

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 54

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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Chapter 54 – FIRE PREVENTION AND PROTECTION

ARTICLE II. - FIRE DISTRICT

Section 54-26 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-26. - Established; designated as fire department.

Pursuant to the laws of the state there is hereby established the Cobb County Fire District, referred to in this article as the fire department, which shall provide fire protection to all of the citizens of the unincorporated areas of the county and may provide fire protection to citizens of municipalities in Cobb County through an intergovernmental agreement pursuant its Constitutional amendment. ~~the municipalities of Acworth, Kennesaw and Powder Springs.~~ All other fire districts previously established are hereby merged into the county fire district by the authority of the referendum vote of the citizens of the county held on November 5, 1974, and by this section. References in this chapter to “code”, “chapter”, or a “code section” herein are to Chapter 54 of the Official Code of Cobb County, Georgia unless otherwise stated.

(Res. of 7-22-69, § 1; Res. of 1-14-75; ~~Code 1977, § 3-13-20~~)

ARTICLE III. - FIRE SAFETY STANDARDS

Section 54-51 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-51.- Life safety certificate of occupancy requirement.

- (a) This Code section shall apply to the state minimum fire safety standards enforced by the fire marshal's office. This Code section shall not apply to separate certificate of occupancy requirements enforced by the department of community development ~~building~~ department.
- (b) Every building, structure, or tenant space shall have a certificate of occupancy issued by the Cobb County Fire Marshal's Office before such building, structure, or tenant space may be occupied. Such certificates of occupancy shall state the occupant load for such business establishment or building and shall be posted in a prominent location within such business establishment or building.

Exception 1: One-family and two-family dwellings, one-family and two-family row houses (townhouses) separated by a two-hour fire wall and two-family townhouses separated by a two-hour fire wall.

Exception 2: Residences providing in-home day care (if five or less clients/attendees) and businesses not open to the public located in one-family and two-family dwellings.

- (c) Such certificates of occupancy shall run for the life of the building, structure or tenant space, except where there is a change in the classification of occupancy, substantial renovation, reconstruction due to fire or other hazard of serious consequence, renovation or addition.
- (d) Change in the classification of occupancy includes changes that place the building, structure, or tenant space in a different subclassification of the same group or occupancy, or in a different group of occupancies.
- (e) Where there has been any change in the classification of occupancy, substantial renovation or reconstruction due to fire or other hazard of serious consequence, the building or structures therein,

shall be constructed to meet requirements for new construction of the code edition adopted at the time plans are approved for the change of occupancy, substantial renovation or reconstruction due to a fire or other hazard of serious consequence.

- (f) Where there has been any renovation or addition, the area included in the renovation or addition shall be constructed to meet requirements for new construction of the code edition adopted at the time plans are approved for the renovation or addition. For the purposes of this section, the area included in the renovation or addition shall be limited to such area as clearly outlined on the construction plans/permit documents.
- (g) ~~Except in assembly, storage and industrial occupancies, where~~ Where there has been no change in the classification of occupancy, substantial renovation (as defined in subsection (i)), reconstruction due to fire or other hazard of serious consequence, renovation or addition but merely a change in owner or a change in business name, and a valid certificate of occupancy has previously been issued for the building, structure, or tenant space, a "Notice of Information Change Form" shall be completed by the new owner and/or occupant and submitted to the Cobb County Fire Marshal's Office. A new certificate of occupancy will not be issued by the fire marshal unless required by the state minimum fire safety standards, and in such case a joint certificate of occupancy or fire-only certificate of occupancy may be issued. ~~if the building, structure or tenant space is located in unincorporated Cobb County or the City of Acworth. A new certificate of occupancy will be issued if the building, structure or tenant space is located in the city limits of Kennesaw or Powder Springs.~~
- (h) Business owners subleasing a portion of any space with a valid certificate of occupancy shall complete a "Notice of Information Change Form" and submit to the Cobb County Fire Marshal's Office. A new certificate of occupancy will not be issued ~~if the building, structure or tenant space is located in unincorporated Cobb County~~ by the fire marshal unless required by the state minimum fire safety standards, and in such case a joint certificate of occupancy or fire-only certificate of occupancy may be issued. ~~if the building, structure or tenant space is located in unincorporated Cobb County or the City of Acworth. A new certificate of occupancy will be issued if the tenant space is located in the city limits of Kennesaw or Powder Springs.~~
- (i) For the purposes of this Code section, "substantial renovation" means any construction project in which the cost of construction exceeds the structure's assessed value as recorded in the tax assessors' records at the time of renovation. A "fire or other hazard of serious consequence" means any incident or condition, including but not limited to fire, structural damage, environmental contamination, or system failure, that results in conditions requiring a substantial renovation to restore the building or structure to a safe and occupiable condition. ~~substantial renovation means any construction project involving exits or internal features of such building, or any structure costing more than the building's or structure's assessed value according to county tax records at the time of such renovation.~~
- (j) For purposes of this Code section, renovation means any construction project that involves removing or adding walls, doors, or windows; performing electrical or plumbing work that requires a permit; or making structural modifications or alterations to the building or its systems. ~~and/or adding walls/doors/windows, any electrical or plumbing work requiring a permit or work involving structural components.~~
- (k) Construction, reconstruction, substantial renovation, renovation, or addition shall be prohibited without plans approved by the fire marshal's office prior to any work being performed.
- (l) Penalties and Enforcement.
 - (1) Any person or entity that fails to obtain a valid certificate of occupancy from the fire marshal's office prior to occupancy as required under subsection (b) of this code section shall be guilty of an ordinance violation.
 - (2) Upon ascertaining such a violation, a notice of violation shall be directed to the owner of the property and shall provide a time frame for compliance. The notice issued pursuant to this section

may be served upon the party responsible for the violation, either by personal service, mail, or by process server.

- (3) In the event that the compliance time period passes and the certificate of occupancy has not been obtained, a citation shall issue requiring a court appearance. The maximum penalty for a violation prosecuted in court shall not exceed \$1,000 or imprisonment for up to six months, of both, as authorized by state law.
- (4) Any person who shall violate any of the provisions of this article or fail to comply therewith, shall for each and every such violation and noncompliance, respectively, be guilty of an ordinance violation. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue.
- (5) The provisions of this subsection (l) shall not apply to: the following occupancies, as defined in subsection (b) of this Code section and classified according to the applicable zoning designation and land use classification established by either Cobb County's Unified Development Code or the zoning ordinance of the respective municipality receiving services from Cobb County Fire & Emergency Services:
 - a. One-family and two-family dwellings, including townhouses separated by a two-hour fire wall;
 - b. Residences providing in-home day care for five or fewer clients; and
 - c. Businesses not open to the public that operate from one-family or two-family dwellings.

Section 54-51.1 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-51.1. - Expiration of approval; inactivity; renewal; inspections.

- (a) Any approvals issued by the Cobb County Fire Marshal shall expire if work is not commenced within 180 days of such issuance or approval, or if a permit is not issued by the respective building official within 90 days of Fire Marshal's approval.
- (b) If approval expires or not issued as described in (a), applicant will be required to reapply for said project under the most current applicable state laws and ~~county~~ ordinances. The project must meet current and locally adopted codes and standards at the time of the reapplication.
- (c) Inactivity - The Fire Marshal approval shall be voided if inspections are not requested within 180 days of the issuance of the building permit. Occupancy of the construction area is prohibited until commissioning is completed.
- (d) Voided approvals - Appeals for voided approvals shall be made in accordance with section 54-121 of this code ~~article IX of chapter 54.~~
- (e) Work progress inspection or review - Meeting with the Cobb County Fire Marshal's office for a work progress inspection or review before dates listed above is required to avoid expiration of permits or approvals.
- (f) The above shall be effective August 1, 2022.

Section 54-52 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-52. – International Fire Code adopted.

The edition of the International Fire Code is adopted ~~under section 54-54; the county further adopts county code~~ including sections 103, 105, 108, 109, 110, and 111 and 112 of chapter 1 of such International Fire Code for administration of such code, unless in conflict with state law or rules promulgated in accordance with state law. In such case, state law or rules promulgated in accordance with state law shall govern.

~~The county further amends section~~ Section 1142.4 amended to read as follows:

Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 1,000 dollars per day.

For purposes of this section, a "stop work order" means an official notice issued by the fire marshal's office requiring the immediate cessation of any construction activity, change in occupancy of any type, or use of a building, structure, or space that is in violation of applicable fire codes, unsafe conditions, or lacking required permits or approvals as specified in the stop work order.

Section 54-53 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-53. – Reinspection fees.

The county's fire marshal's office shall be authorized to assess reinspection fees in accordance with the following:

First reinspection \$ 50.00

Second reinspection \$100.00

Third reinspection and every reinspection thereafter \$150.00

Fees will be assessed upon the completion of a scheduled reinspection, when it is determined that the cited code violation(s) has not been corrected to bring it into compliance with the applicable code(s). If during a reinspection, a code violation is noted that was not listed as part of the original violation(s), a reinspection fee will not be assessed for the newly cited code violation(s). Any newly cited code violation discovered at the time of reinspection will be considered a first time violation and will restart the reinspection fee process. The reinspection fee process will be as follows:

- (1) When, during a scheduled reinspection, an inspector determines that the cited code violation(s) has not been corrected to bring it into compliance with the applicable code(s), the inspector will notify the responsible party: contractor, owner, manager, etc. Whenever possible, a reinspection fee citation stating the reinspection fee amount will be left with a responsible party or posted on site. When no one is on site to receive the citation, the inspector shall notify the responsible party as soon as possible using contact information supplied to the fire marshal's office.
- (2) Reinspection fees must be paid within 30 days of the reinspection date to Cobb County Fire and Emergency Services. The foregoing notwithstanding, no fire safety codes release or certificate of occupancy will be issued until all reinspection fees are paid in full.
- (3) Any disputed fees may be appealed in writing to the fire marshal's office, with final authority resting with the fire marshal. Appeals may be taken to the fire appeals board.
- (4) Reinspection fees will also be applied to plan review appointments scheduled with the fire marshal's office if not cancelled a minimum of 24 hours prior to the scheduled plan review time.

Section 54-54 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-54. – State minimum standards adopted.

The state minimum fire safety standards adopted in the rules and regulations promulgated pursuant to ~~O.C.G.A. tit. 25, ch. 2~~ (O.C.G.A. § 25-2-1 et seq.), including all subsequent revisions thereof, are adopted by reference.

The state minimum fire safety standards shall apply to all structures in unincorporated Cobb County may provide fire protection to citizens of municipalities in Cobb County through intergovernmental agreement, cities of Acworth, Kennesaw, and Powder Springs, except for one-family and two-family dwellings.

Section 54-54.1 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-54.1. – Tanks.

(a) Scope.

- (1) ~~Section 54-54.1~~ This code section shall apply to all storage and fuel tanks.
- (2) ~~Section 54-54.1~~ This code section shall not apply to propane containers used exclusively for heating or cooking purposes for detached one- and two-family dwellings, provided the tank capacity does not exceed 1,000 water gallons.
- (3) ~~Section 54-54.1~~ This code section shall not apply to containers of Class I liquids with capacity of less than 25 gallons.
- (4) ~~Section 54-54.1~~ This code section shall not apply to containers of Class II or III liquids with a capacity of less than 60 gallons.
- (5) Liquid classes are defined by NFPA 30 as adopted by code section 54-54, Cobb County Code.
- (6) ~~Section 54-54.1~~ This code section shall not apply to fueling stations permitted by the State fire marshal's office in accordance with Georgia Rules and Regulations, Rule 120-3-11. This code section shall apply in any instance where the State Fire Marshal's Office does not have permitting authority or has not issued a permit.

(b) Zoning and protection.

- (1) Storage and fuel tanks shall meet the requirements of NFPA 30, NFPA 30A, NFPA 52, NFPA 58 and any other applicable codes adopted under section 54-54 of this Code.
- (2) No aboveground tanks shall be installed in residentially zoned areas, except as to any Cobb County Fire Stations that may be located in any such residentially zoned area.
- (3) All aboveground tanks storing gasoline, where allowed by zoning shall be a vaulted type tank that is projectile resistant and vehicle impact resistant as certified by Underwriters Laboratories or other recognized testing labs. Exception: Bulk plants or terminals.
- (4) All aboveground tanks must be approved for aboveground use by Underwriters laboratories or other recognized testing labs.
- (5) Within 30 days of removal, the Cobb County Fire Marshal's Office shall be provided a site plan and closure report by the owner, their designee or the removing contractor for any underground storage tank(s) that is/are removed.

(c) Permit.

- (1) All tanks will be permitted through the Cobb County Fire Marshal's Office;
- (2) Temporary tanks (90 days or less) do not require a permit. Temporary tanks must be located no closer than 100 feet from any structure or building and must comply with all other code requirements.
- (3) Plan review fee will be \$300.00 for each permit, regardless of number of tanks on the permit;
- (4) Fines assessed for failure to obtain a permit will be \$1,000.00; and
- (5) Fines assessed for failure to call for an inspection will be \$500.00.

Section 54-55 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-55. - Enforcement; establishment and duties of bureau of fire prevention; authority of fire marshal.

- (a) The state minimum fire safety standards shall be enforced by the fire marshal ~~in the fire department of the county which is hereby established and~~ which shall be operated under the supervision of the chief of the fire department. The fire marshal shall have the duties of the chief of the bureau of fire prevention. References to the fire marshal shall mean the fire marshal of Cobb County, unless stated otherwise.
- (b) The chief of the fire department may detail such members of the fire department, or other county employees, as shall from time to time be necessary.
- (c) A report of the bureau of fire prevention shall be made annually and transmitted to the chairman of the board of commissioners. Such report shall contain all proceedings under the adopted codes, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the fire prevention code which, in his judgment, shall be desirable.
- (d) ~~The county fire marshal is hereby authorized to enforce the state minimum fire safety standards of the cities of Acworth, Kennesaw, and Powder Springs, being municipalities within this county, and to conduct fire inspections in accordance therewith; provided however, that citations for violations of such municipal codes shall be returnable to the appropriate courts of such municipalities; provided further, that the county fire marshal shall not enforce such municipal codes unless they are and remain substantially similar to the county's state minimum fire safety standards, as amended; and provided further, that the county fire marshal shall not enforce such codes in any of such municipalities unless and until the governing authority of such municipality shall have entered into a written contract with the county pursuant to Ga. Const. art. IX, § II, permitting the county fire marshal to enforce such municipal codes and to conduct fire inspections within such municipality; and to this end, the chairman of the board of commissioners is hereby authorized to affix his signature and seal to any such contract, and to do any and all acts necessary to carry out the intent of this subsection.~~

(Res. Of 6-8-71, § 2; Res. Of 9-23-75; ~~Code 1977, § 3-13-32~~; Ord. of 1-24-06; Ord. of 7-25-06; Ord. of 2-27-07; Amd. Of 2-11-20; Amd. Of 2-8-22)

Section 54-56 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-56. - Definitions in fire prevention code.

The following definitions shall apply to the International Fire Code adopted in this article:

- (1) Wherever the word "municipality" is used in the International Fire Code, it shall be held to mean the unincorporated areas of the county and municipalities in Cobb County for which the County provides services by intergovernmental agreement ~~the cities of Acworth, Kennesaw, and Powder Springs~~
- (2) Wherever the term "corporation counsel" is used in the International Fire Code, it shall be held to mean the attorney for the county.
- (3) Wherever the words "chief of the bureau of fire prevention" are used in the International Fire Code, they shall be held to mean the fire marshal.
- (4) "Fire code official" shall mean fire marshal.
- (5) "Authority having jurisdiction" shall mean fire marshal.

- (6) "Private fire main" shall include all piping and appurtenances on the customer side of the master meter.
- (7) As of August 1, 2022, the term "Fire Code" means the most recent published edition or the edition referenced by State Fire Marshal or adopted by state law., ~~NFPA 1 The Fire Code or the International Fire Code. Both shall be adopted and if an administrative challenge or code conflict exists, the conflict shall be resolved by the Fire Marshal.~~

(Res. Of 6-8-71, § 3; Res. Of 9-23-75; ~~Code 1977, § 3-13-33~~; Ord. of 1-24-06; Amd. Of 2-8-22)

Section 54-59 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-59. – Hydrant obstruction and hydrant maintenance.

- (a) For private fire hydrants located at one-family and two-family dwellings, including townhouses and condominiums, Cobb County Fire and Emergency Services shall have the authority to enforce all codes with regards to fire hydrants including but not limited to: location, inspections, maintenance, flow test (every three years) and obstructions. These private hydrants shall comply with the applicable codes, standards and local ordinances currently adopted by Cobb County and shall be enforceable per the terms of section 54-51 of this chapter.
- (b) All hydrants shall be painted silver as needed. Reflective tape a minimum of one-inch wide shall be placed around the entire circumference of the bonnet with the ends overlapping a minimum of one inch. White reflective tape shall be used on all public fire hydrants. Orange reflective tape shall be used on all fire hydrants that are not owned and/or maintained by Cobb County Water System. Painted tape or worn tape shall be replaced. Contact the Cobb County Fire Marshal's Office for information on reflective tape that has been approved for use on fire hydrants.
- (c) Hydrants other than those owned and/or maintained by Cobb County Water System shall have general maintenance performed annually in accordance with the currently adopted edition of NFPA 25. Maintenance and flow test records shall be maintained on the premises for inspection by the Cobb County Fire Marshal's Office. A weather-resistant tag shall be affixed to each hydrant indicating the date of inspection, the name of the company responsible for the inspection, and the operational status of the hydrant using the following color system: green shall indicate that no deficiencies are present and the hydrant is fully operational; yellow shall indicate that deficiencies were found, but the hydrant remains functional; and red shall indicate that the hydrant is non-operational and will not function as intended. All maintenance shall be performed by a qualified company on file with the Cobb County Fire Marshal's Office.
- (d) Hydrants other than those owned and/or maintained by Cobb County Water System shall be flow tested every three years. Flow testing shall be done in accordance with requirements in the American Water Works Association M17 manual, "Installation, Field Testing, and Maintenance of Fire Hydrants." A site map showing flow and residual hydrants (numbered appropriately) shall be provided with each report. The flow test shall be performed by a qualified company on file with the Cobb County Fire Marshal's Office.
- (e) All hydrants shall be installed and maintained such that the center of any hose outlet shall not be less than 18 inches above final grade.

Section 54-60 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-60. – Fire hydrant installation for existing apartment complexes.

- (a) *Existing apartment complexes.* Apartment complexes in existence as of the effective date of this section shall, at a minimum, be brought into full compliance with fire hydrant locations and flow rates set forth in the state minimum fire safety standards and the Cobb County Development Standards applicable development standards as enforced by Cobb County Fire & Emergency Services.
- (b) ~~*Time period for submitting site plans.* Apartment complexes in existence as of the effective date of this section which are in noncompliance with fire hydrant locations and flow rates set forth in the state minimum fire safety standards and the Cobb County Development Standards must, within one year of the effective date of this section, submit site plans for bringing the complexes into full compliance with the applicable standards to the Cobb County Fire Marshal's Office.~~
- (1) ~~With respect to apartment complexes in existence as of the effective date of this article, the fire marshal is authorized to provide notice to the building owner or agent of any apartment complex that is not in compliance with fire hydrant locations and flow rates set forth in the state minimum fire safety standards and the Cobb County Development Standards. Within 60 days of receiving such notice of noncompliance, the building owner or agent of such owner shall file an "Intent to Comply" with the requirements of this section with the Cobb County Fire Marshal's Office. Such notice of intent to comply shall include:

 - a. ~~Contact information for the property owner, agent, and any personnel responsible for project compliance;~~
 - b. ~~The property owner's acknowledgement of the need to comply with state minimum fire safety standards and the Cobb County Development Standards within the time set forth in this section;~~
 - c. ~~A statement of the property owner's intention to comply, which should include a projected completion date for the installation of and/or flow rate correction of the fire hydrants; and~~
 - d. ~~The property owner's acknowledgement of the requirement to submit site plans for approval to the Cobb County Fire Marshal's Office no later than one year after the effective date of this article;~~~~
- (c) ~~*Time period for compliance.* Any existing apartment complex that is not in compliance with fire hydrant locations and flow rates set forth in the state minimum fire safety standards and the Cobb County Development Standards shall be required, at a minimum, to bring the apartment complex into full compliance within three years of the effective date of this section.~~
- (b) *Flow rates.* Where there is substantial documentation that compliance with the minimum flow rates of this section would require overly burdensome steps by a property owner, the fire marshal may deem such hydrants as acceptable or may accept alternatives deemed equivalent for fire safety risk reduction.

ARTICLE V. -FIRE PROTECTION CONTRACTORS

Section 54-87 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-87. - Enforcement and penalties.

- (a) Whenever the fire marshal shall have reason to believe that any individual is or has been violating any provisions of this article, he or his deputy or assistant may issue and deliver to the individual an order to cease and desist such violation. Any person who is guilty of such violation and who fails to comply with any order under this section may be punished by fine not exceeding \$1,000.00 and by imprisonment for not more than 60 days or any combination thereof. Violation of any provision of this article or failure to comply with a cease and desist order is cause for revocation of any existing sprinkler permit and of the privilege to obtain a future county sprinkler permit until all such violations are cured.

- (b) In addition to any other remedy available, whenever, in the judgment of the fire marshal, any person has engaged in, is currently engaged in, or is about to engage in any act or practice which constitutes or will constitute a violation of this article, the fire marshal may make application, on behalf of the county or municipality, to the superior court for an order enjoining such act or practice or for an order requiring compliance with this article. ~~The certificate issued by the county fire marshal may revoke the permit of any person failing to comply with an order issued pursuant to this subsection shall be~~ the permit ~~revoked~~ upon the date specified in such order.

(Ord. of 7-28-87; ~~Code 1977, § 3-13-49~~; Amd. of 2-26-13)

ARTICLE VI. - FIRE PROTECTION SPRINKLER SYSTEM REQUIREMENTS

Section 54-92 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-92. - Powers and duties of fire marshal, delegation of authority.

- (a) The fire marshal is charged with the duty and responsibility for enforcement of this article.
- (b) Any authority, power or duty vested in the fire marshal by any provision of this article may be exercised, discharged or performed by any deputy, assistant or other designated individual acting in the fire marshal's name and by his delegated authority.
- (c) The fire marshal may, in his discretion, promulgate such rules and regulations as he deems necessary to effectuate the provisions of this article.
- (d) The fire marshal may prescribe any forms required for the administration of this article.
- ~~(e) In the event of any conflict between this code and the state minimum fire safety standards as adopted by the state, the more stringent code shall apply.~~

Section 54-93 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-93. – Fire protection sprinkler systems requirements.

- (a) Except as otherwise provided, supervised fire protection sprinkler systems shall be required for all new hotels and dormitories as described in this subsection and shall be required for existing hotels and dormitories as described in section 54-94. NFPA 13R sprinkler systems shall be allowed in structures up to and including four stories in height. All buildings over four stories in height shall be protected by a NFPA 13 sprinkler system.
- (b) Except as otherwise provided, supervised fire protection sprinkler systems shall be required for all new apartment buildings two stories or more in height. NFPA 13R sprinkler systems shall be allowed in structures up to and including four stories in height. All buildings over four stories in height shall be protected by a NFPA 13 sprinkler system. All balconies and storage closets accessed from the balcony shall be protected by the fire protection sprinkler system.
- (c) Exception: Fire protection sprinkler systems are not required for new single story hotels, dormitories and apartment buildings with exit doors leading directly outside from each dwelling unit.
- (d) All existing hotels, dormitories, and apartment buildings that undergo a substantial renovation, as defined in Section 54-54(i), ~~than the building's or structure's assessed value (according to county tax records) at the time of such renovation, a change in the classification of occupancy, or a fire of serious consequence, shall meet the requirements of this Code.~~

- (e) Except as otherwise provided, all new board and care occupancies (personal care homes) with four or more clients and all community living arrangements shall be equipped with an approved sprinkler system.
- (f) Sections 903.3.1.2.1, 903.4, 903.4.1, 903.4.2, and 903.4.3 of the International Fire Code adopted in section 54-52 are adopted for enforcement on new installations and buildings that undergo substantial renovation or a change in the classification of occupancy.

Sections 54-94 of the Official Code of Cobb County, Georgia, are amended by deleting the section, to read as follows:

Sec. 54-94. – Reserved. ~~Fire protection sprinkler system requirements for hotels and dormitories.~~

- (a) ~~Existing hotels and dormitories.~~ Hotels and dormitories in existence as of the effective date of this article shall, at a minimum, be brought into compliance with sprinkler requirements for new construction set forth in NFPA 101, 2000 edition.
 - (1) ~~With respect to hotels and dormitories in existence as of the effective date of this article, the fire marshal is authorized to provide notice to the building owner or agent of any hotel or dormitory that is not in compliance with NFPA 101, 2000 edition. Within 60 days of receiving such notice of noncompliance, the building owner or agent of such owner shall file an intent to comply with this requirement with the fire marshal. Such notice of intent to comply shall include:~~
 - a. ~~The property owner's acknowledgement of notice of the need to comply with NFPA 101;~~
 - b. ~~Contact information for the property owner and any personnel responsible for project compliance;~~
 - c. ~~A statement of the property owner's intention to comply, which should include a projected completion date for installation of the sprinkler system.~~
- (b) ~~Time period for compliance.~~ Any existing hotel or dormitory that is not in compliance with sprinkler requirements for new construction set forth in NFPA 101, 2000 edition, shall be required, at a minimum, to bring the hotel or dormitory into compliance within three years of the effective date of this article.

~~(Ord. of 2-27-07)~~

Sections 54-95 of the Official Code of Cobb County, Georgia, are amended by deleting the section, to read as follows:

Sec. 54-95. - Reserved. ~~Fire protection sprinkler system installation requirements.~~

- (a) ~~Hotels and dormitories.~~ For hotels and dormitories, the following requirements shall apply to the installation of fire protection systems:
 - (1) ~~Before any fire protection system is installed, plans shall be submitted by the contractor installing the sprinkler system to the fire marshal's office, which shall review the plans for compliance with NFPA 13 or 13R standards prior to stamping the plans as "reviewed."~~
 - (2) ~~NFPA 13 and 13R sprinkler system installers, inspectors, and maintenance personnel shall meet the Rules and Regulations for Enforcement of the Georgia Fire Sprinkler Act, O.C.G.A. § 120-3-19.~~

~~(Ord. of 2-27-07)~~

ARTICLE VII. - ALARM SYSTEMS

Section 54-101 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-101. – Fire alarm requirements.

- (a) All fire alarm systems and monitoring stations shall be in compliance with NFPA 72.
- (b) With the exception of premises covered by a fire alarm action plan, fire alarm systems shall automatically call 911 upon activation of a fire alarm (prior to the investigation of the cause of any fire alarm) when any fire safety standard adopted under section 54-52 or 54-54 of this code requires emergency forces notification and/or a supervised sprinkler system for said premises.
- ~~(c) In the event of any conflict between this Code and the state minimum fire safety standards as adopted by the state, the most stringent code shall apply.~~
- ~~(d)~~ (c) Only a licensed alarm contractor shall work on a fire alarm system. Effective July 1, 2015, each licensed alarm contractor shall have at least one individual on each job site currently certified by NICET (National Institute for Certification and Engineering Technologies) in fire alarm systems or equivalent as accepted by Georgia Automatic Fire Alarm Association (AFAA), Georgia Electronic Life Safety and Systems Association, and the county fire marshal. Proof of certification shall be kept on the person of the certified individual.
- ~~(e)~~ (d) All work performed on a fire alarm system shall require plans to be submitted to and approved by the fire marshal's office prior to any work being performed. Effective July 1, 2016, all fire alarm plan submittals shall be made only by persons currently certified by NICET (National Institute for Certification and Engineering Technologies) in fire alarm systems or their equivalent as accepted by Georgia Automatic Fire Alarm Association (AFAA), Georgia Electronic Life Safety and Systems Association, and the county fire marshal. Proof of current certification shall be stamped on the plans and/or a copy of the certification shall accompany the submittal.
- ~~(f)~~ (e) Effective July 1, 2016, all documentation submitted to the fire marshal's office shall be completed and signed by persons currently certified by NICET (National Institute for Certification and Engineering Technologies) in fire alarm systems or their equivalent as accepted by Georgia Automatic Fire Alarm Association (AFAA), Georgia Electronic Life Safety and Systems Association, and the county fire marshal. Such documentation shall include, but not be limited to, record of completion forms, inspection testing and maintenance forms, permit applications, etc. Proof of current certification shall accompany the submitted documentation.
- ~~(g)~~ (f) Effective July 1, 2016, all inspection, testing, and maintenance of any alarm system shall be only by persons currently certified by NICET (National Institute for Certification and Engineering Technologies) in fire alarm systems or their equivalent as accepted by Georgia Automatic Fire Alarm Association (AFAA), Georgia Electronic Life Safety and Systems Association, and the county fire marshal.
- ~~(h)~~ (g) Electronic Security Association (ESA) National Training School (NTS) Certified Fire Alarm Technician (CFAT) Level II shall be an approved equivalent for NICET certification.
- (h) All fire alarm systems shall be inspected annually in accordance with the currently adopted edition of NFPA 72. Maintenance records shall be submitted to the Fire Marshal's Office. Submittal of records shall carry a fee as approved by the Cobb County Board of Commissioners. A tag shall be affixed to the fire alarm control panel indicating the date of inspection, the company responsible for the inspection, and the status of the fire alarm system using the following color code: green shall indicate no deficiencies are present; yellow shall indicate deficiencies were found, but the fire alarm system will still function; and red shall indicate that the fire alarm system will not operate at all. All maintenance shall be performed by a licensed fire alarm company.

Section 54-103 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-103. – Enforcement.

- (a) Applicable to this section are the state minimum fire safety standards adopted in the rules and regulations promulgated pursuant to ~~O.C.G.A. tit. 25, ch. 2~~ (O.C.G.A. § 25-2-1 et seq.), including all subsequent revisions thereof, hereby adopted by reference. ~~The state minimum fire safety standards apply to all structures in unincorporated Cobb County except for one-family and two-family dwellings.~~
- (b) Fees for silencing or resetting an alarm without prior approval, or for failing to obtain and submit proof of a required annual fire alarm inspection, shall be assessed as follows:
- (1) For the first violation of section 54-102(a) at any premises in a consecutive 12-month period, there shall be a minimum fee of \$150.00 assessed against the business and/or property owner;
 - (2) For the second violation of section 54-102(a) at any premises in a consecutive 12-month period, there shall be a minimum fee of \$250.00 assessed against the business and/or property owner;
 - (3) For the third violation of section 54-102(a) at any premises in a consecutive 12-month period, there shall be a minimum fee of \$500.00 assessed against the business and/or property owner; and
 - (4) For the fourth violation of section 54-102(a) at any premises in a consecutive 12-month period, there shall be a fee of not more than \$1,000.00 assessed against the business and/or property owner.
- (c) *Fees for false alarms.*
- (1) For the first two violations of section 54-102(b) at any premises in a consecutive 12-month period, there shall be no fee;
 - (2) For the third violation of section 54-102(b) at any premises in a consecutive 12-month period, there shall be a minimum fee of \$150.00 assessed against the business and/or property owner;
 - (3) For the fourth violation of section 54-102(b) at any premises in a calendar year consecutive 12-month period, there shall be a minimum fee of \$250.00 assessed against the business and/or property owner; and
 - (4) For the fifth and any subsequent violation of section 54-102(b) at any premises in a consecutive 12-month period, there shall be a fee of not less than \$500.00 nor more than \$1,000.00 assessed against the business and/or property owner.
- (d) *Collection of fees.*
- (1) The assessment of such fees shall be made by the fire marshal against the business and/or property owner within three months from the date of the silenced, reset or false alarm. Notice of the fee assessment shall be in writing and sent via certified U.S. Mail, with a copy via first class U.S. Mail. The fire marshal and/or fire department shall establish a process for assessing and tracking fees under this article.
 - (2) Payment of costs. Costs assessed pursuant to this article, including reasonable attorney fees, court costs and administrative costs shall be payable by the business and/or property owner. These costs shall be paid within 30 days of from the date of the notice of fees and shall bear interest at 1.5 percent per month from the date due and payable.
 - (3) *Liens and enforcement.* In addition to any civil remedy allowed by law, the assessment of fee(s) under this article shall constitute a lien in favor of the county on any property, real or personal, owned by the person, firm, corporation, partnership or organization requesting or responsible for the special fire service, whether or not such lien is recorded in the land records, which lien shall be enforceable pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes, and which lien may include all amounts due under this article. The county may proceed in a court of valid jurisdiction to collect any fees or monies remaining unpaid from a responsible party and shall have any and all other remedies provided by and subject to law for the collection of said charges. Redemption of the property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80 and 48-4-81.

- (4) *Additional penalties.* Any person who shall violate any of the provisions of this chapter or fail to comply herewith, or who shall violate or fail to comply with any order made hereunder may be subject to the penalties set forth in ~~Code~~ section 54-3.

ARTICLE VIII.- OUTDOOR BURNING

Section 54-114 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-114. – Burning prohibitions.

The prohibitions listed in this section 54-114 are intended to promote and safeguard the public health, safety, comfort, air quality, and living conditions ~~of the citizens of unincorporated Cobb County~~ relative to outdoor burning.

- (a) Burning of petroleum-based products, such as tires, plastics, and roof shingles, which produce black smoke, is prohibited.
- (b) Burning of garbage of any kind is prohibited.
- (c) Burning of any material in a barrel is prohibited. An incinerator or combustion unit is not a barrel.
- (d) No burning is allowed on windy days (ten miles per hour sustained or higher) or on days when the atmospheric conditions (cloudy, overcast, or raining) would cause the smoke to remain low to the ground.
- (e) Burning of yard waste, large or small, on property other than that which it fell or from which it was cut from is prohibited.
- (f) Burning is prohibited on the surface of county, city, or private roads and streets.
- (g) The fire chief shall be authorized to ban any or all forms of outdoor burning when atmospheric or local conditions make outdoor fires hazardous.
- (h) The fire chief shall be authorized to require the extinguishment of any fire if it adversely interferes with the enjoyment of life, use of property.
- (i) The fire chief shall be authorized to ban outdoor burning in a limited geographical area upon receipt of medical documentation from a resident that the resident has a medical condition(s) adversely affected by smoke.

Section 54-118 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-118. – Penalties.

- (1) Persons who violate this article related to unauthorized or noncompliant outdoor burning shall be guilty of an ordinance violation.
- (2) Upon ascertaining such a violation, a notice of violation shall be directed to the owner of the property and shall provide a time frame for compliance. The notice issued pursuant to this section may be served upon the party responsible for the violation, either by personal service, mail, or by process server.
- (3) In the event that the compliance time period passes and the violation has not been obtained, a citation shall issue requiring a court appearance. The maximum penalty for a violation prosecuted in court shall not exceed \$1,000 or imprisonment for up to six months, of both, as authorized by state law.
- (4) Any person who shall violate any of the provisions of this article or fail to comply therewith, shall for each and every such violation and noncompliance, respectively, be guilty of an ordinance violation. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue.

- ~~(a) The following shall be assessed to individuals who fail to obtain permits in accordance with sections 54-117(a) and 54-117(b), or who violate sections 54-113, 54-114, including the violation of any total burn ban enacted by the fire chief, section 54-115 or who violate section 54-116:~~
- ~~(1) *First violation.* For the first violation, a written notice shall be issued, and the individual shall be advised of corrective measures to maintain compliance with this article.~~
- ~~(2) *Second violation.* For a second violation, including a second violation issued for the failure to take corrective measures after a first violation, a summons shall be issued and fine of \$100.00 assessed.~~
- ~~(3) *Third violation.* For a third violation, including a violation issued for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$250.00 assessed.~~
- ~~(4) *Fourth violation.* For a fourth violation, including a violation issued for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$500.00 assessed.~~
- ~~(5) *Fifth and any subsequent violations.* For a fifth violation and any subsequent violations, including for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$1,000.00 assessed and/or six months in jail.~~
- ~~(b) The following shall be assessed to individuals who do not obtain required permits or who engage in permitted burning in violation of section 54-117(c):~~
- ~~(1) *First violation.* For the first violation, a summons shall be issued and fine of \$500.00 assessed.~~
- ~~(2) *Second violation.* For a second violation, a summons shall be issued and a fine of \$1,000.00 assessed.~~
- ~~(3) *Third and any subsequent violations.* For a third violation and any subsequent violations, a summons shall be issued and a fine of \$1,000.00 assessed and/or six months in jail.~~
- ~~(c) The following shall be assessed to individuals who violate the conditions of permits issued by section 54-117(a) or (b), who kindle a fire larger than 12 feet by 12 feet, or who kindle a fire which becomes an out of control fire and causes damage to the property of another person:~~
- ~~(1) *First violation.* For the first violation, a summons shall be issued and fine of \$100.00 assessed.~~
- ~~(2) *Second violation.* For the second violation, a summons shall be issued and a fine of \$500.00 assessed.~~
- ~~(3) *Third and any subsequent violations.* For a third violation and any subsequent violations, a summons shall be issued and a fine of \$1,000.00 assessed and/or six months in jail.~~
- ~~(d) Multiple violations of this section shall be based upon a consecutive 36-month period.~~

~~(Ord. of 2-27-07; Amd. of 2-24-09; Amd. of 2-26-13; Amd. of 2-25-14)~~

ARTICLE IX. - FIRE PREVENTION AND PROTECTION SAFETY ORDINANCE BOARD OF APPEALS

Section 54-121 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-121. - Jurisdiction and appeals.

- (a) The fire code appeals board shall have the jurisdiction to hear and decide appeals of orders, decisions or determinations made by the fire marshal relative to the application and interpretation of the international fire code as adopted in this chapter (the "fire code"). The fire code appeals board shall be authorized to hear evidence from appellants and the office of the fire marshal pertaining to the application and intent of the fire code for the purpose of issuing orders pursuant to these provisions.
- (b) The fire code appeals board shall have the authority to affirm, modify, or reverse the decision of the fire marshal arising from his or her interpretation of the fire code when a disagreement arises between the fire marshal and an applicant.

- (c) Decisions by the fire code appeals board shall be provided in writing to the office of the fire marshal within three days of the hearing and shall be open to the public for inspection. A certified copy of the decision shall be furnished to the appellant or the appellant's representative and to the fire marshal.
- (d) The fire marshal must take immediate action in accordance with the decision of the fire codes appeals board.
- (e) All decisions of the fire code appeals board are final, and may only be ~~reviewed by certiorari~~ appealed to the superior court of the county. Any person, whether or not a previous party to the appeal may seek review of the decision of the fire code appeals board.

The above shall be effective August 1, 2022.

State law reference – O.C.G.A. §§ 36-74-2 through 36-74-29.