and to charge the cost and expense thereof to the owner or the person in possession.~~
- ~~(g) The cost to the county of abating nuisances as specified in this section shall be paid out of the stormwater management assessment fund, which fund shall be reimbursed by the owner of the property on which the nuisance existed.~~
- ~~(h) If the charges and costs provided for in subsection (g) of this section remain unpaid by the owner for a period of 30 days after notice thereof to the owner or occupant of the property upon which such conditions existed, the manager or his duly authorized representative shall cause an execution to be issued against the owner of the property for those charges. The execution shall be a lien on the property and, when recorded in the general execution docket of the county, shall be a lien on all of the property of the defendant in execution from the date of such recording.~~
- ~~(i) Nothing contained in this article shall impair the right of the county to exercise any and all other remedies available at law or in equity, including, without limitation, the pursuit of injunctive relief, under emergency circumstances where there exists the danger of bodily injury or death.~~

DIVISION 2. - STORMWATER CONCEPT AND DESIGN PLANS

Section 50-130 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 50-130. - Minimum requirements.

...

- ~~(d) ... (11) Inspection and maintenance agreements. Unless an on-site stormwater management facility or practice is dedicated to and accepted by the county as recorded on the final plat, t~~ The applicant must execute an easement in addition to an inspection and maintenance agreement binding on all subsequent owners of land served by an privately owned and maintained on-site stormwater management facility or practice.

...

DIVISION 3. - INSPECTION AND MAINTENANCE

Subdivision I. - In General^[6]

Subdivision I, Division 3, Article IV, Chapter 50 of the Official Code of Cobb County, Georgia is amended by deleting footnote (6):

Footnotes:

~~—(6)—~~

~~**Cross reference**—Maintenance of stormwater facilities—residential, § 50-111.~~

Section 50-143 of the Official Code of Cobb County, Georgia is amended to read as follows:

Sec. 50-143. - County participation in development agreement.

A voluntary development agreement between the applicant and the county may provide for additional storage capacity beyond that required by the applicant for on-site stormwater management in order to enhance or provide for the public health, safety and general welfare, to correct unacceptable or undesirable existing conditions or to provide protection in a more desirable fashion for future development. The manager, or his designee, shall be authorized to negotiate, subject to ultimate approval by the board of commissioners, within the following guidelines:

- (1) Require that the applicant grant any necessary easement over, through or under the applicant's property to provide access to or drainage for such facility.
- (2) Require that the applicant attempt, in good faith, to obtain from the owners of property over, through or under which the stormwater management facility is to be located, any easements necessary for the construction and maintenance of same; and failing the obtaining of such easement despite the applicant's good faith efforts, the county may, at its option, assist in such matter by purchase, condemnation, dedication or otherwise, and subject to subsection (3) of this section, with any cost incurred thereby to be paid by the applicant.
- (3) Participate financially in the construction of such facility to the extent that such facility exceeds the required on-site stormwater management.

~~Funds shall be provided for out of the stormwater management assessment fund as set forth in section 50-110.~~

ARTICLE VII. – NOISE

Section 50-258 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 50-258. – Enumeration of prohibited noises.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this article; but this enumeration shall not be deemed to be exclusive:

...

- (15)*Consumer fireworks.* Covered under chapter 10 of title 25, O.C.G.A. § 25-10-2, prohibited fireworks activities; application of noise ordinance. It shall be unlawful for any person to ignite or otherwise use consumer fireworks as defined in O.C.G.A. § 25-10-1(a)(1) within 200 yards of a facility housing equines in a confined area.