

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 2

Package I

Version I - distributed on October 3, 2025

Version II – distributed on November 13, 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
P.O. Box 649
Marietta, GA 30061
www.cobbcounty.gov



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Chapter 2 – ADMINISTRATION

ARTICLE IV. – FINANCE

Division 2. - Purchases

Section 2-141 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 2-141. – Advertising for bids; bid openings.

For all purchases ~~which require bidding~~ exceeding the formal sealed bid limit, as defined by Cobb County ordinance or resolution and as may be amended from time to time, advertisements ~~for formal sealed bids~~ shall be first published in the official organ of the county and/or by Internet for two consecutive weeks prior to the week of bid opening. Regular bid openings shall be conducted by the county ~~purchasing procurement services department manager~~ director or his designee at 2:00 p.m. on the second and fourth Thursdays of each month at the offices of the ~~purchasing procurement services department~~ or other designated location. Special bid openings may be conducted at other times as special circumstances may warrant in the opinion of the ~~purchasing procurement services department manager~~ director. Immediately after opening all bids, the ~~purchasing procurement services department manager~~ director or his designee shall record and certify each and every bid or proposal. The date, time and place of bid opening shall be included in the specifications or invitations to bid and in the published advertisement therefor.

The requirements outlined in this section shall not apply to:

- (1) Purchases made when an emergency exists that will not permit a delay.
- (2) Certain services as identified in the county's policy for the procurement of professional services.
- (2) Lease of real property.
- (3) Purchases made through government or cooperative purchasing agreements.
- (4) Purchases of secondhand or surplus goods.
- (5) When, after a good faith review, the procurement services director determines that the good or service is available from only one source or competition is inadequate given the number of sources.

Nothing contained herein shall alter state law advertisement, bidding, or procurement requirements, or obligations as may be imposed by the board of commissioners.

(Mo. of 7-13-65, No. XV; Res. of 4-25-78; Mo. of 1-9-79; Mo. of 3-9-82; Mo. of 6-28-83; Ord. of 1-26-88; Res. of 4-10-90; ~~Code 1977, § 3-12-11~~; Ord. of 7-27-04).

State enabling legislation reference—Purchases, § 2-34(18).

State law reference(s)—Bids required for public works projects, O.C.G.A. § 36-10-2.2

Section 2-142 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 2-142. – Formal sealed bid limit; Purchases exceeding \$50,000.00 formal sealed bid limit made by the procurement services department.

~~(a) The following policy and procedures with respect to certain purchases exceeding \$50,000.00 shall be construed and interpreted as, and have the effect of, the exercise of the authority of the board of commissioners to make these specific purchases. The formal sealed bid limit is defined as the purchase of goods or services expected to cost more than \$250,000.~~

~~(b) The adoption of the budget containing line item expenditures for purchases normally made through the county purchasing department shall be approved by the board of commissioners for the purchase of those line items by the purchasing department without further action of the board of commissioners, subject to and upon compliance with the following provisions: Purchases exceeding the formal sealed bid limit made by the procurement services department shall be construed and interpreted as, and have the effect of, the exercise of the authority of the board of commissioners without further action, subject to and upon compliance with the following provisions:~~

~~(1) The items goods or services to be purchased must be items included as line items in the approved budget approved by the board of commissioners and the purchase must be within the approved budgeted amount.~~

~~(2) There must be full compliance with all requirements with regard to advertisement and bidding prior to any such purchase.~~

~~(3) The purchase must be within the budgeted amount which has been approved.~~

~~(4) The purchase must be made from the lowest responsive and responsible bidder or the proposer determined to be most qualified based upon criteria set forth in a request for proposal.~~

~~(c) The procedure outlined in subsection (b) of this section shall not apply to purchases which are not normally made through the county purchasing procurement services department, nor shall it affect the county manager's authority to make purchases under \$50,000.00 the formal sealed bid limit.~~

~~(d) The procedure outlined in subsection (b) of this section shall not apply to or supercede the county's policy for the procurement of professional services, which present policy as amended from time to time shall remain in full force and effect.~~

~~(e)-(d) The policy and procedure described in this section is not intended to restrict the county budget management personnel's prior approved authority to make transfers within the budget, except that any proposed transfer relating to capital expenditures over \$50,000.00 the formal sealed bid limit not originally included in the annual budget shall be first approved by the board of commissioners before the procedure described in this section will apply.~~

(Res. of 2-27-90; ~~Code 1977, § 3-12-11.1~~; Ord. of 7-8-97; Ord. of 7-27-04; Amd. of 2-24-09)

State enabling legislation reference— County Manager § 2-33; Purchases, § 2-34.

State law reference(s)—Bids required for road and public works projects, O.C.G.A. §§ 32-4-60 et seq. and 36-10-2.2; Progress payments to be made to contractors on periodic basis, O.C.G.A. § 13-10-80; Limitations on authority to negotiate contracts O.C.G.A. § 32-4-63; Use of consultants, O.C.G.A. § 36-80-28; Use of multiplier effect on purchases over \$100,000, O.C.G.A. § 36-84-1; Lumber in construction projects, 50-5-63; Partnership for Public Facilities and Infrastructure, O.C.G.A. § 50-5C-1; Guaranteed Energy Savings Performance Contracting Act, O.C.G.A. § 50-37-1 et seq.; Georgia Security and Immigration Compliance, O.C.G.A. § 13-10-90 et seq.; Liquidated damages in construction projects, O.C.G.A. § 13-10-70; Georgia Local Government Public Works Construction Law, O.C.G.A. §§ 36-91-1, et seq.; Unsolicited Proposals for Public Projects, O.C.G.A. §§ 50-5C-1 – 50-5C-10; Terms and conditions under which counties

or municipalities may enter into multiyear lease, purchase, or lease purchase contracts, O.C.G.A. § 36-60-13; Certain purchases prohibited, O.C.G.A. § 36-60-14; Contracts to be in writing and entered on minutes O.C.G.A. § 36-60-1.

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 10

Package I

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Board of Commissioners Public Hearing Dates

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Chapter 10 – ANIMALS

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

DIVISION 2. – ANIMAL SERVICE BOARD

Section 10-51 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 10-51. - Membership.

- (a) The Cobb County Animal Services Board shall consist of the following: One member of the Atlanta Humane Society of Cobb County board of directors or its designee (post 1); three interested citizens who have interest in domestic animals (posts 2, 3, 4); two veterinarians, at least one of whom shall be a member of the Cobb County Veterinary Medical Society (posts 5, 6); and one citizen chosen by the Chairman or Chairwoman of the Board of Commissioners (post 7). Members of the Animal Services Board shall adopt procedures and policies to govern potential conflicts of interest arising from the responsibilities and duties of their positions.

....

DIVISION 3 – ANIMAL IMPOUNDMENT, REDEMPTION AND ADOPTION

Section 10-67 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 10-67. – Period of impoundment or confinement.

- (a) All periods specified in this section shall be deemed to commence at ~~12:01 a.m. of the day following the day~~ the time of impoundment or confinement.
- (b) Other than those dogs confiscated under sections 10-13(c), 10-97, or 10-121.7, all impounded animals shall be kept at the animal shelter for a period of not less than five working days unless redeemed within such period.
- (c) Notwithstanding the provisions of paragraph (b), the CCAS Director is authorized to reduce the period of confinement or impoundment to not less than three working days unless redeemed within such period during:
 - (i) a State of Emergency, as declared by the Board of Commissioners, or
 - (ii) periods of CCAS shelter overcrowding.

For the purposes of this paragraph, overcrowding shall mean when, in the judgment of the Director, the number of animals within the CCAS shelter pose a risk to the health, safety, or welfare of the animals themselves, CCAS staff, or both. The Director's determination as to overcrowding shall be based on factors such as available kennel space, staffing levels, animal well-being indicators, and disease control considerations.

- (d) Wildlife or wild animals as defined by this chapter which have been captured by or come to be in the custody of CCAS shall not be deemed impounded and need not be retained for any minimum

length of time. Wildlife and wild animals received by CCAS will be disposed of in accordance with federal and state guidelines.

- (e) Any animal which is voluntarily surrendered to CCAS shall be deemed permanently relinquished to CCAS and may be immediately adopted, destroyed or otherwise disposed of as though it had been impounded.

ARTICLE V. – MISCELLANEOUS OFFENSES

Section 10-135 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 10-135. – Selling/giving away of animals; use of animals as prizes.

~~Selling or giving away animals in front of or on private property or public property, other than the animal owner's property, without the owner's permission, is prohibited. A licensed rescue group, licensed animal shelter, licensed veterinarian, licensed pet dealer, or licensed humane society which has all required governmental licenses, registrations and has obtained permission from the owner of the business or property, may sell or give away animals on private or public property, including but not limited to: retail stores, businesses, flea markets, yard sales and CCAS property.~~

(a) For purposes of this Code section, the term:

(1) 'Consideration' means anything of value, including, but not limited to, cash, credit, electronic payment, services, or any type of property or interest in property. A transaction shall be deemed to be 'for consideration' if it occurs in connection with any payment of consideration or other commercial transaction, including, but not limited to, a sale, adoption, rehoming, lease, trade, exchange, swap, or barter transaction.

(2) 'Transfer' means a transaction in which for consideration a dog, cat, or domestic rabbit, or any interest in any such animal, is exchanged, offered to be exchanged, or advertised for a commercial purpose.

(b) It shall be unlawful for any person to engage in the transfer of any dog, cat, or domestic rabbit at any roadside, public right of way, parkway, median, public or commercial parking lot or sidewalk, park, recreation area, fair, flea market, or a similar transient market or outdoor location, regardless of whether such activity is otherwise authorized by any person or entity.

(c) This Code section shall not apply to:

(1) The transfer of any dog, cat, or domestic rabbit by a person or entity that has and produces upon request, whether in paper, electronic, or other form, a valid animal shelter license issued by the State;

(2) Any transfer that takes place at a residence or inside of a veterinarian's office or other business establishment;

(3) The transfer of any dog, cat, or domestic rabbit by a paid entrant as part of an event or show sanctioned by a national breed club or association, 4-H program, or similar agricultural exhibition; or

(4) The prearranged transfer between a dog, cat, or domestic rabbit seller and a specific purchaser that takes place at a police department, sheriff's office, or other similar law enforcement facility during daylight hours, unless otherwise prohibited.

(d) A CCAS animal services officer is authorized to enforce the provisions of this Code section and to impound any animal subject to a transfer in violation of this Code section.

(e) A person found guilty of violating this Code section shall be subject to a fine not to exceed:

(1) For the first offense, \$100.00;

(2) For the second offense, \$250.00; and

(3) For a third or subsequent offense, \$500.00.

(f) Each violation of this article shall constitute a separate offense.

State Law Reference – Unlawful transfer of certain domestic animals O.C.G.A. § 4-11-10.1

(Ord. of 9-23-80, § 21; Ord. of 6-11-85; Ord. of 10-24-89; Ord. of 5-24-05; Amd. of 10-24-23)

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 18

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Chapter 18—BUILDING REGULATIONS

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

DIVISION 1. – GENERALLY

The Official Code of Cobb County, Georgia, is amended by adding a section numbered Section 18-28 to read as follows:

Sec. 18-28. - Reserved. Authorization for Technical Assistance in Building Code Compliance

- (a) *Purpose.* This section will establish procedures for obtaining and managing technical assistance to evaluate compliance with the Code and to determine the acceptability of technologies, processes, facilities, materials and uses related to building design, operation and compliance inspections conducted by the Development and Inspections Division.

- (b) *Definitions.*

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Technical Assistance shall mean the support and guidance provided by professionals to local governments, building professionals, and citizens regarding the state's construction codes.

Georgia Design Professional shall mean individuals registered or licensed to practice specific design professions such as architecture, engineering, or landscape architecture. These professionals are regulated by the State Professional Licensing Boards Division.

Third Party Services shall mean any approved person or entity registered and licensed as design professionals within the state of Georgia.

- (c) *Authority of the Chief Building Official*

(1) When necessary due to the complexity of the project, the Chief Building Official is authorized to charge a fee to the applicant for the cost of engineering analyses, technical opinions, reports, or other determinations of code compliance as deemed necessary for the design operation or use of any building or premises subject to inspection or permitting by the Development and Inspections Division.

(2) Any such report determined necessary shall be prepared by a qualified professional selected by the Chief Building Official as determined by the expertise necessary for the project. The Building Official may enter into retainer agreements to fix scopes of service and hourly compensation rates for technical assistance providers with the approval of the County Manager if under the formal sealed bid limit. Agreements above the formal sealed bid limit must follow standard procurement processes.

(3) Upon receipt of the required report or analysis, the Chief Building Official shall review it and decide whether the proposed design, occupancy, process, or approach complies with the minimum intent of the applicable Building Code and referenced standards. A written

determination shall be made to the applicant or owner; a record of the decision will be noted in the department's records.

(d) Engagement and Direction of Technical Assistance. Any person, firm, or company engaged to provide technical assistance shall operate under the direction of the county through the Chief Building Official regarding the scope of work and reporting requirements.

(e) Fee Collection and Use. The need for technical assistance shall be determined at time of application submission. The costs incurred for technical assistance shall be collected as part of the permit fee. Funds collected for technical assistance from the applicant shall be deposited into the Development and Inspections Division's Professional Services Account to pay the third-party service invoices as incurred.

Secs. 18-289—18-35. - Reserved.

ARTICLE X. – SWIMMING POOLS AND WASTEWATER DISCHARGES

The Official Code of Cobb County, Georgia, is amended by adding a section numbered Section 18-301.1 to read as follows:

Sec. 18-301.1. – Swimming Pool Contractor

(a) Definitions.

Pool Builder shall mean any person/entity applying for a permit to build a pool.

General Contractors License shall mean a state of Georgia certified general contractor's license.

Approved Pool Builder Certification shall mean a certification approved by the Chief Building Official in lieu of a general contractors license.

(b) Cobb County shall require all pool contractors to obtain a general contractor's license or an approved pool builder certification in order to be issued a pool permit.

(c) No person or entity shall commence construction of a pool or spa, as defined by the International Swimming Pool and Spa Code, without first obtaining a valid Cobb County permit. Pool Builders wishing to obtain a permit must hold a valid general contractor's license from the state of Georgia or a pool builder certification as approved by the Chief Building Official.

(d) The Chief Building Official, or its designee, shall hold the authority to approve or deny pool builder certifications.

(e) An Applicant for a pool permit shall submit all necessary documentation, including a copy of a valid state of Georgia general contractor's license or approved pool builder certification, as well as a copy of a valid business license upon submittal.

ARTICLE XIII. - DEVELOPMENT BLASTING

Section 18-361 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 18-361. - Blasting permit issuance; standard permit conditions.

...

- (d) *Standard conditions.* The following provisions constitute the standard conditions applicable to development blasting permits:
- (1) County staff has the right to enter upon the property and complete all necessary inspections related to the blasting activity or in response to complaints resulting from the blasting activity.
 - (2) Hours of blasting activity: 10:00 a.m. through 4:00 p.m., Monday through Friday. No weekends, no state holidays, and no federal holidays.
 - (3) The permit is issued to the user identified in the application and allows the blaster identified in the application to conduct the blasting activity. If the blaster identified in the application changes subsequent to the application submittal or after the permit is issued, then the user must notify the County as to the name, address, contact information and registration requirements of the replacement blaster prior to detonation of blasts by the replacement blaster.
 - (4) The responsible user, blaster and engineer or engineer's designee, identified in the permit application, must be on site during all phases of the physical blast preparation (drilling holes, etc.) and detonation activity.
 - (5) Where required by the director, no detonation of explosives (blasting) may occur without appropriate county staff on site.
 - (6) Notice of the exact blast time and date must be provided to the Cobb County Department of Public Safety one hour prior to the blast.
 - (7) A blasting permit is issued to the user and is not transferable.
 - (8) A record of each blast must be maintained in accordance with Chapter 120-3-10 of the Rules and Regulations of the Safety Fire Commissioner of Georgia and per O.C.G.A. §§ 25-2-4, 25-2-17 and 25-8-9. Records shall be made available to the director upon request.
 - (9) A permit is valid for 90 days from date of issuance, unless otherwise specifically stated on the face of the permit. Permit extensions are allowed as determined by the director.
 - (10) Issuance of the blasting permit does not relieve the applicant, the user, the blaster or the developer of responsibility for the results of the blasting activity, including the accuracy and adequacy of the blasting plan as implemented in the field.

- (11) The developer is responsible for handling, discharging or settling all damage or annoyance claims resulting from the blasting activity.
- (12) The applicant may be required to execute an escrow agreement and fund a cash escrow account prior to issuance of the blasting permit. The sole purpose of this escrow agreement is to compensate property owners for damage (cosmetic or structural) to their property resulting from the blasting activity. Cobb County will be the escrow agent. Disbursements from the escrow account will be made by the county based upon the decision of the arbiter as a result of binding arbitration proceedings. The applicant is solely responsible for the costs associated with the arbitration proceedings.
- (13) The issuance of the blasting permit is an administrative process designed to make the proper entities aware of the blasting activities and verify qualifications of the applicant.
- (14) At least fourteen (14) calendar days prior to the first scheduled blasting event, the blaster shall:**

- a. Erect or post a weather-resistant sign at the entrance to the development site or at another highly visible location as approved by the Fire Marshal on the application for blasting. The sign shall contain the anticipated dates of blasting activity, contact information for the blaster or user, and a general description of the activity;
- b. Deliver written notice via registered mail to the record owners of all properties with dwellings and/or structures located within one thousand feet, as shown on the most current tax records, of the blast site boundary, as defined in Section 18-358. The notice shall include the anticipated start date of blasting, the expected duration, and contact information for the blaster or user; and,
- c. Maintain a record of all such signage and mailings, including photographs of the sign in place and proof of mailing, and make such records available to the director upon request.

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 50

Package I

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Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

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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.

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 22

Package I

Version I - distributed on October 3, 2025

Version II – distributed November 13, 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

P.O. Box 649

Marietta, GA 30061

www.cobbcounty.gov



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 operating under a franchise granted in accordance with the Consumer Choice for Television Act, O.C.G.A. §§ 36-76-1, et. seq.

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.
- (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) County Franchise Manager means the county communications department's cable television franchise manager as appointed by the board of commissioners.
- (d) 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.
- (c) *Payments and Notices.* All fees required to be paid to the county and all notices shall be submitted to the county at the following address: Cobb County Communications Department, ATTN: Cable TV Franchise Manager, 100 Cherokee Street, Suite 130, Marietta, Georgia 30090.

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.

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 54

Package I

Version I - distributed on October 3, 2025

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Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

November 20, 2025 – 6:00 p.m.

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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 community development agency ~~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 for administration and enforcement, IFC Chapter 1 sections 103, 105, 108, 109, 110, and 111 of chapter 1 of such International Fire Code for administration of such code, and 112 are adopted, as locally amended by this chapter, unless in conflict with state law or rules in accordance with state law, ~~in which case state law controls. In such case, state law or rules promulgated in accordance with state law shall govern. Where~~

the International Fire Code or International Building Code do not specifically address a matter, NFPA 1 or NFPA 5000 may be applied, subject to the Fire Marshal's approval and consistency with state law.

~~The county further amends section~~ Section 1112.4 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 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.~~
- (c) *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 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, 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.~~

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 83

Package I

Version I - distributed on October 3, 2025

Version II – distributed November 13, 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

P.O. Box 649

Marietta, GA 30061

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Chapter 83 – NUISANCES

ARTICLE I. – IN REM NUISANCE ABATEMENT

Section 83-4 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 83-4. - Findings.

The board of commissioners finds that there exist in unincorporated county properties which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and which are not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; which have improperly maintained stormwater facilities resulting in flooding, erosion, or water quality degradation; which have other conditions that render such properties unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the county; which are nuisances pursuant to general nuisance law and constitute a hazard to the health, safety and welfare of the people of the county; and/or which are vacant and being used in the commission of drug crimes.

Section 83-5 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 83-5. - Definitions.

As used throughout this article, the term:

Applicable codes means (1) any housing or abatement standard provided in O.C.G.A., title 8, ch. 2, including standard minimum codes as adopted now or hereafter by ordinance and codified under chapter 18 of the Official Code of Cobb County, Georgia, or by operation of law, or other property maintenance or building standards or codes as adopted now or hereafter by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; ~~and~~ (2) any fire or life safety code as provided for in O.C.G.A., title 25, ch. 2; (3) any requirements for stormwater facilities and the maintenance thereof found in articles IV and V of chapter 50 of the Official Code of Cobb County; and/or (4) requirements of the Metropolitan North Georgia Water Planning District's regional water plan, the Georgia Stormwater Management Manual. Any such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

...

Property means any lot, tract, or parcel of real estate whether improved or unimproved. It shall include any dwelling, building, structure, or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouse, improvement, and appurtenance belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. The term shall expressly include, for means of amplification and not limitation, swimming pools, stormwater facilities, and wells. Also as used in this article, the term shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

...

Public officer means either the director of community development or his or her designee, the director of public safety or his or her designee, the director of the county water system or his or her designee, or the director of the county board of health or his or her designee.

...

Section 83-6 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 83-6. - Duties of property owners.

- (a) It is the duty of the owner of every property located within unincorporated Cobb County (1) to construct and maintain such property in conformance with applicable codes in force within unincorporated Cobb County, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any property in violation of such codes or ordinances; ~~and~~ (2) to keep such property reasonably clean and free of any materials or conditions which create a health or safety hazard either on such property or to surrounding persons or properties; ~~and~~ (3) to properly maintain stormwater facilities located on the property to prevent flooding, erosion, and contamination of water resources.
- (b) No owner shall allow any property located within unincorporated Cobb County to be used in the commission of drug crimes.

Section 83-7 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 83-7. - Nuisance abatement procedure.

- (a) *Appointment and designation of public officer.* Each of the following is hereby appointed and designated as a public officer with the authority to carry out the powers and duties of this article: the director of community development, the director of public safety, the director of the county water system, and the director of the county board of health. Such appointment and designation shall include the designees of such persons.
- (b) *Complaint and investigation.* Whenever a request is filed with a public officer by a public authority or by at least five residents of the unincorporated area of the county charging that any property:
 - (1) Is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes;
 - (2) Is vacant and being used in connection with the commission of drug crimes; or
 - (3) Constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions,the public officer with whom the request is filed shall make an investigation or inspection of the specific property to determine if such conditions exist under applicable codes. The public officer shall have the authority to enter upon premises to conduct an inspection, provided such entry is made with the least possible inconvenience to the person(s) in possession. If such an inspection is necessary, the public officer shall endeavor to obtain the permission of the owner to conduct such inspection. If permission is withheld, the public officer may seek the assistance of the county attorney's office to obtain an inspection warrant from a court of competent jurisdiction. The public officer may determine under existing ordinances that a property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; and/or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. ~~upon~~ In making a finding

of conditions on the property that are dangerous or injurious to the health, safety, or morals of the occupants, occupants of neighboring properties, or other residents of the county the public officer may consider the following ~~Such conditions may include the following~~ (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accidents, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; defects causing or creating hazard of flooding, erosion, and contamination of water resources; and uncleanliness. The public officer may determine that the property is being used in the commission of drug crimes upon personal observation or report of a law enforcement agency.

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2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 86

Package I

Version I - distributed on October 3, 2025

Version II – distributed November 13, 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

P.O. Box 649

Marietta, GA 30061

www.cobbcounty.gov



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Chapter 86 – OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. – IN GENERAL

Section 86-2. of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 86-2. – Disorderly conduct.

- (a) No person shall remain, loiter or prowl in a place, at a time, or in a manner not usual for law abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, after having been ordered to clear such place by the county police.
- (b) No person shall act in a violent or tumultuous manner toward another whereby any other person is placed in fear of safety of his life, limb or health, or whereby the property of another is placed in danger of being destroyed or damaged.
- (c) No person shall endanger the lawful pursuits of another by acts of violence, angry threats or abusive conduct.
- (d) No person shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another.
- (e) No person shall assemble or congregate with another or others for the purpose if causing, provoking or engaging in any fight or brawl.
- (f) No person shall jostle, roughly crowd or push any person in any public place.
- (g) No person shall use “fighting words,” or loud and boisterous language, directed towards another so as to create a breach of the peace potentially dangerous to the safety of persons or property.
- (h) No person shall congregate with another or others, or cause others to congregate, in or on any public way or place so as to halt to impede the flow of vehicular or pedestrian traffic after having been directed to clear such public way or place when ordered by the county police or where signs are place that prohibit such activity.
- (i) No person shall enter upon the land or premises of another, or in or upon any vehicle, boat or aircraft owned by another, after having received notice from the owner, lawful occupier, lessee, tenant or any agent thereof, that entry is forbidden. If requested by the owner, lawful occupier, lessee, tenant or any agent thereof, of the land, premises, vehicle, boat or aircraft, a police officer may give such notice. Upon request, any occupier camping on private property must produce written approval of the owner, lawful occupier, lessee or tenant pursuant to Section 86-12.
- (j) No person shall throw bottles, paper, cans, glass, sticks stones, missiles or any other debris on public or private property.

The Official Code of Cobb County, Georgia, is amended by adding a section numbered 86-12, to read as follows:

Sec. 86-12. - Prohibited use of private property by unauthorized persons.

It shall be unlawful for anyone other than the owner of private property, a leaseholder of such private property, or other rightful occupant of such private property to camp, sleep, reside, store personal property, or lie upon any private property without the owner’s or leaseholder’s written permission which must be maintained by the requestor for display to law enforcement upon request. Any such use

of private property authorized by and consented to by the owner, leaseholder, or other rightful occupant of such private property shall be in conformity with the provision of the Official Code of Cobb County, Georgia.

The Official Code of Cobb County, Georgia, is amended by adding a section numbered 86-13, to read as follows:

Sec. 86-13. - Building fires and camping in public places prohibited.

No person shall camp, sleep, reside, store personal property, or build, maintain, or use a fire other than in areas and in a manner specifically designed and designated for fire for camping or cooking purposes, in any county owned streets, public squares, public parks, or upon any other public property without written permission issued by the county which must be maintained by the requestor for display to law enforcement upon request. A person seeking such permission shall file an application with a public safety official designated by the county manager on forms provided by such officer. Any such use of public property authorized by and consented to by the county shall be in conformity with the provisions of the Code of Ordinances of Cobb County, Georgia.

Secs. 86-~~124~~ – 86-25. – Reserved.

2025 CODE AMENDMENTS

Official Code of Cobb County PART I. – Chapter 102

Package I

Version I - distributed on October 3, 2025

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Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

November 20, 2025 – 6:00 p.m.

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Chapter 102 SOLID WASTE, RECYCLING AND RESIDENTIAL COLLECTION

ARTICLE I. IN GENERAL

Section 102-1 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-1. –Intent and purpose.

The county board of commissioners hereby declares the intent and purpose of this chapter to be such that a uniform and consistent procedure for regulating the storage, collection, transportation, processing, recycling, and disposal of solid waste and recovered materials of all kinds, in the unincorporated areas of the county, is established so as to:

- (1) Protect the public health, safety and welfare by preventing the dissemination of and providing for the ~~removal of inorganic refuse materials laden with bacterial elements~~ mandatory removal of residential solid waste materials laden with bacterial elements and contaminants detrimental to the general ~~well being~~ wellbeing of the citizens and environment; and
- (2) To provide for the uniform prohibition throughout the county of ~~any and all~~ littering on public and private property and to curb thereby the desecration of this county's scenic beauty; and
- (3) To protect and enhance the quality of the water, air, soil, and overall environment by guarding against any of the degradations thereto which stem from the burial, deposition, burning, dumping, discard or disposal of litter and solid waste in this county.
- (4) It is the further purpose of this chapter to maintain within the county an orderly program for the collection, processing, recycling, transport, and disposal of residential municipal solid waste and recovered materials of all kinds, in order to promote the community welfare, convenience, health, and safety.

Section 102-3 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-3. –Title.

Articles I, II and III of this chapter shall be known collectively and may be cited as "The Solid Waste Recycling, and Residential Collection Ordinance of Cobb County, Georgia."

Section 102-4 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-4. –Applicability.

This chapter shall apply to the storage, collection, transportation, processing, recycling, and disposal of municipal solid waste and recovered materials in the unincorporated areas of Cobb County as presently or hereafter established. The provisions contained herein prescribe rules and regulations for solid waste and recovered materials collection; provide for the permitting, licensing and regulation of solid waste collection and transportation; prescribe rules and regulations for the transportation of solid waste within and through the county; and prohibit the deposition of litter within the unincorporated areas of the county.

Section 102-5 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-5. –Definitions.

- (a) Except as specifically defined herein, all words used in this chapter shall have their customary dictionary definitions.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them as follows except where the context clearly indicates a different meaning:

Words used in the singular shall include the plural and words used in the plural shall include the singular.

Words used in the present tense shall include the future tense.

Agricultural solid waste shall mean all organic waste products generated by farm production operations involving field crops, orchards or animals.

Aircraft shall mean any device used or designated for flight.

Asbestos-containing solid waste shall mean any solid waste containing more than one percent, by weight, of naturally occurring hydrated mineral silicates separable into commercially used fibers, specifically the asbestiform varieties of serpentine, chrysotile, cummingtonite-grunerite, amosite, riebeckite, crocidolite, anthophyllite, tremolite and actinolite, using the method specified in ~~appendix A, subpart F, 40 CFR part 763, section 1.~~

Authorized recycling agent shall mean any person, organization or entity having verbal or written consent from the owner of recyclable material to separate or collect such materials from designated recovered material collection locations.

The board of commissioners shall mean the board of commissioners of Cobb County, Georgia.

Brush collection container shall mean a solid waste collection container for brush and related large vegetative material which is capable of being covered with a tarp or top during transportation of the brush.

~~*Bulky waste* shall mean solid waste with weights or volumes which exceed the designated capacity of solid waste storage or collection containers. Such waste includes but is not limited to tree limbs, mattresses and other large items.~~ means discarded items that are larger than three feet in any dimension, and/or heavier than 50 pounds in weight, and, therefore, too large to be collected in residential municipal solid waste storage containers or carts, including, but not limited to, items such as mattresses and box springs, indoor/outdoor furniture, swing sets, plastic swimming pools, large toys, bicycles, fish aquariums, and other similar items.

Charitable recycling group shall mean a civic or nonprofit group engaged in the separation or collection of recovered material.

Cobb County or county shall mean Cobb County, a political subdivision of the State of Georgia.

Cobb County Residential Drop Off Center(s) means sites designated by Cobb County for the collection of residential recyclable materials including cans, bottles, cardboard, paper, and plastics 1 and 2 (unless otherwise noted at the collection center).

Collect or collection means to remove residential municipal solid waste, residential recovered materials, commercial solid waste, commercial recovered materials, construction or demolition waste or construction or demolition waste recovered materials, for transport to a disposal facility or processing facility, or cause such to be removed.

Collection services means the collection from a residential service unit or from a commercial establishment and any other locations which generate residential municipal solid waste, residential recovered materials, commercial solid waste, commercial recovered materials, construction or demolition waste, or construction or demolition recovered materials including related transportation, transfer, processing and/or disposal.

Collection vehicle means every motorized device in, upon or by which any person or property is or may be transported or drawn for the purposes of performing collection services.

Commercial handbill shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original, or copies of any matter or literature which advertise for sale any merchandise, product, commodity or thing, or direct attention to any business, mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales.

Commercial solid waste shall mean all types of solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial wastes. This term includes solid waste generated by premises having three or more residential dwelling units on a single premises such as apartment buildings, condominiums and mobile home courts. ~~This term does not include residential or industrial wastes.~~

Commercial solid waste container shall mean any solid waste storage or collection container used for the leakproof and spillproof storage, containment, conveyance or transportation of any commercial solid waste contained therein.

Compactor-type collection vehicle shall mean any truck or vehicle used in the collection, conveyance or transportation of solid waste which has a leakproof, spillproof, self-contained compacting mechanism.

Composting shall mean solid waste handling which consists of the controlled, biological decomposition of organic matter into a stable, odor-free humus.

Contract recovered material collection agent or contractor shall mean a person under contract with, and with direct authorization of, the board of commissioners to separate, collect or transport recovered material from designated recovered material collection locations.

Construction/demolition waste shall mean waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such waste includes but is not limited to asbestos-containing waste, wood, bricks, metal, concrete, wall board, paper cardboard, inert waste landfill material and other nonputrescible waste which has a low potential for groundwater contamination. Such waste is not normally water soluble nor hazardous in nature and does not include any municipal or agricultural solid waste.

Curbside collection refers to the collection of residential municipal solid waste and residential recovered materials from the designated residential collection location. Containers placed behind any structure such as a fence or wall or placed in a vault below the ground surface are not included in this definition and shall be excluded from curbside service.

Curbside recovered material storage container or curbside container shall mean a container, of less than 100 gallons' capacity, designed and constructed for the safe containment and placement for collection of recovered material from the curb or residential premises consisting of one or ~~two~~ more dwelling units.

Curbside recycling shall mean the placement of recovered materials in curbside containers at the designated recovered material collection location at residential premises consisting of one or ~~two~~ more dwelling units.

Dead animals shall mean solid waste consisting of animals that have died from any cause except those slaughtered for human consumption.

Director, department of Sustainability, Waste and Beautification shall mean the director of the Cobb County Department of Sustainability, Waste and Beautification, or his or her successors to these duties, by whatever title designated, or his or her designees, or successor department, by whatever title designated.

Designated recovered material collection location shall mean the location or locations where the owner of the recyclable material places such material for the purpose of material recovery and recycling, including curbside and recovered material storage containers.

Designated residential collection location means the location where the residential municipal solid waste storage container or cart, residential recovered materials storage container, and/or any yard trimmings, bulky waste, or white goods are placed within six feet of the curb, paved surface of the public road, closest accessible public right-of-way, or other such location agreed to by the residential service provider, that will provide safe and efficient accessibility to the residential service provider's collection crew and vehicle.

Disposal facility shall mean any facility or location where the final deposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.

~~Division of solid waste shall mean the Cobb County Department of Solid Waste, or successor department, by whatever title designated.~~

Elective service means collection services offered by a residential service provider, commercial service provider, or C&D (collection and demolition) waste service provider for an additional charge which is arranged and billed by the service provider to the other responsible party.

Front-loading compacting equipment or *front-loader* shall mean a vehicle consisting of a container-lifting mechanism and storage body that loads from the front of the vehicle and compacts, transports and self-unloads material to the rear.

Garbage shall mean municipal solid waste, including putrescible waste, which attends the preparation, use, cooking, dealing, storage or distribution of animal or vegetable matter intended for human consumption, but excluding agricultural solid waste.

Hard-to-Recycle plastic collection program shall mean the collection of hard-to-recycle plastics along with curbside and/or drop-off recyclable material and diverts the hard-to-recycle plastic material from contaminating traditional mechanical recyclable material and landfills.

Hard-to-recycle plastic material shall mean post-consumer plastic that consists of any hard-to-recycle plastic content as deemed by traditional mechanical recyclable processing; this material typically consists of plastics #4 (LDPE), #5 (PP), and #6 (PS).

~~Hazardous waste shall mean any solid waste which has been defined as a hazardous waste either by the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 et seq., or in regulations promulgated by the Georgia Board of Natural Resources, chapter 391-3-11 any substance listed as a hazardous constituent in regulations promulgated pursuant to the federal act by the administrator of the United States Environmental Protection Agency which are in force and effect on February 1, 2004, codified as Appendix VIII to 40 C.F.R. Part 261--Identification and Listing of Hazardous Waste.~~

~~Industrial solid waste shall mean solid waste generated by manufacturing or industrial processes that is not a hazardous waste as defined either by the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 et seq., or in the regulations promulgated by the Georgia Board of Natural Resources, chapter 391-3-11.~~ means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste. Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

~~Institutional solid waste shall mean a municipal solid waste generated by educational, health care and research facilities, including but not limited to schools, hospitals, nursing homes, laboratories and similar establishments~~ solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under Part 1 of Article 3 of this chapter, the "Georgia Hazardous Waste Management Act." Such waste includes, but is not limited to, waste resulting from

the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Knuckle-boom equipment shall mean a hydraulically or electronically operated mechanical device designed to lift objects to be collected, loaded and transported from the curb into the body mounted on the collecting vehicle.

Leachate collection system shall mean a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfills.

Landfill shall mean an area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well or compost pile.

Litter means any discarded or abandoned: (A) Refuse, rubbish, junk or other waste material; or (B) Dead animals that are not subject to the provisions of O.C.G.A. § 4-5-4. ~~organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "waste" as such term is defined in O.C.G.A., § 16-7-51, paragraph 6.~~

Litter receptacle shall mean a receptacle designed and constructed to receive, collect, store and contain litter in a convenient and spillproof manner.

~~*Manager, department of solid waste* shall mean the manager of the Cobb County Department of Solid Waste, or his or her successors to these duties, by whatever title designated, or his or her designees.~~

Materials recovery facility shall mean a solid waste handling facility that provides for the extraction from solid waste of recoverable material, material suitable for use as fuel or soil amendment, or any combination of such material.

Municipal solid waste shall mean any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and includes solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds and day use recreation areas. The term includes yard trimmings, construction/demolition waste, and commercial solid waste but does not include solid waste from mining, agricultural or silvicultural operations or industrial processes or operations.

Municipal solid waste disposal facility shall mean any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, including but not limited to municipal solid wastelandfills.

Municipal solid waste landfill shall mean a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Newspaper shall mean any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulations, and any newspaper filed and recorded with any recording officer as provided by general law, and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

~~*Noncommercial handbill* shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, magazine, booklet or any other printed or otherwise reproduced~~

~~original, or copies of any matter or literature which are not commercial handbills or newspapers as defined herein.~~

Nuisance shall mean anything which:

- (1) Meets that definition of the term as defined by O.C.G.A. § 41-1-1 as now or hereafter amended; or
- (2) Occurs during or as a result of the handling or disposal of solid waste to the detriment of the public welfare in that it injures health, offends the senses, obstructs the reasonable and comfortable use of property, or causes inconvenience or discomfort to a community or neighborhood.

Offal waste shall mean waste animal matter (whether of land or marine origin), generated by the processing, preparation or packaging of food or animal matter at butcher shops, slaughterhouses, food processing or packaging plants or rendering or fertilizer plants.

Open-top collection container shall mean a unit whose body is both constructed with sides to confine bulk items collected and transported by the unit and capable of being covered either by a tarp or top.

Overage means the placement of residential municipal solid waste in the residential municipal solid waste storage container or cart such that materials extend beyond the container rim and the lid fails to fully close.

Owner of recovered material shall mean the generator of recovered material or its authorized agent, or the contractor, the recovered material collector, the private recycler, the person having possession of recovered material, or the person to whom the generator has transferred title to the recovered material. The owner shall have transferred title to the material at such time as the same is placed or deposited in any curbside storage container or recovered material collection container for the purpose of recycling.

Park shall mean a park, reservation, playground, beach, recreation center or any other public area in the county which is owned or used by the county and devoted to active or passive recreation.

Person shall mean the State of Georgia or any other state or any agency or institution thereof, any municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association or other entity in Georgia or any other state. This term shall also include any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste activities, or public or private corporation in Georgia or any other state. This term shall also include employees, departments and agencies of the federal government.

Private industry solid waste disposal facility shall mean a disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by the private solid waste generator.

~~*Private premises* shall mean~~ *property* shall mean any dwelling house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling house, building or other structure.

Private recycler shall mean an individual, corporation, partnership or other private person engaged in the business of handling recovered material, including but not limited to dealers, processors, brokers and consumers of recovered material.

Public health or safety hazard shall mean any operation or activity done by a solid waste collector or not done, but was required to be done by the solid waste collector by federal, state, or local law, which could result in physical damage or injury to the general public or their property.

Public place shall mean any and all streets, rights-of-way, boulevards, alleys or other public ways, and any and all public parks, squares, grounds, buildings, beaches, playgrounds or conservation or recreation areas.

Putrescible waste shall mean waste that is capable of being quickly decomposed by microorganisms at ambient temperature and conditions and usually associated with offensive odors and disease vectors. Examples include, but are not limited to, the following: kitchen waste, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and solid waste contaminated by such waste.

Rear-loading compacting equipment or rear-loader shall mean the body and tailgate assembly of a rear-loading collection vehicle that loads, compacts, transports and unloads material at the rear of the vehicle. These assemblies may include mechanical devices used for lifting and receiving material from stationary storage containers.

Recovered material shall mean that material which has a known use, reuse, or recycling potential, "can be feasibly used, reused, repurposed or recycled," and has been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation and processing. Such material, once recovered, is not solid waste.

Recovered material collection container shall mean ~~a bulk container, exceeding 100 gallons' capacity, which is exclusively designed, constructed and conveniently placed for the safe, spillproof containment and conveyance of recovered material. This term includes but is not limited to bins, receptacles, drop-off boxes and containers used to collect recovered material from residential premises consisting of three or more dwelling units and all nonresidential areas~~ those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recovered material collection vehicle shall mean a vehicle upon which equipment is mounted or attached for the purpose of loading, compacting, transporting or unloading recovered materials or recovered material collection containers. This term includes but is not limited to, roll-off, side-loading, rear-loading, or open-top containers, trucks or other similar vehicles while engaged solely in the collection of recovered material.

Recovered material collector shall mean a person engaged exclusively in the business of separating, collecting or transporting recovered material, with or without compensation, from residential, business, industrial, commercial, institutional or other similar premises, including persons under contract or agreement with the owner or generator of solid waste or recovered material for collection.

Recovered material storage container shall mean any bulk container, exceeding 100 gallons' capacity, designed, constructed and labeled for the containment and placement of recovered material for collection.

Recovered material handling shall mean the separation, collection, storage, processing, consumption, transportation or reuse or resale of recovered material.

Recovered materials processing facility shall mean a facility engaged solely in the storage, processing, and resale or reuse of recovered materials; ~~however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to solid waste. This term specifically excluded any solid waste handling facility as is defined herein.~~ The term "recovered materials processing facility" shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Recyclable material shall mean any material which has a known use or reuse and can be feasibly used, reused, or is capable of being reused or returned to use in the form of a raw material or product. Such

recyclable material shall have been diverted or removed from the solid waste stream prior to collection of the same.

Recycling shall mean any process by which ~~recyclable~~ material which would otherwise become solid waste is collected, separated or processed and reused or returned to use in the form of raw materials ~~or products intermediates, or products which can be used as a substitute for products not derived by such processes.~~

Residential municipal solid waste shall mean all ~~municipal solid waste originating in residential premises consisting of one or two dwelling units. This term does not include solid waste originating in residential premises consisting of three or more dwelling units which share the use of a solid waste storage container~~ solid waste generated at a residential service unit, and shall include white goods, bulky waste, and recovered materials.

Residential municipal solid waste collection services means the collection, processing and disposal of residential municipal solid waste by a residential service provider, in accordance with this chapter.

Residential municipal solid waste storage container or cart means a leakproof container with attached lid and wheels that will allow the manual, automated or semi-automated collection of residential municipal solid waste, meeting the specifications established by the county.

Residential recovered materials means recovered materials generated at a residential service unit.

Residential recovered materials collection service means the collection and processing of residential recovered materials in a single stream.

Residential recovered materials storage container means a container that will allow collection of residential recovered materials meeting specifications established by the county. *Residential service fee* means the fee assessed by the service provider on each residential service unit for the collection, transportation, processing and/or disposal of residential municipal solid waste, residential recovered materials, bulky waste, and/or white goods.

Residential service provider means a person or entity who holds a current solid waste disposal permit issued by the County, allowing them to perform the physical process of collecting, transporting, processing and disposing of the residential municipal solid waste, residential recovered materials, white goods, bulky waste and/or yard trimmings within unincorporated Cobb County.

Residential service unit means each unit or units within the following categories: single-family dwellings; duplexes or two-unit multifamily dwellings; triplexes or three-unit multifamily dwellings; quadrplexes or four unit attached multifamily dwellings; and mobile homes.

Residential service unit owner means any person, firm, corporation or other entity owning a residential premises in unincorporated Cobb County.

Residential solid waste collection and disposal means the performance of all requirements within the chapter and applicable laws related to residential municipal solid waste, residential recovered materials, yard trimmings, bulky waste, and white goods, as well as incidental administrative tasks related to the performance of those requirements.

Roll-off shall mean a vehicle equipped with hoist arms, hook, frame cable and/or chain which is used to elevate, support, transport and unload solid waste collection containers or contained material.

Scout shall mean a vehicle with the maximum capacity of eight cubic yards or 216 cubic feet. The "box" of the truck may be configured in any manner so as not to exceed eight cubic yards provided that the dimensions thereof comply with all state and local laws. The scout shall be used to collect solid waste in areas not easily accessible to compactor-type trucks. After collection by a scout vehicle, the solid waste shall be hydraulically or manually emptied into a compactor truck. The scout shall not make direct use of disposal facilities such as landfills or transfer stations. The scout shall be leakproof and covered in such a manner as to prevent waste from falling, leaking or blowing from the vehicle when traveling to or from the compactor truck.

Side-loading compacting equipment or *side-loader* shall mean the body and compaction assembly of a collection vehicle which loads at the side and unloads at the rear thereof.

Solid waste shall mean ~~discarded putrescible and nonputrescible wastes, except water-carried body waste and recovered material, and shall include garbage; rubbish such as paper, cartons, boxes, wood, tree branches, yard trimmings, furniture and appliances, metal, tin cans, glass, crockery or dunnage; ashes; street refuse; dead animals; sewage sludges; animal manures; industrial waste such as waste material generated by industrial operations; residue from solid waste thermal treatment technology; food processing waste; demolition waste; abandoned automobiles; dredging waste; construction waste; and other waste material in a solid or semisolid or liquid state not otherwise defined herein or by O.C.G.A. § 12-8-20 et seq. Such term shall not include any material which is regulated pursuant to the Georgia Water Quality Control Act, O.C.G.A. article 2 of chapter 5 of title 12, or the Georgia Air Quality Control Act of 1978, O.C.G.A. chapter 9 of title 12~~ any garbage or refuse; sludge from a waste-water treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; post-use plastics and nonrecycled feedstock that are subsequently processed using a pyrolysis or gasification to fuels and chemicals process; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. § 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, 42 U.S.C.A. § 2011 et seq. as amended.

Solid waste collection container shall mean a bulk container, exceeding 100 gallons' capacity, which is designed and constructed for the containment and/or conveyance without spillage of any solid waste contained therein.

Solid waste collection vehicle shall mean any vehicle upon which equipment is mounted or attached for the purpose of loading, compacting, transporting and/or unloading solid waste collection containers. This term includes solid waste transfer trailers, front-loaders, roll-offs, side-loaders, rear-loaders, open-top containers, brush-loaders and knuckle-boom equipment during such time as these vehicles are engaged in the handling or transportation of solid waste.

Solid waste collector or *collector* shall mean a person permitted by Cobb County to engage in the business of the collection or transportation of solid waste, but excluding a person who collects or transports solid waste from his, her or its own dwelling or residence.

Solid waste handling shall mean the storage, collection, transportation, treatment, utilization, processing or disposal of solid waste, or any combination of such activities.

Solid waste ~~handling~~-disposal facility shall mean any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing or disposal or any combination thereof, of solid waste.

Solid waste storage container shall mean any container designed and constructed for the leakproof and spillproof storage of solid waste, and provided by or to the generator for the containment and placement of solid waste for collection. This term shall include residential metal or plastic containers and plastic bags.

Solid waste thermal treatment technology shall mean any solid waste handling facility, the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste energy.

Transfer station shall mean a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

Unauthorized collection of recovered material shall mean the removal of recovered material without permission of the owner, its authorized agent or the Cobb County Board of Commissioners.

Vehicle shall mean any engine-powered, mobile device in, upon, or by which any person or property is or may be transported or drawn upon a highway, road, rail or track.

Waste-to-energy shall mean a process of combustion through which occurs the extraction and utilization of energy from municipal solid waste.

Waste-to-energy facility shall mean a solid waste handling facility that provides for the extraction and utilization of energy from municipal solid waste through the process of combustion.

White goods waste shall mean solid waste consisting of discarded or abandoned large appliances, including refrigerators, freezers, stoves, ranges, water heaters and similar domestic or commercial large appliances. This term does not include material which is recovered material which is described as herein. means household appliances such as refrigerators, stoves, washers, dryers, water heaters, and other large appliances, which do not contain polychlorinated biphenyl (PCB) or chlorofluorocarbon (CFC) units and have been officially certified to that effect, and in the case of refrigerators and freezers, which have had the doors removed.

Yard trimmings or *yard trash* shall mean leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals and vegetative matter resulting from landscaping development and maintenance, other than mining, agricultural and silvicultural operations.

...

State law reference(s)—~~Similar provisions, O.C.G.A. § 12-8-220, et. seq; O.C.G.A. § 16-7-42; O.C.G.A. § 41-1-1;~~

Section 102-9 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-9. –Individual disposal.

The foregoing provisions of this article do not restrict or prohibit the disposal of solid waste by any individual or entity from his, her or its own dwelling when done so as ~~not to create a nuisance or a menace to health at a permitted disposal facility; however, no individual is exempt from the provisions of this article.~~

State law reference -- O.C.G.A. § 12-8-30.10.

Section 102-10 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-10. –Individual placement and disposal of yard trimmings.

- (a) Effective September 1, 1996, it shall be unlawful to place or mix yard trimmings with municipal solid waste within unincorporated Cobb County.
- (b) Yard trimmings shall not be disposed of at any municipal solid waste disposal facility with liners or leachate collection systems or any municipal solid waste landfills ~~which have received a vertical expansion under~~ except in compliance with O.C.G.A. § 12-8-40.2, as amended.
- (c) Yard trimmings, if not collected, shall be disposed of in the following manners:
 - (1) Sorted and stockpiled;
 - (2) Chipped;
 - (3) Composted;
 - (4) Used as mulch;

- (5) By otherwise beneficially reusing or recycling it to the maximum extent feasible; or
- (6) At certain types of landfills that are permitted to accept yard trimmings under O.C.G.A. § 12-8-40.2.
- (d) Persons violating the provisions of paragraphs (a) and (b) of this section shall be subjected to the penalties outlined in section 102-14 of this chapter.
- (e) Notwithstanding the provisions of paragraphs (a) through (d) of this section, individuals may combine municipal solid waste and yard waste which is transported to an authorized composting facility for processing.

Section 102-11 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-11. –Disposal at approved sites only.

No person shall dispose of any solid waste within the county at any premises other than ~~their private residence or at the sanitary landfill site or sites as shall be designated and approved by the board of commissioners.~~ through their residential service provider or at a permitted disposal facility.

Section 102-12 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-12. – Enforcement.

Unless otherwise specially provided by resolution of the county board of commissioners, the enforcement of this chapter shall be within the jurisdiction of the county's enforcement personnel, including the ~~solid waste division manager~~ sustainability, waste and beautification director or his or her designees ~~or employees of the county and the stormwater division manager or his or her designees or employees of the county.~~ The enforcement personnel shall have such powers as are reasonably necessary to enforce and give effect to this chapter.

Section 102-14 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-14. –Violations and penalties.

- (a) Any person who violates any section or provision of this chapter shall, after trial and conviction upon a citation issued to the magistrate court of the county, be guilty of a misdemeanor and shall also be fined in an amount not to exceed \$1,000.00 and/or imprisoned for a period not to exceed 60 days for each such violation. If any person is found to be guilty of more than one violation of this chapter in any 12-month period, the following fines are established:
 - (1) The amount of the original fine plus \$200.00, not to exceed \$1,000.00 and/or imprisoned for a period not to exceed 60 days for the second violation of this chapter in any 12-month period.
 - (2) The amount of the original fine plus \$650.00, not to exceed \$1,000.00 and/or imprisoned for a period not to exceed 60 days for the third violation of this chapter in any 12-month period.
 - (3) \$1,000.00 and/or imprisoned for a period not to exceed 60 days for the fourth and each successive violation of this chapter in any 12-month period.
- (b) The governing authority may establish by separate resolution the specific administrative penalties for the violation of any provision of this chapter.
- (c) Any person, solid waste handler, collector or permit holder who violates any provision of this chapter shall, in addition to the penalties specified herein, be subject to the procedures specified in section 102-59 of this chapter.

- (d) All violations, penalties and/or remedies specified in this chapter are cumulative. Pursuance of any one violation, penalty or remedy shall not be deemed an election of remedies and shall not prohibit the simultaneous pursuit of any other applicable violation, penalty or remedy.

State law reference: O.C.G.A. § 15-10-63.

Section 102-16 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-16. –Change of address.

Any solid waste collector, handler or permit holder who changes address or location shall notify the ~~manager-head~~ of the ~~solid waste-sustainability, waste and beautification~~ department in writing of such change and of the new address and address location no later than the date of such change.

ARTICLE II. SOLID WASTE COLLECTION

Section 102-51 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-51. –Compliance with this article required.

No person shall engage in the collection or transportation of solid waste or recovered materials in the unincorporated areas of the county as presently or hereafter established without having first complied with the provisions of this ~~article-chapter~~ and all applicable state and federal regulations.

Section 102-52 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-52. –Grant or privilege.

Any permit issued pursuant to the provisions of this article for the collection of solid waste shall be a mere grant or privilege to carry on business during the term of such permit subject to all terms and conditions imposed by this ~~article-chapter~~ and related laws, applicable provisions of this Code, and other ordinances and resolutions of the county relating to such business.

Section 102-53 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-53. –Commercial waste collection ~~P~~permit and registration required –Generally.

- (a) In addition to a business license or any other permit required by the county, all persons now or hereafter engaged in the primary business of the collection or transportation of solid waste in the unincorporated areas of the county shall annually apply for a solid waste permit to operate such business. The application shall be filed with the business license office, and neither a business license nor a solid waste permit shall be issued by the business license office until the ~~solid waste-sustainability, waste and beautification~~ department shall have approved the solid waste permit application in writing.
- (b) No person shall engage in the primary business of the collection or transportation of solid waste office until a permit for the same has been issued by the business license office after approval of the solid waste permit application by the ~~solid waste-sustainability, waste and beautification~~ department as provided for in subsection (a) hereinabove.

- (c) All persons required by this article to obtain a solid waste permit shall submit an application for said permit concurrently with the application submitted for a business license. The fees required for a solid waste permit shall be paid in full by each applicant upon issuance of the solid waste permit as required by section 102-54 herein. Each such permit shall expire one year subsequent to the issuance date of the original permit, at which time the permit holder must submit a new application for a solid waste permit.
- (d) Any failure to comply with the requirements of this provision shall constitute a violation of this chapter pursuant to section 102-14.

Section 102-54 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-54. –Permit fee schedule.

A permit fee shall be paid to the business license office [for] the issuance of a solid waste permit as required by this article and shall be as set forth in the solid waste permit fee schedule as approved and adopted by the board of commissioners. A fee schedule shall be on file and available from the clerk of the board of commissioners and the ~~solid waste sustainability, waste and beautification~~ department.

Section 102-55 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-55. –Commercial waste collection application for permit.

- (a) No solid waste permit shall be issued or renewed except upon a written application available from the ~~solid waste sustainability, waste and beautification~~ department in a form specified by the county and setting forth such facts as the county may deem appropriate, including but not limited to the following information:
 - (1) If the applicant is an individual, partnership or proprietorship, the names and addresses of all persons, partners and owners (including corporations) and their respective percentages of ownership in the prospective collector's business in the county; and
 - (2) If the applicant is a corporation, the name and addresses of the officers and directors thereof; and
 - (3) Whether each driver of a motor vehicle employed by applicant possesses a valid Georgia drivers license, and whether this license is of the appropriate class and type to permit such driver to operate the vehicle which has been employed by applicant to operate; and
 - (4) A current certificate or certificates of insurance as evidence of compliance with the insurance requirements specified in this article; and
 - (5) The contact person employed by applicant for customer service; and
 - (6) A verified statement that the applicant, if a corporation, is in good standing in the State of Georgia, and that the applicant, if a corporation organized under the laws of any other state, is licensed to do business in the State of Georgia.
- (b) All applications or renewal applications and the information or documentation submitted in connection therewith shall be open to the public inspection to the extent required by the Georgia Open Records Law, O.C.G.A. § 50-18-70 et seq., and shall be kept on file a reasonable length of time at the discretion of the ~~solid waste sustainability, waste and beautification~~ department.
- (c) Incomplete applications will be held for 30 days and if still incomplete at that time will be denied. Any solid waste collector who collects or transports solid waste without a valid solid waste permit or having been denied a solid waste permit will be in direct violation of the county solid waste ordinance and subject to penalties as specified in section 102-14.

Section 102-56 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-56. –Denial of application for issuance of solid waste permit for commercial waste collection.

- (a) An application for a solid waste permit submitted pursuant to this article may be granted or denied by the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his or her designee. Application may be denied only for due cause as defined by subsection (b) herein. If the application is denied by the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his or her designee the applicant may appeal such denial in accordance with section 102-60 of this article to the board of commissioners by filing a written certified appeal with the clerk of the board of commissioners and with the director of the ~~water system public services agency~~. A hearing shall then be set before the board of commissioners and prior written certified notice of such hearing shall be sent to the applicant. This notice shall state the time, place and purpose of such hearing and the reasons for denial of the application. Three business days' written notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the board of commissioners may deem justified by the circumstances. Unless the circumstances otherwise justify, the hearing shall be held within 30 days after the appeal is filed with the clerk of the board of commissioners and the director of the ~~water system public services agency~~.
- (b) An application for a solid waste permit submitted pursuant to this article may be denied only if one of more of the following circumstances exist:
- (1) The applicant has failed to obtain any paper or document necessary to pursue its business as required or as may be required by any officer, official, agency or department of the county, state or the United States under authority of any law, ordinance or resolution of the county, state or United States.
 - (2) The applicant has supplied false information to the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his/her designee.
 - (3) The applicant has failed to pay any permit fee, fees, penalty or interest required under this article or has otherwise failed to comply with any of the provisions contained in this chapter.
 - (4) The applicant, during the 12-month period preceding the filing of the solid waste application, has engaged in any deceptive business practices as are hereinafter defined in section 102-59 of this article.
 - (5) The applicant has failed to meet any of the procedural, legal or technical requirements hereinafter enumerated in this article, including but not limited to insurance and equipment requirements.
 - (6) An applicant has previously declared bankruptcy under one name and subsequently attempts to procure a solid waste collection permit in a new or different name.
- (c) No application for a solid waste permit submitted hereunder shall be accepted, processed or approved if the applicant has submitted the same or a similar application for a solid waste permit within the preceding 12-month period and such application has been dismissed, denied or abandoned. No permit shall be granted if the applicant is presently or has been within the 12 months preceding submission of the application in violation of any provision of this article or any other article of this chapter or any other law or ordinance regulating the activities for which such permit is sought.

Section 102-57 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-57. –Transferability of permit for commercial waste collection.

No solid waste permit issued pursuant to this chapter shall be transferable or assignable.

Section 102-58 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-58. – Revocation and suspension of solid waste permit for commercial waste collection – Authorized.

- (a) Subject to the provisions of section 102-59 herein, a solid waste permit may be temporarily suspended for cause by the ~~division manager of solid waste~~ head of the sustainability, waste and beautification department or his/her designee for up to 30 days.
- (b) For violations of section 102-71 only, a solid waste permit may be temporarily suspended by the ~~division manager of solid waste~~ head of the sustainability, waste and beautification department or his/her designee, the community development agency director, or the director of public safety for up to 30 days.
- (c) Only the board of commissioners may suspend a solid waste permit for more than 30 days or permanently revoke any solid waste permit issued pursuant to this article.

Section 102-59 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-59. – Same—Procedure; notice; hearing required; "due cause" prerequisite for commercial waste collection.

- (a) No solid waste permit which has been issued or which may hereafter ~~be by~~ issued by the county to any person shall be suspended or revoked, except for due cause as hereinafter defined. The ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his/her designee may temporarily suspend for up to 30 days a solid waste permit when grounds of "due cause" exist or are reasonably believed to exist by the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his/her designee subject to subsection (e) upon three days' written certified notice of the grounds. Temporary suspension by the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his/her designee shall not require a hearing prior to the suspension.
- (b) The permit holder may either work with the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his/her designee to correct the problem or may appeal the temporary suspension to the board of commissioners.
 - (1) If the violation for which the 30-day temporary suspension has been issued is not a public health or safety hazard as herein defined, the permit holder will be allowed to continue operating while attempting to correct the violation.
 - (2) If the violation for which the 30-day temporary suspension has been issued is a public health or safety hazard as herein defined, the permit holder will not be allowed to continue operating while attempting to correct the violation.

At the end of the 30-day temporary suspension period if the permit holder fails to correct the problem and does not appeal the suspension to the board of commissioners, ~~the director of the water system public services agency~~ [solid waste division manager, the head of the sustainability, waste and beautification department] or his/her designee shall bring before the board of commissioners, at the next regularly scheduled commission meeting, a request to permanently revoke the solid waste permit or to suspend the solid waste permit for a period greater than 30 days. Notice to the holder of such permit of the time, place and purpose of such hearing of the charge upon which the hearing shall be held shall be given by prior certified written notice. Three business days written notice shall be

deemed reasonable, but a shorter or longer period of notice shall be authorized as the board of commissioners may deem justified by the circumstances.

- (c) To appeal the temporary suspension the permit holder must comply with the requirements of section 102-60.
- (d) In all hearings before the board of commissioners conducted pursuant to this provision, the following procedures shall apply; and the proceeding shall be as informal as is compatible with due process:
 - (1) The chairperson of the board of commissioners shall read or cause to be read the charges against the permit holder or solid waste collector. The chairperson shall then read or cause to read any response filed by the permit holder or collector.
 - (2) The board of commissioners shall hear the evidence upon which the charges have been filed against the permit holder and shall not consider any additional evidence beyond the scope of these charges. The board may exclude evidence which is purely cumulative in nature.
 - (3) The order of proof shall be as follows:
 - a. The county representative shall present evidence in support of the charges.
 - b. The permit holder shall then present its evidence.
 - c. The evidence of each party may be supported by the submission of pertinent documents.
 - d. The board of commissioners shall allow each party to present pertinent rebuttal evidence.
 - (4) The permit holder and county may each be represented by counsel, and may present, examine, and cross-examine witnesses. Additionally, the board of commissioners may question both parties and all witnesses to obtain any information deemed necessary to evaluate the charges.
- (e) Due cause for the suspension or revocation of a solid waste permit shall consist of any one or more of the following:
 - (1) A permit holder commits a deceptive business practice including but not limited to any act or business practice designated as unlawful in the Fair Business Practice Act, O.C.G.A. § 10-1-390 et seq.
 - (2) Violation of any laws, chapters, or resolutions regulating such business, or violation of regulations made pursuant to authority granted for the purpose of regulating such business.
 - (3) The permit holder has supplied false information to the manager of the business license division or the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or their respective designees regardless of when either shall have become aware of the same.
 - (4) The permit holder has failed to obtain, or has suffered the expiration, suspension, or revocation of any paper or document required hereunder for its business or as may be required for its business by any officer, official, agency, authority, or department of the county, state of the United States.
 - (5) The permit holder has failed to comply with any of the provisions of this article of this chapter.
 - (6) The permit holder makes any misrepresentation of fact which is intended to mislead the public or to mislead any party with whom the permit holder deals in pursuance of the permitted business. The term "misrepresentation of fact" as used herein shall embrace not only express misrepresentation arising by virtue of the permit holder's conduct, including acts and omissions.
 - (7) Failure by the permit holder to obtain and/or file all pertinent papers regarding insurance as required by this chapter.
 - (8) The ~~solid waste division~~ sustainability, waste and beautification department documents in any given permit year five or more substantiated complaints against and/or violations of this chapter involving a particular solid waste permit holder. The ~~solid waste division~~ sustainability, waste and beautification department shall record each such complaint and/or violation in a true and accurate log maintained for this purpose and shall record in connection therewith the name and

address of any complainant and the substance or basis of the complaint. Such records shall be made available to the permit holder and shall be deemed a public record.

- (9) The permit holder fails or has failed to stop collection activities as directed by the ~~solid waste division manager~~ head of the sustainability, waste and beautification department or his/her designees in written notification issued pursuant to this section.
- (10) The permit holder fails or has failed to pay to the ~~solid waste division~~ sustainability, waste and beautification department within 60 days of the due date any fees or fines incurred in pursuance of solid waste collection activities or who does not have an approved payment plan by the director of ~~water~~ the public services agency or his/her designee.

Section 102-60 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-60. – Appeals for commercial waste collection.

- (a) Any person or entity aggrieved by an action or decision of the director of the ~~water system~~ public services agency or his or her designee or employees may appeal such action or decision to the board of commissioners by filing written notice of appeal with clerk of the board of commissioners and the ~~solid waste division manager~~ head of the sustainability, waste and beautification department within ten days of the decision or action prompting appeal. The board of commissioners shall hear the appeal within 30 days of the receipt of such notice, and in connection therewith, shall give three business days' prior written certified notice of the hearing date to all parties. The board of commissioners may affirm, reverse or modify, either wholly or in part, any decision or action from which the appeal was sought by the petitioner.
- (b) This provision shall not apply to citations issued pursuant to section 102-14 for violations of this chapter.
- (c) Any request to revoke for failure to correct the 30-day suspension violation or request to suspend for the solid waste permit for greater than 30 days brought forth by the director of the ~~water system~~ public services agency or his/her designee shall proceed procedurally according to section (a) of the section as if the permit holder had filed an appeal.

Section 102-61 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-61. – Temporary permit for commercial waste collection.

- (a) A temporary permit may be issued by the ~~solid waste division~~ sustainability, waste and beautification department for a period not to exceed 15 calendar days from the issuance date thereof. At the conclusion of 15 days, an additional 15-day extension may be granted if justification for such extension is presented to and accepted by the ~~solid waste division manager~~ director of the sustainability, waste and beautification department or his or her designee.
- (b) A temporary permit will be issued only in the following circumstances:
 - (1) The collector is a solid waste permit holder in good standing or has an approved plan by the director of the ~~water system~~ public services agency or his/her designee for correction of any problems; and
 - (2) The collector can provide adequate proof of the temporary status of its noncompliance with any provision of this article or any article of this chapter; and
 - (3) The collector must return to complete compliance with all provisions of the solid waste, recycling and residential collection ordinance at the conclusion of the temporary permit period specified at the date of issuance; and

- (4) The temporary permit issued pursuant to this section must be posted and visible at all times on any vehicle used by the ~~collector~~ residential service provider in solid waste collection activities.

Section 102-62 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-62. –Insurance.

- (a) Any collector with a solid waste permit issued pursuant to this article shall at all times during the permit period obtain, maintain, and pay all premiums for, and file with the ~~solid waste division~~ sustainability, waste and beautification department, certificates of insurance evidencing the types and amounts of insurance specified in the solid waste insurance schedule.
- (b) The solid waste insurance schedule shall be as approved, adopted and amended from time to time by the board of commissioners.
- (c) The solid waste insurance schedule shall be on file and available in the office of the ~~solid waste division~~ sustainability, waste and beautification department.
- (d) All collectors shall comply with any and all federal, state, and local insurance laws, regulations and/or requirements.
- (e) All insurance contracts or policies procured so as to obtain the coverage required by the solid waste insurance schedule shall be in a form reasonably satisfactory to the county and shall be issued and maintained by companies authorized to do business in the State of Georgia and reasonably acceptable to the county. All such policies shall require 30 days' written certified notification to all insured parties prior to any cancellation thereof.
- (f) All insurance contracts must specify that the vehicles covered by such contracts are for "trash collection."
- (g) The collector shall provide the county with annual proof of the insurance required by the solid waste insurance schedule. Any failure to provide such evidence of insurance shall be grounds for denial or revocation of a solid waste permit.
- (h) A collector shall notify the ~~solid waste division~~ sustainability, waste and beautification department in writing of any insurance policy changes, renewals and/or cancellation by written certified notice ~~at least~~ at least 30 days prior to any change, renewal, and/or cancellation.
- (i) Any failure to comply with or violation of the provisions contained herein, in addition to any other penalty or course of action which may be sought for such violation, shall be subject to those penalties specified in section 102-14.

Section 102-64 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-64. – Vehicle requirements.

All persons collecting and disposing of solid waste material for a fee shall comply with the following requirements:

(1) Solid waste collection vehicles:

- a. *Type and size:* Solid waste collection vehicles shall comply with the regulations and licensing requirements of the Georgia Department of Transportation and with applicable local ordinances specifying weight and size restrictions for any streets or roads traveled to collect solid waste.
- b. *Compactor and cover:*

1. Vehicles used for the collection or transportation of solid waste shall be covered compactor-type trucks and shall be enclosed, weather-tight, substantially leakproof, easily cleanable and constructed of durable metal.
2. Vehicles used for the collection or transportation of solid waste shall be always covered ~~at all times~~, except during the loading and unloading thereof, so as to prevent the contents from falling, leaking or blowing out of the vehicle.
- c. *Scout or satellite vehicle*: A scout or satellite vehicle shall mean a vehicle with the maximum material capacity of eight cubic yards, or 216 cubic feet. The "box" of the truck may be configured in any manner not to exceed eight cubic yards so long as the dimensions thereof comply with all state and local laws. The scout should be used to collect materials in areas not easily accessible to compactor trucks after which the material shall then be hydraulically or manually emptied into a compactor truck. The scout shall not be allowed to make direct use of disposal facilities such as landfills or transfer stations. The scout shall be leakproof and covered in such a manner as to prevent waste from falling, leaking or blowing from the vehicle when travelling to the compactor truck.
- d. *Audible alarm*: Each vehicle used for collection or transportation of solid waste shall have an operating, audible alarm which sounds when any such vehicle backs up or is in reverse.
- e. *Emergency lights*: Each compactor vehicle used for the collection or transportation of solid waste shall have an operating, flashing or revolving amber light mounted on top of the vehicle and visible from its rear. All collectors shall comply with any corresponding state or federal laws or regulations.
- (2) *Identification*: The following items shall ~~at all times~~ always be clearly visible on each and every vehicle used in the collection or transportation of solid waste, including temporary replacement vehicles and scouts:
 - a. The identity and telephone number of the collector on both sides of the vehicle displayed by letters or characters at least three inches in height unless said truck is a rental and in that case a temporary card with all above listed information must be kept inside of the vehicle in the case of inspection by an authorized county agent;
 - b. A permit decal placed on the front of the truck.
- (3) *Ownership/lease*: Registration of and title to the vehicle(s) shall be in the name of the collector or a leasing agent with a duly authorized power of attorney issued in the name of the collector.
- (4) *Exempt equipment*: The following solid waste collection equipment shall be exempt from the vehicle requirements enumerated in subsection (1)b.1. above; however, nothing in this section excludes compliance with all other vehicle requirements specified by this section, article, or chapter:
 - a. Roll-off equipment (to be used solely for the collection of construction debris and inert material which does not constitute solid waste);
 - b. Brush collector equipment;
 - c. Knuckle-boom picker equipment;
 - d. Open-top equipment (to be used solely for the collection of construction debris and inert material which does not constitute solid waste);
- (5) *Penalties*: Any failure to comply with or violation of the provisions contained in this section shall subject the offender to the penalties specified in section 102-14 and applicable federal, state and local law.

Section 102-65 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-65. – ~~Mandatory~~ Required provision of residential elective offer of recycling service.

- (a) All collectors must offer to their residential customers the ~~option~~ service of having their recyclable materials collected on a regular basis each at least once a month and must provide recycling service to their customers enrolled in the recycling program. Recyclable materials to be collected shall include at a minimum the following items: cardboard, PET, HDPE and hard-to-recycle plastics (currently under the Hefty ReNew program material which is subject to change), newspaper and aluminum.
- (b) All collectors must ~~offer~~ provide an appropriate container, ~~bags or other type of receptacle~~ for those residential customers opting for this recycling service. Any ~~and all collector~~ collectors providing such a container, ~~bags or other type of receptacle~~ containers to any their residential customer may charge a fee for ~~such said a container, bags or other type of receptacle containers.~~
- (c) In no event shall any of the recyclable materials collected pursuant to this optional recycling service be disposed of in any landfill: with the intent to circumvent the proper recycling material flow. If in the case that material is deemed contaminated after it has been picked up curbside separate from MSW (municipal solid waste) trash and rejected by MRF (material recovery facility), an exemption to this mandate is observed and granted. Furthermore, in no event shall any of the recyclable materials collected pursuant to this section be disposed of by a collector at a Cobb County Residential Drop Off Center.
- (d) Any failure to comply with or violation of the provisions contained in this section shall subject the offender to penalties as specified in section 102-14 and applicable federal, state and local law.

Section 102-67 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-67. – Mandatory reporting requirements.

- (a) *Operators of disposal facilities.* Any operator of a disposal facility in ~~the~~ unincorporated Cobb County must report to the ~~solid waste sustainability, waste and beautification~~ department by July 15 of the following year the annual tonnage of solid waste received at said facility, segregated by point of origin (inside versus outside of the county).
- (b) *Penalties.* Any failure to comply with or violation of this provision shall subject the offender to penalties as specified in section 102-14.

Section 102-69 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-69. – Customer's requirements.

All persons receiving solid waste collection and disposal services from a permitted collector in residential areas shall comply with the following minimum three ~~two~~ requirements:

- (1) All solid waste must be enclosed in plastic or plastic-lined bags which are or have been tied, except as provided in paragraph (2) of this section.
- (2) Yard trimmings, if collected, shall be sorted, and separated from all municipal solid waste ~~in order~~ to facilitate collection and ultimate handling in accordance with section 102-70(5) of this chapter.
- (3) All recyclable material collected must be placed loosely (not in a bag) inside of the recyclable container with the exception of the hard-to-recycle (currently under the Hefty ReNew program which is subject to change) material, which should be placed inside of the approved collection bags first and then placed into the recycling container.

Nothing in this article shall prohibit persons from disposing of their own solid waste provided that all solid waste is bagged, tied, contained and/or covered when transported for disposal.

Section 102-70 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-70. – Services required to be performed.

All residential collectors shall comply with the following requirements:

- (1) *Collection schedule:* Collectors shall provide residential collection service at least once per week. No undue disturbance shall be created in residential areas during residential collection.
- (2) *Collection during holidays:* During a week which includes a legal holiday, collectors shall alternate collection days, if necessary, to ensure that collection service is provided at least once during such a holiday week.
- (3) *Notice to customer and county:* Residential collectors shall give written notice of any change in policy or level of service as follows:
 - a. To the county at least ten days prior to the implementation of any such change, including but not limited to sale of company, termination of business, or change of phone number; and
 - b. To the customer at least ten days prior to the implementation of any such change, including but not limited to termination of service; change of phone number, and change of rates, but excluding any sale of the company; however, the customer shall be notified of any such sale of the company within 30 days after the occurrence of such sale.
- (4) *Disposal of solid waste:* All collectors, including commercial collectors, must dispose of any solid waste in an approved disposal facility permitted and regulated by the state department of natural resources and/or the county.
- (5) *Disposal of yard waste:* *Yard waste shall be disposed of in accordance with section 102-10.*
 - a. ~~Effective September 1, 1996, it shall be unlawful within unincorporated Cobb County to dispose of yard trimmings in all municipal solid waste landfills with liners or leachate collection systems; and to dispose of yard trimmings in all municipal solid waste landfills which have received a vertical expansion under O.C.G.A. § 12-8-40.2. Collectors violating this provision shall be subjected to the penalties outlined in section 102-14.~~
 - b. ~~All collectors, including commercial collectors, must dispose of yard trimmings, if collected, in the following manners:~~
 - ~~1. Sorting and stockpiling; or~~
 - ~~2. Chipping; or~~
 - ~~3. Composting; or~~
 - ~~4. Using as mulch; or~~
 - ~~5. By otherwise beneficially reusing or recycling it to the maximum extent feasible; or~~
 - ~~6. By delivering it to certain types of landfills that are permitted to accept yard trimmings under O.C.G.A. § 12-8-40.2.~~
 - c. ~~b.~~Notwithstanding the provisions of section 102-10 paragraphs (1) through (c) of this section, collectors may combine municipal solid waste and yard waste which is transported to an authorized composting facility for processing.
- (6) *Customer service:* Each collector permitted hereunder shall maintain a published telephone number and a responsible person in charge of customer service ~~so as to provide the following to the manager head of the solid waste sustainability, waste and beautification department and to each customer:~~
 - a. A written policy specifying the terms of ~~any and~~ all services to be afforded to or agreements with each customer; and
 - b. A customer service system to resolve disputes with or complaints against the collector.

Section 102-71 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-71. – Hours of collection and Noise Complaints.

This section applies to both residential service providers and commercial waste permit holders.

- (a) No person or entity shall engage in the collection, transportation or disposal of any solid waste or recyclables from dumpsters, containers or receptacles of any kind or type between the hours of 11:00 p.m. and 7:00 a.m. except to perform emergency work required to safeguard the immediate health, safety and welfare of the public.
- (b) Notwithstanding subsection (a), the county manager, or their designee, may authorize the suspension or extension of the hours of collection during (i) periods when the Board of Commissioners has declared a State of Emergency or (ii) conditions classified as "Danger," "Extreme Danger," or "Stop Work" as determined by the OSHA Heat Index or similar recognized public health or safety standards. Upon authorizing an extension or suspension of collection hours, the director of the sustainability, waste, and beautification department shall notify all permitted collectors and affected county departments as soon as practicable. The purpose of this provision is intended to ensure the continued and timely collection of solid waste or recyclables during emergencies and hazardous conditions to protect public health and safety.
- (b) (c) Every noise complaint received and recorded by the ~~solid waste division~~ sustainability, waste and beautification department, the county police department, the county communications department, the public services agency or the code enforcement division of the community development agency at a specific location shall constitute a violation of this provision and shall result in the issuance of a report to the county police department, the code enforcement division of community development agency or the ~~division manager of the solid waste division~~ head of the sustainability, waste and beautification department or his/her designees or employees for full enforcement of this chapter.
- (c) (d) At such time as any second noise complaint has been received or recorded by the ~~solid waste division~~ sustainability, waste and beautification department, the county police department, the county communications department, the public services agency or the code enforcement division of the community development agency in a 45-day period at a specific location in the county and upon inquiry and investigation the ~~solid waste division~~ sustainability, waste and beautification department, the county police department, or the code enforcement division of the community development agency is able to verify and substantiate the factual basis for such complaint, the solid waste permit holder shall be subject to the penalties detailed in section 102-58 in addition to section 102-14.
- (d) (e) If a partnership, corporation or other business entity controls, directs and/or owns a solid waste collection business, both the person directing the operation of such business, and all partners, directors, officers, shareholders, agents, representatives or employees exercising significant managerial responsibility over any employee or agent whose acts violate the terms of this article or chapter shall, in addition to such employee or agent, be considered to have violated the provisions of this chapter.
- (e) (f) Specifically excluded from the applicability of this section are the dumpsters located at any of the schools in the county.

Section 102-74 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-74. – ~~Transportation of solid waste across county lines prohibited~~ Reserved.

~~No person, solid waste handler, solid waste collector, solid waste permit holder, firm, corporation or business shall transport, pursuant to a contract, garbage, trash, solid waste or refuse across any county boundary line of this county for the purpose of dumping the same within the boundaries of this county, whether or not such material is to be dumped at a publicly or privately owned disposal facility unless~~

~~permission is first obtained and a written permit is granted by the board of commissioners as required by the O.C.G.A. § 36-1-16.~~

Section 102-75 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-75. – Penalties.

Any failure to comply with or violation of any provision of this article or any article of this chapter shall subject the offender to penalties as specified in section 102-14 and applicable federal, state and local law.

ARTICLE III. LITTER CONTROL

Section 102-91 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-91. – Purpose and title.

The governing authority is authorized to adopt ordinances for governing and policing of unincorporated areas of the county for the purpose of preserving and protecting the public health, safety, and welfare through the regulation and prevention of litter.

- (1) *Objectives.* The objectives of this article are:
 - a. Provide for uniform prohibition throughout the county of any and all littering on public or private property; and,
 - b. Prevent the desecration of the beauty and quality of life of the county and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.
- (2) *Applicability.* This article shall apply to all public and private property within the county.
- (3) *Compatibility with other regulations.* This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other article, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.
- (4) *Severability.* If the provisions of any article, section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.

Specifically, the governing authority may provide for the regulation and control of litter, O.C.G.A. § 36-1-20(a). The board of commissioners hereby enacts the following provisions ~~in an effort to to~~ regulate and control litter in the unincorporated areas of the county for the purpose of protecting and preserving the public health, safety and welfare of its citizens.

Section 102-92 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-92. – Littering public or private property or waters.

It is found and declared that litter on public and private properties within unincorporated Cobb County is a health risk and undesirable in that it provides harborage and a food supply for rodents and insects, lowers property values, and constitutes a public nuisance.

- (a) It shall be unlawful for any person or persons to dump, throw or leave litter on any public or private property in the unincorporated areas, unless:
 - (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
 - (2) The litter is placed into a litter receptacle or container installed on such property in such a manner as to prevent it from being carried and deposited by the elements upon any public or private property.
- (b) It shall be unlawful for any person to operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately covered and secured to prevent the dropping or shifting of materials from such load onto the roadway.
- (c) Public or private property as used in this section only, shall mean the right-of-way or any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands or forests.
- (d) It shall be a violation for any person or persons to dump, throw, or leave commercial or industrial waste or commercial or industrial recyclable materials at a Cobb County Residential Drop Off Center. Commercial and/or industrial recyclable materials may be disposed of at a MRF (material recovery facility).
- (e) Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

Any person who violates subsection 102-92(a) shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:

- (1) If litter is ten pounds in weight or less or 15 cubic feet in volume or less, by a fine as set forth in section 12-14 of this chapter; or
- (2) If litter is ~~in excess of~~ more than ten pounds in weight or 15 cubic feet in volume, notwithstanding the fines set forth in section 102-14 of this chapter, by a fine of \$1,000.00 for each occurrence and each occurrence shall be deemed a separate offense.
- (3) In addition to the fines set out in subsections (1) and (2) above, the violator shall reimburse the county for the reasonable cost of removing the litter when the litter is or is ordered removed by the county; and
- (4) In the sound discretion of a court in which a conviction is obtained, the violator may be directed to pick up and remove from any public right-of-way for a distance not to exceed one mile any litter the person has deposited thereon by anyone; and/or repair or restore property damaged by such littering prior to the date of execution of sentence; or

In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and,

- (5) The court may publish the names of persons convicted of violating this article.

Section 102-96 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-96. Enforcement.

All law enforcement agencies, officers and officials of this state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this article.

Unless otherwise specially provided by resolution of the board of commissioners, the enforcement of this chapter shall be within the jurisdiction of the county's enforcement personnel, including the ~~manager~~ director of the solid waste sustainability, waste and beautification department or his or her designees or employees and all law and code enforcement personnel who shall have such powers as are reasonably necessary to enforce and give effect to this chapter. Specifically, but not by way of limitation, any violation of this chapter may be tried upon citations issued by enforcement personnel pursuant to O.C.G.A § 15-10-63 and any successor statute.

The Official Code of Cobb County, Georgia, is amended, by adding a section numbered Section 102-98 to read as follows:

Section 102-98. – Monitoring and coordination of litter abatement in Cobb County.

The Cobb County Chief Sustainability Officer or their designee is chiefly responsible for establishing and administering Cobb County government's efforts and initiatives to abate litter.

Secs. 102-989—102-110. Reserved.

ARTICLE IV. KEEP COBB BEAUTIFUL ,~~INC.~~

Section 102-111 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-111. – Created; purpose.

For the purpose of assisting the county and the board of commissioners in establishing, promoting, and maintaining a countywide policy for improved environmental and waste management, a ~~commission~~ Keep America Beautiful affiliate is hereby created and shall be known as Keep Cobb Beautiful, ~~Inc.~~, referred to in this article as ~~or the "commission."~~ KCB. ~~The commission KCB~~ shall have only advisory authority in recommending refuse, waste, and environmental management policies to the board of commissioners, with the goal that all refuse and clean community activities may follow a common purpose.

Section 102-112 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-112. – Membership.

- (a) ~~The commission KCB~~ shall consist of ~~21~~ the following members, all of whom shall serve without remuneration.
- (1) ~~Fifteen of the~~ At least five members, who represent the areas of business and industry, communications, community and civic organizations, and educational institutions, shall be appointed by the board of commissioners, ~~three~~ an agreed upon number of appointments per commissioner.
 - (2) ~~The remaining six~~ The remaining members shall be appointed by the governing body of each of the ~~existing six~~ municipalities in the county and an additional member can be appointed

- by any newly formed municipality. In each municipality having a Keep America Beautiful System, the municipality's representative may be chosen from its system.
- (b) The qualifications, method of selection, procedure for removal, and method of filling vacancies on ~~the commission~~ KCB shall be determined by each respective appointing entity for its respective appointment in collaboration with KCB leadership.

Section 102-113 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-113. – Term of appointment.

Each member of the ~~KCB affiliate board commission~~ appointed by a member of the board of commissioners shall serve concurrently with and at the pleasure of the appointing commissioner's term of office and until a successor is appointed and qualified. If an appointing commissioner is no longer in office due to a general election or a special election in which more than one year remains in that commissioner's term, any member appointed by that commissioner shall be subject to removal with or without cause and without regard to any unexpired term by the newly elected commissioner filling such seat. The newly elected commissioner shall have the right to appoint a new member to ~~the commission~~ KCB under the same requirements as his/her predecessor as set forth in this section. Upon notification by ~~the chairperson of the commission that a member has missed three consecutive commission meetings~~ KCB leadership that a member has become inactive, missing board meetings and/or mandatory events/activities, the responsible appointing body or commissioner may replace that member in a timely fashion to fill the remainder of the term. No person who holds elective public office shall be eligible to serve as a member during the term of such elective office, and the position of any member shall be deemed vacant upon such member qualifying as a candidate for elective public office. Such vacancy shall be filled for an unexpired term in the manner that original appointments are required to be made.

Section 102-114 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-114. – Officers; meetings; quorum.

KCB ~~The commission~~ shall hold an organizational meeting to select from its membership a chairperson, secretary, and such other officers as provided for in KCB's ~~the commission's~~ bylaws. ~~The commission~~ KCB shall also designate the time and place (to include in-person, virtual, and phone) of future meetings to be held at regular intervals (at a minimum of once per quarter). For matters concerning the bylaws, a quorum shall be present which shall consist of fifty-one (51%) percent of the total membership of ~~the commission~~ KCB and a two-thirds (2/3) vote shall be required to pass an amendment. On all other matters, action may be taken if approved by a majority vote of the members attending a regularly called meeting or if approved by the KCB executive committee, which shall have the power to act on behalf of the Board between regularly called meetings, except the executive committee shall not modify any action taken by the Board at a regularly called meeting; but in no event shall any action be taken with less than eight (8) members present and voting at any regularly called full board meeting. In the case of a voting tie, KCB's executive director shall be the deciding vote.

Section 102-115 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-115. – Bylaws; minutes.

~~KCB. The commission~~ shall adopt its own bylaws and rules of procedure, subject to the approval of the board of commissioners. The secretary of ~~KCB the commission~~ shall take minutes of all meetings of ~~KCB the commission~~ and keep records of all regularly scheduled meetings and other pertinent actions or proceedings.

Section 102-116 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-116. – Responsibilities.

~~KCB's The commission's~~ responsibilities shall include but not be limited to the following:

- (1) Determine and recommend to the board of commissioner's management and program priorities on a countywide basis.
- (2) Review current ordinances and propose to the board of commissioners any changes or additional ordinances felt to be necessary in order to achieve the goals of ~~the commission~~ KCB with particular emphasis placed on more stringent enforcement.
- (3) Monitor performance from data collected and examined under the Keep America Beautiful, Incorporated's, ~~Clean Community System~~ Litter Survey/Community Appearance Index guidelines and make an annual report to the board of commissioners.
- (4) Initiate, plan, direct, and coordinate, in collaboration with KCB's executive director and internal county staff, communitywide efforts to achieve its goals.
- (5) Solicit and accept donations and appropriations of money, services, products, property, and facilities for expenditure and use by ~~the commission~~ KCB for the accomplishment of its objectives.
- (6) Carry out other such tasks as the board of commissioners or their designees may designate.

Section 102-117 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-117. – Financial powers limited.

~~KCB. The commission~~ shall not have the power to financially obligate the county without prior approval of the board of commissioners.

Section 102-118 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-118. – Annual report.

KCB, in collaboration with its executive director, ~~The commission~~ shall annually provide the board of commissioners with a report of its actions and proceedings in connection with each project or undertaking and shall include as part of its report a statement of its receipts and disbursements, from whatever source and to every object, for the preceding 12 months. In addition, ~~the commission~~ KCB shall make more frequent reports, including such information as may from time to time be requested by either the board of commissioners or the county manager, whenever requested to do so. ~~KCB's The commission~~ records shall be kept in a manner that will enable it to make such reports and accountings, and they shall be subject to verification and examination by the county auditors.

Section 102-119 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-119. – Termination of projects.

Any project or undertaking begun by ~~the commission~~ KCB shall be terminated at any time upon a decision of the board of commissioners that the continuation thereof is not in the best interests of the county.

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 106

Package I

Version I - distributed on October 3, 2025

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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

P.O. Box 649

Marietta, GA 30061

www.cobbcounty.gov



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Chapter 106 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. - IN GENERAL

Section 106-10 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 106-10. - Pavement cuts, utility work; permission, restoration, obstructions.

(a) Any utility, contractor, firm or individual shall obtain ~~written approval of the board of commissioners~~ through the county Department of Transportation prior to starting any pavement cuts, curb cuts or any utility repairs or installations on county rights-of-way. Allowances will be made for emergency conditions or maintenance activities. Utilities, as defined in section 106-3(b)(1), shall also comply with the policy and procedures set forth in sections 106-3 and 106-4.

...

The Official Code of Cobb County, Georgia, is amended by adding a section numbered Section 106-11, to read as follows:

Sec. 106-11. – Limited access highways

(a) Upon application by any developer, the county Department of Transportation shall obtain approval of the board of commissioners, at a regular meeting or zoning hearing, prior to the developer being granted new access to a property from a limited access highway.

(b) The following roadways shall be considered limited access highways:

(1) Barrett Parkway between Cobb Parkway and Powder Springs Road.

(2) East West Connector between Powder Springs Road and South Cobb Drive.

Secs. 106-~~11~~12—106-25. - Reserved.

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 110

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.

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Chapter 110 – SUBDIVISIONS

ARTICLE II. - PLATS AND PLAT APPROVAL PROCEDURE

Section 110-30 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 110-30. - Final plat specifications.

...

(d) Certificates for the final plat shall be provided as follows:

(1) *Owner's acknowledgment:*

I hereby certify that I am the owner of the land shown on this plat (or a duly authorized agent thereof) whose name is subscribed hereto. I acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, I do hereby convey all streets and rights-of-way, ~~detention pond lots~~, water mains and sewer lines shown hereon in fee simple to Cobb County and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements, and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, I further release and hold harmless Cobb County from any and all claims, damages, or demands arising: on account of the design, construction, and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

And further, I warrant that I own fee simple title to the property shown hereon and agree that Cobb County shall not be liable to me, my heirs, successors, or assigns for any claims or damages resulting from the construction or maintenance of cross drain extensions, drives, structures, streets, culverts, curbs, or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters, and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind owners and myself subsequent in title to defend by virtue of these presents.

Signature

Printed Name

Date

...

ARTICLE III. - SUBDIVISION DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

Article III, Chapter 110 of the Official Code of Cobb County, Georgia is amended by adding a division numbered 3:

DIVISION 3. - STRUCTURAL STORMWATER CONTROLS

Sec. 110-111. - Structural stormwater controls.

- (a) Owners' Association. Any development, whether residential, commercial, institutional, industrial, or office, with a stormwater management plan approved after November 20, 2025, that includes structural stormwater controls, such as retention ponds, detention ponds, etc., serving multiple parcels shall organize and establish a property owners' association or homeowners' association, as appropriate.
- (1) Such association shall be formed prior to the sale of any properties within the development.
- (2) Membership in the appropriate association shall be mandatory for each original and successive purchaser of a lot, building or unit within the development.
- (3) Requirements for Declaration of Covenants.
- a. The declaration of covenants shall be recorded with the clerk of the county superior court, prior to the sale of any properties within the development.
- b. The recorded declaration of covenants shall provide that all structural stormwater controls, detention pond lots, and associated improvements are owned by the association or are held in common by the property owners within the development.
- c. The declaration of covenants shall show clear legal authority to maintain and exercise control over the structural stormwater controls and required improvements, including, but not limited to, landscaping, fences, and entry gates.
- d. The recorded declaration of covenants shall include a specific requirement that the homeowners' or property owners' association repair and maintain each structural stormwater control in accordance with the inspection and maintenance agreement with the county, as provided for in section 50-161.
- e. The declaration shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance of the structural stormwater controls and related improvements and procedures for approval of additional needed assessments in the amount of any major repairs or maintenance of the structural stormwater controls and related improvements.
- (4) The structural stormwater controls shall be properly maintained with no liability or maintenance responsibilities accruing to the county.
- (b) For residential developments, the owner subdividing the property shall set up an escrow account or another appropriate financial account for the homeowners' association or property owners' association, if structural stormwater controls are held in common, to provide some funds for repairs and required annual maintenance outlined in the inspection and maintenance agreement. This account shall be available for use by the homeowners' association or property owners' association as needed. At a minimum, the owner shall calculate the original construction cost of the structural stormwater control(s) and deposit a specified percentage of that amount into the account as follows:
- | <u>Number of homes in development</u> | <u>Percentage of original construction costs to be deposited</u>
<u>(based on original construction costs of the structural</u>
<u>stormwater controls)</u> |
|---------------------------------------|---|
| <u>Less than 10</u> | <u>50%</u> |
| <u>10-50</u> | <u>40%</u> |
| <u>51-100</u> | <u>30%</u> |
| <u>Greater than 100</u> | <u>20%</u> |
- (c) Underground detention shall not be permitted for any residential development in which stormwater structural controls are owned by a homeowners' or property owners' association or are held in common by the property owners within the development.

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 114

Package I

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Board of Commissioners Public Hearing Dates

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November 20, 2025 – 6:00 p.m.

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CHAPTER 114 –TAXATION

Article VI. – Cumberland Special Services District No. II.

Sec. 114-119 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 114-119. - ~~Penalty for violation~~ Failure to pay ad valorem services tax owed.

Ad valorem services tax shall be collected as any other ad valorem tax in the manner set forth in Georgia law. ~~In addition to any other legal penalties or sanctions that may result from non payment of taxes when due, any person who violates any provisions of this article shall be subject to the provisions of [section 1-10](#) of chapter 1 of the Official Code of Cobb County, Georgia as amended. Such persons shall be guilty of a separate offense for each and every day during which any violation of this article is committed, continued, or permitted to continue by that person and shall be punished accordingly.~~

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 122

Package I

Version I - distributed on October 3, 2025

Version II – distributed on November 13, 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

P.O. Box 649

Marietta, GA 30061

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Chapter 122 – UTILITIES

ARTICLE II. – WATER AND WASTEWATER SYSTEMS

DIVISION 2. – ENFORCEMENT

Section 122-57 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-57. - Right to enter premises.

- (a) Duly authorized employees and representatives of the county and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be allowed to enter all properties for the purpose of inspection, observation, measurement, sampling, monitoring, testing, identifying water service line material, and examination and copying of records pertinent to discharges to the county wastewater system in accordance with the provisions of this article. The county may, but is not required to, provide the user with prior notice of the entry.

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DIVISION 3. – FEES AND CHARGES

Section 122-84 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-84. - Miscellaneous charges.

- ~~(a) Delinquent billed accounts. All billed accounts are due and payable on the billing date. Billed accounts not paid within 30 days from the billing date are delinquent, and service may be disconnected by the county and a service charge added to the account. This delinquent service charge is applicable to each service call to discontinue service for delinquent accounts. The customer will be charged for the service call even if the service is not disconnected. Also, see section 122-47.~~
- ~~(b)~~ (a) *Service calls.* All customer service calls shall be charged to the customer requesting the service in accordance with a fee schedule established by the county reflecting as closely as possible the actual cost to the county for rendering the services. ~~Restoration of service will only be made during normal working hours.~~
- ~~(c)~~ (b) *New customer service.* Service charges shall be levied for the following new customer service:
 - (1) Regular water service turn-on, next workday after application or later.
 - (2) Emergency water service turn-on.
- ~~(d)~~ (c) *Meter reinstallation due to nonpayment or failure to apply for service.* A service charge to reinstall a meter shall be levied.
- ~~(e)~~ (d) *Meter replacement, damaged.* A charge ~~will~~ shall be ~~made~~ levied to replace a meter which has been damaged or frozen, or has in any way been made inoperative. This includes the service call. The damaged meter must be returned. Also see subsection 122-151(c).
- ~~(f)~~ (e) *Meter missing or stolen, replacement.* A charge, ~~based upon county cost, will~~ may be ~~made~~ levied to replace the meter.
- ~~(g)~~ (f) *Miscellaneous service calls.* Service calls to uncover meters, raise meters where the yard has been backfilled or landscaped, or repair meter boxes or meter connections shall be billed at county cost.

- (hg) *Returned checks.* A processing fee ~~will~~shall be charged for returned checks. If water service has been discontinued as a result of the returned check, ~~the services in subsections (a) and (d) of this section~~ fees in section 122-89 shall also apply.
- (ih) *Failure to apply for service.* A fee ~~will~~may be charged to water and/or wastewater system users who have not properly applied for service in their own name. A separate fee shall be charged for each trip made by the county in an effort to have the customer properly and successfully apply for service. Payment shall be made by the applicant for all water and wastewater services utilized subsequent to the former customer discontinuing service.
- (ji) *Water and wastewater deposits.* A deposit is required on all accounts at the time water and/or wastewater service is connected. This deposit shall be as defined within the rate schedule. The deposit shall be held on account for a period of not less than 24 months. After an account has established an excellent payment record for a consecutive 24-month period, the deposit shall be refunded. An excellent payment record shall mean there is no incident of delinquency, returned check, or a regular pattern of payment when past-due. The method of refund ~~will~~shall be as a credit to the account or as a separate payment(s). If a deposit has been refunded and the account subsequently becomes delinquent, a deposit shall be required to be reestablished on the account, or arrangements made, prior to reestablishment of service. If an account is closed prior to a deposit refund, the deposit amount shall be applied to the final bill and a balance mailed to the customer as a credit refund.
- (kj) *Unauthorized connection or usage.* Fees ~~will~~shall be charged for unauthorized water or wastewater system connections and also for the unauthorized use of county water or wastewater system services. Also see section 122-151.

...

Section 122-89 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-89. - Late fees and delinquency for unpaid, past due invoiced accounts.

- (a) *Late Fee.* All invoiced water system accounts are due and payable on the billing date of invoicing. All invoiced accounts not paid within 30 28 days from the billing date of invoicing are past due. A late fee of ten percent of the invoiced amount shall ~~may~~ be assessed on for all unpaid, past due invoiced amounts. This late fee provision shall not apply to billed accounts which are covered by subsection 122-84(a).
- (b) *Delinquent accounts.* All invoiced accounts not paid within 48 days from the billing date are delinquent. Delinquent accounts may be charged a processing fee and have service discontinued. This processing fee is applicable for any service order generated to discontinue service for a delinquent account. Once the service order is generated, the customer shall be charged even if the service is not discontinued. Also, see section 122-47.

...

DIVISION 4. - CONSTRUCTION STANDARDS

Section 122-126 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-126. Wastewater lift station.

(a) *Public lift stations.*

- (1) For environmental, reliability, and economic reasons, public wastewater lift stations are generally discouraged. The county shall eliminate existing public lift stations where deemed feasible and appropriate by the department director.
- (2) The owner or developer of a new development or redevelopment shall not provide wastewater service by constructing a new public lift station.
- (3) The county shall not accept ownership of private lift stations.

(b) *Private lift stations.*

- (1) Private lift stations ~~which~~ that serve a single property may be acceptable if owned by the property owner and the station pumps to a manhole on said property from which sewage can then flow by gravity to public sewer. The department director may grant a variance to pump across one adjacent property for a limited distance provided it does not pose a public health risk.
- (2) The pumping capacity of a private lift station ~~that~~ which serves a single residential property shall not exceed 40 gallons per minute.
- (3) Force mains from private lift stations are not allowed in the public right-of-way.
- (4) Private lift stations serving more than one ~~residential or nonresidential properties~~ or multi-family residential property may be considered subject to the following conditions:
 - a. A single viable legal entity that is not a homeowner's association is responsible for ongoing costs associated with operation, maintenance, repair and replacement of the lift station and force main;
 - b. The station pumps to a manhole located on one of the properties served by the lift station from which sewage can then flow by gravity to public sewer;
 - c. No feasible means of serving the properties without use of a lift station is available;
 - d. Maintenance agreements are in place with a qualified firm to provide for no less than annual inspection and maintenance of the lift station ~~with report provided to the county;~~
 - e. ~~Provisions are in place, perhaps through a bond or escrow account, to ensure that future station costs are provided for in the event that the responsible entity is unable to meet its obligations;~~
 - ~~fe.~~ No public wastewater facilities are tributary to the private lift station;
 - ~~gf.~~ Appropriate notifications are provided in property covenants and titles stating to the effect that Cobb the County shall is not be responsible for the private lift station, force main or tributary collection system, and that the county does not guarantee continued wastewater service to the properties ~~which were to have been~~ served by the private system.
 - ~~hg.~~ The Environmental Protection Division of the Georgia Department of Natural Resources provides written approval of ~~approves~~ the plans for the onsite private sewer system.
 - h. Each multi-family residential development is one tax parcel with rental dwelling units, such as an apartment complex, not multiple tax parcels with fee-simple dwelling units, such as a condominium development.
- (5) No new private lift stations that serve more than one single-family residential property shall be approved for plans submitted after November 20, 2025.

Section 122-130 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-130. - Sewer considerations for new developments.

- (a) For new residential subdivisions ~~in areas which~~ that can be connected, regardless of distance or easements required, to active sewer by gravity sewer with an engineered design acceptable to the county water system and the county does not plan to construct additional sewers downstream of the subject property, then the property owner or developer shall comply with one of the following:
 - (1) An active sewer by gravity to serve the ground level floor of the dwelling shall be provided to all lots smaller than 80,000 square feet.
 - (2) Septic tanks may be utilized on lots of at least 80,000 square feet with the approval of the health department.
 - (3) The county may consider development of a private developer agreement or special sewer availability area.
- (b) For new residential subdivisions ~~in areas that~~ which can be connected to active sewer by gravity sewer and the county plans to construct additional sewers downstream of the subject property, then a property owner or developer shall comply with one of the following:
 - (1) Dry sewers, constructed in accordance with the county water system policy, shall be provided to all lots smaller than 80,000 square feet which are not provided with an active sewer. In all areas where dry sewers are required by this section, septic tanks shall also be provided. Approval of lot sizes and septic tank suitability must be obtained from the health department.
 - ~~(2) In all areas where dry sewers are required by this section, septic tanks must also be provided. Approval of lot sizes and septic tank suitability must be obtained from the health department.~~
 - ~~(3)~~ Septic tanks may be utilized on lots of at least 80,000 square feet with the approval of the health department.
 - ~~(4)~~ The county may consider development of a private developer agreement or special sewer availability area.
- (c) For new residential subdivisions ~~in areas which~~ that cannot be connected to active sewer by gravity with an engineered design acceptable to the county water system and the county does not plan to construct additional sewers downstream of the subject property, septic tanks may be utilized with the approval of the health department. Lot sizes shall meet health department requirements.
- (d) For new nonresidential developments that can be connected, regardless of distance or easements required, to active sewer by gravity with an engineered design acceptable to the county water system, an active sewer by gravity shall be extended by the property owner and/or developer to serve the development.
- ~~(e)~~ For new nonresidential developments ~~which~~ that cannot be connected to active sewer by gravity, the development must be eligible for and receive approval from both the county and the health department for the use of a septic system. Generally, the county will require that the property be at least 80,000 square feet and that the anticipated wastewater generation for the site is no more than one equivalent residential unit per 80,000 square feet.
- ~~(e)~~ Septic tanks shall be constructed and operated in accordance with the provisions of section 122-242.

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DIVISION 5. - GENERAL USE OF PUBLIC WATER AND WASTEWATER FACILITIES

Section 122-152 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-152. - Water System.

...

(f) *Use of master meters.*

- (1) ~~Buildings containing two or more family dwelling units or an integrated complex of buildings containing the same shall be served by a water master meter.~~ Multi-family residential developments on a single tax parcel shall be served by a water master meter, unless otherwise authorized by the water system director or his representative. The parcel owner ~~of such buildings, or a homeowners association provided there are multiple owners,~~ shall be responsible for payment for all water and wastewater services rendered to such buildings and units ~~by the county as set forth in subsection 122-81(d).~~ Further, the parcel owner ~~or homeowners association~~ shall be responsible for the operation, maintenance, repair, and replacement of water facilities on the user side of the master meter. If an exception to this water master meter requirement is authorized, the building shall comply with section 122-113(b).
- (2) For new residential developments where there is more than one tax parcel contained within in a multi-story building, such as condominiums, a water master meter shall be used to serve each building.
- (23) For all new multifamily buildings where a water master meter is utilized, installation of a sub-unit water meter for each dwelling unit is required at the time of construction. Purchase and installation of sub-unit water meters are the responsibility of the owner. The owner, property owners' association, or a homeowners' association for such buildings provided there are multiple owners, shall be solely responsible for the operation, maintenance, repair and replacement of water facilities on the user side of the master meter. The county shall bill the owner or homeowners' association for water and wastewater service based on the master meter readings. The owner or homeowners' association shall seek reimbursement for water and wastewater usage by dwelling unit through an economic allocation methodology which is based on the measured quantity of water used by each unit.
- (34) For all new multiunit retail and light industrial buildings, installation of a sub-unit water meter for each unit is required at the time of construction. The county shall bill the owner or operator of such building's water and wastewater service based on the master meter readings. The owner or operator of the building shall seek reimbursement for water and wastewater usage by unit through an economic allocation methodology ~~which that~~ is based on the measured quantity of water used by each unit. This subsection is not intended to apply to newly constructed multiunit office buildings or office units in mixed use developments. The owner or operator of multiunit office buildings and mixed-use developments may seek reimbursement from office tenants for water and ~~waste-water~~ wastewater use through an economic allocation which approximates the water use of each tenant based on square footage. Installation of a sub-unit water meter and reimbursement for water and wastewater usage for the retail units of a mixed-use development is required.
- (45) The total amount of the charges to the units or residences under paragraphs (23) and (34) of this subsection shall not exceed the total charges paid by the owner, operator, property owners' association, or homeowners' association for water and wastewater service for such building plus a reasonable fee for establishing, servicing, and billing for water and wastewater

service, except that the charges may include reimbursement for common area water and wastewater use through an economic allocation ~~which that~~ approximates the portion of the common area water and wastewater services to each unit. The terms of the charges shall be disclosed prior to any contractual agreement.

- (56) The water master meter provided in this section shall be installed at or near the customer's property line, unless otherwise authorized by as the water system director or his/her representative ~~may designate~~.

...

DIVISION 6. - NONDOMESTIC USE OF PUBLIC WASTEWATER FACILITIES

Section 122-188 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-188. - Interceptors.

- (a) *Definitions and abbreviations.* The following definitions and abbreviations shall apply only to this section.

Access port. A structure that allows access to and inspection of the interior of the interceptor.

Automatic ~~grease removal~~ interior recovery device (AGIRD). A plumbing appurtenance that is installed in the sanitary drainage system to intercept free-floating fats, oils and grease from wastewater discharge. Such a device operates on a time- or event-controlled basis and has the ability to remove free-floating fats, oils and grease automatically without intervention from the user except for maintenance.

Change in food type. Any modification in the types of food or beverages offered that introduces new preparation methods, equipment, or FOG-producing processes not previously utilized.

Commissary. Any licensed commercial kitchen where food, containers, and supplies can be prepared, stored, and/or handled.

Discharge permit. A written authorization issued by the county water system to a person, business, or facility allowing the direct or indirect discharge of wastewater into the public sewer system.

Effluent tee. A T-shaped pipe extending from a passive exterior device at such a depth to allow recovery and discharge of water located under the separated layer of fats, oils and grease.

Fats, oils and grease (FOG). Any substance, such as a vegetable or animal product, that is used in, or is a by-product of, the food preparation process, that turns or may turn viscous or solidifies or may solidify with a change in temperature or other conditions.

Fixtures. A receptacle or device that discharges liquid waste or liquid-borne solid waste, oil and grease-laden wastes to a drainage system. Fixtures shall include but are not limited to pot sinks; prerinse sinks; soup kettles or similar devices; ~~wok~~ work stations; floor drains or sinks into which kettles are drained; automatic hood wash units and dishwashers.

Food Service Establishment (FSE). Any user involved in the stationary or mobile preparation and/or service of food and/or drink for commercial purposes including commissaries and mobile units.

Food Type. Foods and beverages that require similar methods of preparation and/or contain similar types of FOG producing ingredients.

Grease interceptor, gravity. Plumbing appurtenances ~~of not less than 750 gallons nor greater than 3,000 gallons capacity~~ that are installed in the sanitary drainage system to intercept free-floating fats, oils and grease from waste-water discharge. Separation is accomplished by air entrainment, buoyancy, interior baffling and/or gravity during a retention time of not less than 30 minutes.

~~Grease interceptor, hydromechanical.~~ Plumbing appurtenances that are installed in the sanitary drainage system to intercept free floating fats, oils and grease from waste water discharge. Continuous separation is accomplished by air entrainment, buoyancy and interior baffling.

Grease-laden waste. Effluent discharge that is produced from food processing, food preparation or other sources where grease, fats and oils enter automatic dishwasher prerinse stations, sinks or other appurtenances.

Grease trap. See also grease interceptor or automatic ~~grease removal~~ interior recovery device.

Influent tee. A T-shaped pipe extending into a passive exterior device to a depth allowing grease-laden wastes to be discharged beneath the layer of separated grease in a controlled manner.

Interceptor. A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or wastes to discharge into the drainage system by gravity.

Manifest. A log or record of the volume, date of removal and disposal destination of pumped materials from a grease trap.

Mobile unit. Any food service establishment that can be a vehicle, trailer, or pushcart that cooks, prepares, or serves food and/or drinks.

Oil/water separator. An interceptor designed specifically to prevent petroleum oils from entering the sewage system or stormwater system.

Remodeling. Activities that require a building permit, significant changes to plumbing and/or fixtures in the kitchen, or addition or deletion of dishwashing machine(s) or food waste disposal unit(s.)

Passive exterior device (PED). A grease interceptor that requires pumping and is housed outside a building or structure.

Passive interior device (PID). A grease interceptor that requires pumping and is housed inside a building or structure.

Sand trap. An interceptor that prevents sand and/or grit from entering the sewage system.

Solids interceptor. A device installed to separate food wastes from the discharge prior to connecting to the grease interceptor.

User. Establishments such as food service ~~or food preparation~~ establishments, car washes, buildings with dumpsters, garages and other operations that receive county wastewater system service.

(e**b**) Permitting and notification requirements.

(1) Permitting requirements.

- a. Each user required to install an interceptor for the purpose of recovering oil, grease, or sand as set forth in paragraphs (c) or (d) of this section shall obtain a discharge permit from the county water system.
- b. When the name of the user operating an existing interceptor changes, the new user shall apply for a discharge permit from the county water system.
- c. When the ownership of a user operating an existing an interceptor changes, but the name of the user does not change, the new owner of the user shall notify the county water system to transfer the discharge permit.
- d. Discharge permit applications shall include the name, address, telephone number and email address of the applicant, and those factors indicating the potential for grease or grit laden waste to be introduced into the wastewater system. Following the review of the application and compliance with county requirements, the county water system shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant interceptor. The county water system shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user.

- e. Users shall renew their discharge permit every three years by submitting a permit renewal application. The discharge permits of interceptors found to be in compliance with existing federal, state, and local laws and regulations may be renewed by the county water system.
- f. The county water system may review discharge permits annually.
- g. FSE users shall display the discharge permit certificate on a wall in an area visible to managers.

(2) Notification requirements.

- a. The user shall notify the county water system prior to the installation or repair of all interceptors. Should the interceptor be installed or repaired without proper notification, the user shall perform all necessary repairs or modifications to achieve compliance in accordance with standards developed by county water system.
- b. The user shall notify the county water system prior to remodeling or making changes to information submitted as part of the permit application including, but not limited to, changes in food type, an increase in seating, and/or modifications to business hours. Remodeling and/or changes to information without notification to the county water system shall be a violation and may result in enforcement action and a requirement to increase the interceptor capacity.

(b) Right to enter and inspect.

~~(1) Inspection and entry. Any authorized representative of the county water system bearing proper credentials and identification shall be permitted to enter and inspect all properties of nondomestic users, without prior notification, for compliance with code. This right of inspection shall include the right to measure, photograph, observe, monitor, sample, test, record, review and make copies of all pertinent documents in accordance with this section.~~

~~(2) Inspection fees. No fee will be charged for an annual inspection by the county water system of the interceptor for the discharge permit. However, if the grease interceptor is not in compliance with this section, a re-inspection fee will be charged for each inspection thereafter until the interceptor is in compliance and approved by the county water system. Failure to pay the re-inspection fee shall result in the forfeiture of the discharge permit.~~

(c) Food service establishment interceptor installation requirements.

~~(1) All users that are food service establishments (FSEs) involved in the preparation of food for commercial purposes shall provide oil/grease interceptors that must be connected to all fixtures excluding restrooms, unless exempted by the county water system determines that the user is not required to provide oil/grease interceptors. The county water system may exempt food service establishments that are determined by the county water system to not be a source of fats, oils or grease. All costs related permitting and installing grease interceptors shall be borne by the user. Interceptors with improper connections or modifications, as determined by the county water system, are in violation and shall be subject to enforcement.~~

~~(2) Technology required. An approved grease interceptor shall be installed consisting of one of the following methods:~~

- a. ~~Passive technology that is an approved passive exterior device (PED).~~
- b. ~~Passive technology that is an approved passive interior device (PID).~~
- c. ~~Active technology that is an approved automatic grease removal device (AGRD).~~

~~(3) Prohibited discharge.~~

- a. ~~Wastewater from dishwasher machines or wastewater that otherwise exceeds 130 degrees Fahrenheit shall not be introduced into any interior grease interceptor.~~
- b. ~~Food-waste grinders shall not discharge into the building drainage system through an interior grease interceptor unless preceded by a solids interceptor.~~

~~(4) Passive exterior device (PED) requirements.~~

- a. Each PED design, including size, type and location shall be reviewed ~~and approved by county water system~~ in for substantial conformity to with a grease trap detail approved and amended from time to time by the county water system. Such PED may not be used unless approved by county water system. PEDs shall:
 - i. Be sized and engineered based upon the anticipated load and/or conditions of actual use.
 - ii. Shall be constructed of sound durable material, not subject to excessive corrosion or decay, and shall be water and gas tight.
 - iii. Be traffic-worthy with at least one manhole opening over each of the influent and effluent tees. If the PED has more than two compartments, there must be a traffic-worthy manhole opening over the additional compartment(s).
 - b. *Sizing.* All passive exterior devices shall be sized by the county water system in accordance with standards developed by county water system. Changes to the FSE such as remodeling, changing food type, increasing seating, or increasing day and/or hours of operation, that alter the information submitted on the discharge permit application may result in the county water system requiring the capacity of the PED to be increased.
- (5) *Interior device requirements.* Interior devices may be allowed in lieu of PEDs in accordance with the following conditions:
- a. A technically logistical reason exists as to why a passive exterior device cannot be installed (i.e., conflicts with existing utilities, elevation disparities or location on a second floor).
 - b. The installation or use of all interior devices ~~shall not be used unless~~ must be approved by the county water system. The county water system may reject a discharge permit application if a PED cannot be installed and a PID is found not to be adequate.
 - i. Passive interior devices (PIDs) shall be sized by the county water system in accordance with standards developed by the county water system Changes to the FSE, such as remodeling, changing food type, increasing seating, or increasing day and/or hours of operation, that alter the information submitted on the discharge permit application may result in the county water system requiring the capacity of the PED to be increased.
 - ii. New Automatic grease removal interior recovery devices (AGIRD) shall not be sized permitted. The county water system may renew or transfer permits for existing AIRDs provided they are functioning properly and sized in accordance with standards developed by the county water system.
- (6) *Alternative technology/methods.* Engineered alternative technology or methods may be permitted, provided the technology or method meets the minimum performance standards set forth by this section or by the county water system.
- (d) ~~Facilities other than food service establishments.~~ Other interceptor installation requirements. All interceptors ~~for areas below types below~~ must have county water system approval. All costs related to the building's sewer installation, interceptor connection and registration shall be borne by the user. Interceptors with improper connections or modifications, as determined by the county water system, are in violation and shall be subject to enforcement.
- (1) *Sand traps.*
- a. All users whose wastewater stream is associated with unusually large quantities of grit, sand or gravel shall be required to install a sand trap. All users operating car/truck wash systems shall be required to install sand traps.
 - b. *Design criteria.* All sand traps used in conjunction with facilities other than eating establishments shall have a capacity that will provide not less than ten minutes nor more than 30 minutes retention time at the peak eight-hour flow rate. Flow-through velocities shall not exceed one foot per second at the peak eight-hour flow rate.

- c. *Compliance with plumbing code.* All sand traps shall be sized, located and constructed in accordance with the provisions of the duly adopted county plumbing code where such parameters have not been otherwise set forth in this article.
- (2) *Dumpster interceptor/dumpster pads.* Dumpsters/dumpster pads may be allowed to connect to the wastewater system under the following conditions:
 - a. The dumpster/dumpster pad ~~is shall be~~ covered and constructed in such a manner so as to ~~protect the drainage connection from prevent~~ stormwater runoff from entering the drainage connection; and
 - b. The drain ~~is shall be~~ connected to a PED passive exterior device which will be maintained by the user in the method prescribed by this section for other PEDs passive exterior devices. The trap shall be at least 750 gallons and shall comply with the dumpster trap detail approved and amended from time to time by the county water system.
- (3) *Oil/water ~~interceptor separator~~.*
 - a. All users whose wastewater stream may include oily and/or flammable liquid wastes shall install an interceptor.
 - b. *Design criteria.* All interceptors used in conjunction with facilities other than eating establishments shall have a capacity that will provide not less than ten minutes nor more than 30 minutes retention time at the peak eight-hour flow rate. Flow-through velocities shall not exceed one foot per second at the peak eight-hour flow rate.
- (e) *Interceptor user responsibilities and requirements.* ~~This section applies to all interceptors permitted by the county water system.~~ Maintenance requirements.
 - (1) Registration requirement.
 - a. ~~Each user required to install an interceptor for the purpose of recovering oil, grease, or sand as set forth in paragraphs (c) or (d) of this section shall register its interceptor with the county water system for the purpose of obtaining a discharge permit. Such applications shall include the name, address, telephone number and email address of the applicant, and those factors indicating the potential for grease or grit laden waste to be introduced into the wastewater system. The county water system shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant interceptor. The county water system shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user. The county water system may review discharge permits annually. The discharge permits of those found to be in compliance with existing federal, state, and local laws~~
 - (2) User responsibility.
 - a. ~~Users that are required to install an interceptor shall be responsible for the cleaning and maintenance of the interceptor located on the property.~~
 - b. ~~The user shall be responsible for maintaining any interceptor in such a manner that the oil and grease discharge shall not exceed a daily maximum discharge limit of 150 mg/L for discharges of 10,000 gallons per day and greater, nor 12.5 lbs/day for discharges less than 10,000 gallons per day. If the interceptor fails to prevent discharge over the daily maximum, the county water system will require the user to repair, replace or upgrade their interceptor at the user's expense.~~
 - c. ~~The user shall maintain accurate records (manifests and logs) of the dates of cleaning and the means of disposal of fats, oils and grease. These records are subject to inspection and review by the county water system pursuant to and in accordance with subsection (b)(1) above.~~
 - d. ~~Any removal and hauling of fats, oils, and grease shall be performed by a registered commercial waste transporter.~~
 - e. ~~The user is responsible for maintaining the structural integrity of the interceptor and for ensuring that the interceptor complies with the county water system's design criteria. The user will be required to make any repairs to the interceptor required by the county water system.~~

f. ~~All costs related to the building's sewer installation, interceptor connection and registration shall be borne by the user.~~

~~(3) Maintenance requirements.~~

~~a. (1) Interceptor maintenance.~~ All interceptors shall be cleaned and maintained by the user at the user's expense. All users shall maintain their interceptors in a proper and effective manner at all times. Maintenance shall include the complete recovery of all contents, including floating materials, wastewater and bottom sludges and solids. All interceptors shall be properly and adequately maintained so as to achieve the intended purpose of the device.

~~b. (2) Recovery and removal for all interceptors.~~ Users shall be responsible for the proper recovery, removal, and disposal by appropriate means of the captured material, and shall maintain records of the dates and means of disposal which are subject to review by the county water system. The user shall be responsible for maintaining any interceptor in such a manner that the oil and grease discharge shall not exceed a daily maximum discharge limit of 150 mg/L for discharges of 10,000 gallons per day and greater, nor 12.5 lbs/day for discharges less than 10,000 gallons per day. If the interceptor fails to prevent discharge over the daily maximum, the user shall be required to repair, replace or upgrade their interceptor at the user's expense.

~~c. (3)~~ All PEDs shall be completely pumped out at a minimum of once every three months unless the county water system requires more frequent pumping or approves less frequent pumping. The frequency of pumping shall be such as to ensure that there are no overflows of fats, oils or grease into the wastewater system. Decanting or discharging of removed waste back into the trap from which the waste was removed or to any other grease trap or sanitary sewer connection for the purpose of reducing the volume to be hauled is prohibited.

~~d. (4)~~ All PIDs shall be completely pumped out monthly unless the county water system requires more frequent pumping or approves less frequent pumping. The frequency of removal shall be such as to ensure that there are no overflows of fats, oils or grease into the wastewater system.

~~e. (5)~~ All AGIRDs shall be maintained in accordance with the manufacturer's recommendations and a copy of same shall be maintained at the site for review and inspection by the county water system.

~~f. (6)~~ All interceptors for facilities other than food service establishments shall be pumped out at a frequency established by the county water system to ensure that there are no overflows of sand, fats, oils or grease into the wastewater system.

(7) The user is responsible for maintaining the structural integrity of the interceptor and for ensuring that a PED interceptor complies with the county water system's design criteria and a PID interceptor complies with manufacturer specifications. The user shall make any repairs to the interceptor required by the county water system.

~~(4f)~~ Requirements for the proper disposal of collected materials. Any removal and hauling of the collected materials from a grease trap, grit trap, oil-water separator, grease waste drum/barrel, or sand trap, ~~which that~~ is not an AGIRD, ~~must shall~~ be performed by waste disposal firms holding a current registration and permit number as a commercial waste hauler under EPD rules. The collected materials shall not be returned to the wastewater system.

~~(5g)~~ Record keeping and reporting requirements. All users with an interceptor ~~must shall~~ keep a record of any cleaning, servicing (i.e., waste manifests), or maintenance of their interceptor (i.e., cleaning logs for AIRDs). These records are subject to review by the county water system and shall be submitted to the county water system as required. The following records must be kept on-site at the facility or, in the case of dumpster traps, at the office of the property management company for a minimum of three years:

~~A. (1)~~ Manifest. The removal of interceptor contents (PEDs or PIDs) ~~must shall~~ be tracked by a state approved manifest that confirms the pumping, transport, and disposal of the contents.

ia. This manifest shall contain the following information:

- Ai. Generator information, including name, address, volume pumped, date and time of the pumping and signature of the generator verifying the information.
- Bii. Transporter information, including company name, address, license plate number, permit number and driver's name and signature verifying transporter information.
- €iii. Receiving information, including the facility's name, address, date and time of receiving, EPD number and signature verifying receipt of the waste.
- b. The manifest shall be kept on-site at the facility or, in the case of dumpster traps, at the office of the property management company for a minimum of three years.
- ii.c. Completed grease trap cleaning manifests must shall be submitted to the county water system office of environmental compliance within 14 days after the trap is cleaned.
- A.(2) AIRD Maintenance log. For all AGIRDs, a continuous log indicating each cleaning and/or maintenance for the previous 12 months, including the disposal of the recovered grease and oil, shall be maintained. This log shall be kept in a conspicuous place where it can be inspected by the health department and/or county water system upon request. All FSEs with AIRDs installed shall submit a cleaning log quarterly to the county water system.
- (h) Right to enter and inspect.
 - (1) Inspection and entry. Any authorized representative of the county water system bearing proper credentials and identification shall be permitted to enter and inspect all properties of users, without prior notification, for compliance with code. This right of inspection shall include the right to measure, photograph, observe, monitor, sample, test, record, review and make copies of all pertinent documents in accordance with this section. The access port of the grease trap shall be accessible and without barriers such as heavy objects or dense flora.
 - (2) Inspection fees. No fee will be charged for an annual inspection by the county water system of the interceptor for the discharge permit. However, if the grease interceptor is not in compliance with this section, a re-inspection fee may be charged for each inspection thereafter until the interceptor is in compliance and approved by the county water system. Failure to pay the re-inspection fee shall result in the escalation of enforcement.
- (fi) Violations and enforcement.
 - (1) Violations. It shall be unlawful for any user or customer to discharge to the county wastewater system in a manner in violation of this section, or of any conditions set forth in this article. Any user who violates any provision of this section shall, in addition to the penalties specified herein, be subject to the provisions contained in sections 122-41 through 122-56 to the extent such violations, notice and penalties are not addressed in this section.
 - (2) Noncompliance. If it is determined that the user has failed to comply with the provisions of this section, a written notice of violation shall be given to the user, ~~the contractor named in the permit,~~ or the user's authorized agent. If the user is not a county water system customer (e.g., if the user is a tenant in a master-metered development), then the county water system customer for the property on which the user is located shall receive a copy of the notice of violation. The notice shall set forth the violation and the measure needed to achieve compliance. The user shall be given a reasonable time frame to comply. Where an emergency exists, a written warning shall be given to the user, and user will have 24 hours to comply.
 - (3) Failure to comply. Any user who fails to comply with a written notice of violation may be fined in an amount not to exceed \$1,000.00 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such fines may be added to the next scheduled sewer charge of the user or the customer for the property on which the user is located. The county water system shall have the power and authority to enter upon the property of any user who fails to comply with a notice of violation to terminate the user's water and/or wastewater service in any manner deemed necessary and appropriate by the county water

system. If a user who fails to comply with a notice of violation is not a customer, then the county water system shall have the power and authority to terminate the water and/or wastewater service of the customer for the property on which the user is located in any manner deemed necessary and appropriate by the county water system. Additionally, the county water system may request that the board of commissioners suspend or revoke the user's business license after a show cause hearing, pursuant to sections 122-44 and 78-45.

- (4) *Overflow charge.* Any sewer or manhole overflow traced to an inadequately operating interceptor or lack of an interceptor ~~will~~ shall result in a service charge to the user or the customer for the property on which the user is located. The service charge shall include the cost of cleaning up the overflow and for cleaning grease out of the immediately adjacent contaminated wastewater system. A fine in an amount not to exceed \$1,000.00 may be added to the service charge for each successive overflow. These charges and fines shall not impede other enforcement actions as delineated in sections 122-41 through 122-60. Additionally, the user or customer for the property on which the user is located, shall be responsible for payment of any fine levied by the Georgia Environmental Protection Division against the county as a result of overflows in the county wastewater system caused by grease traced to any inadequate or absent interceptor.
- (5) *Alternative penalties.* Any violation of this section may also be enforced by a citation or accusation returnable to the magistrate court of the county pursuant to section 1-10.

Section 122-193 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-193. - Hauled wastes.

...

- (e) *Discharge of grease trap contents into county wastewater system prohibited.* The discharge of the materials collected from grease traps into the county wastewater system is prohibited. See also subsection 122-188-~~(d)~~(f).

...

DIVISION 9. – OUTDOOR WATER USE RESTRICTIONS

Section 122-265 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-265. - Enforcement.

...

- (b) The Cobb County Water System (CCWS) shall be the enforcement authority for this Division. The county manager may also authorize other county departments as may be deemed necessary to support enforcement. Upon a first violation of the outdoor water use restrictions pursuant to this division, a written notice will be posted by a CCWS or other authorized representative at the property where the violation occurred. Thereafter, notice of said violation shall be sent by first class mail to the customer of record. Such notice shall constitute the initial warning to the customer at such address, and no administrative penalty will be imposed. Upon a subsequent violation at the same customer's address that occurs after such warning, notice will be posted and mailed in the same manner as the initial warning, and the customer receiving CCWS service will be subject to administrative penalties for unauthorized use of water and/or unauthorized use of service pursuant to section 122-84-~~(k)~~(j) on a schedule approved by the board of commissioners.

The Official Code of Cobb County, Georgia, is amended by adding Article III to Chapter 122, to be effective June 1, 2026, to read as follows:

ARTICLE III. – STORMWATER MANAGEMENT

DIVISION 1. – GENERALLY

Sec. 122-301. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Bond Resolution means the resolution adopted by the county board of commissioners on October 30, 1985, in connection with the authorization of the issuance and sale of the Cobb County Water and Sewerage Revenue Refunding and Improvement Bonds, Series 1985, as such resolution has been supplemented and amended from time to time, pursuant to which stormwater projects have been financed, and as it may be amended in the future, and any subsequent bond resolution applicable to stormwater.

County stormwater standards means the county ordinances that govern stormwater and floodplain management.

County water system means the administrative department within the county government that is responsible for the county water, wastewater, and certain stormwater systems and for administering Cobb County's Municipal Separate Storm Sewer System (MS4) permit.

Credit means a conditional reduction allowed against the stormwater service fee charged to an individual parcel based upon the technical requirements and the design and performance standards contained in the county's stormwater credit manual, as it may be updated or amended from time to time.

Customer means owner of a developed parcel(s) in unincorporated Cobb County and any person, company, or other entity contracted to pay for water and/or stormwater services on the owner's behalf.

Developed land or developed parcel means parcels with 500 square feet or more of impervious surface.

Director means the director of the county water system or designee.

Homeowners' association means the legal entity made up of property owners and formed for the purpose of exercising the powers of an owners' association and shall include homeowners' associations, property owners' associations, and/or condominium owners' associations.

Impervious surfaces means any paved, hardened, graveled, compacted, or structural surfaces, including, but not limited to, buildings, dams, decks, driveways, parking areas, patios, streets, tennis courts, walkways or other structures which prevent or impede the infiltration of stormwater into the soil. Pervious pavers, pervious pavement, and green roofs are considered 60% impervious.

Parcel means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Private stormwater management systems and facilities means those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, headwalls, storm drains, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff or water quality that are not public.

Public stormwater management systems and facilities (or Cobb County's Municipal Separate Storm Sewer System) means collection and conveyance systems for stormwater runoff that are either owned by the county or have been dedicated to and accepted by the county for maintenance and operation, to include county maintained public roads and streets with drainage systems (e.g., catch basins, curbs, gutters, ditches), manmade channels, or storm drains.

Public water influence zone means the defined distance of open channel on residential property lying downstream of a stormwater culvert or pipe either owned by the county or dedicated to and accepted by the county for maintenance and operation. On the downstream side of the culvert/pipe, the public water influence zone is defined as a length of six times the diameter (or width) of the culvert/pipe. For example, if a four-foot diameter culvert is discharging to a private property, the public water influence zone shall extend 24 feet (six times four feet) from the end of the culvert.

Stormwater division manager means the manager of the county water system's stormwater management division or designee.

Stormwater service fees means the periodic service charge imposed by the county to a parcel of developed land pursuant to this article for providing the stormwater management services and stormwater management systems and facilities.

Undeveloped land means a parcel that has less than 500 square feet of impervious surface.

Sec. 122-302. - Purpose and policy.

(a) Objective. The objective of this article is to provide for the equitable distribution of the cost of stormwater management services by imposing a user fee based upon each user's contribution of stormwater runoff.

(b) Applicability. This article shall apply to developed parcels in unincorporated Cobb County, except as provided in Section 122-313. The director or the director's agent shall administer, implement, and enforce the provisions of the article.

(c) Findings.

- (1) The management of stormwater and other surface water discharges affects the health, safety and welfare of all residents and businesses in the unincorporated area of the county.
- (2) Failure to effectively manage stormwater may cause erosion of lands, threaten businesses and residences, and other facilities with water damage and may environmentally impair the rivers, streams, and other bodies of water.
- (3) Failure to effectively manage stormwater impacts the operations of sanitary sewer by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system.
- (4) Failure to effectively manage stormwater contributes to the further degradation of the water quality that may result in higher levels of treatment requirements imposed on wastewater treatment facilities and increased water treatment cost of potable water supplies.
- (5) Proper management of stormwater is a key element of having clean water with adequate assimilative capacity for treated wastewater discharges and adequate potable drinking water that are essential to the unincorporated area of the county.
- (6) The county is authorized by the Georgia Constitution Article IX, Section II, Paragraph I, and Article IX, Section II, Paragraph (a)(6), state law, and federal law to provide stormwater management services, systems, and facilities, as well as to protect and preserve the public health, safety, and welfare, including the protection of natural resources.
- (7) The Clean Water Act, as amended, and its resulting regulations place increased obligations of the county to address stormwater management.
- (8) The county is required to comply with state and federal regulatory requirements in its National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) permit, which requires the county to develop and implement a comprehensive Storm Water Management Program (SWMP) that includes pollution prevention measures, treatment or removal techniques, monitoring, and measures to control the quality of storm water discharged to the storm drains and thence to waters of the United States.

- (9) The service and benefit rendered or resulting from the provision of stormwater management services, systems and facilities may differ over time depending on many factors and considerations, including, but not limited to, location, demands and impacts imposed upon the stormwater management services, systems and facilities, and risk exposure. It is practical and equitable to allocate the cost of stormwater management among the owners of properties in proportion to the long-term demands the properties owned impose on the county's stormwater management services, systems and facilities that render or result in services and benefits to such properties and the owners and occupants thereof.
- (10) A stormwater utility provides the most practical and appropriate means of properly delivering stormwater management services, systems and facilities, and the most equitable means to regulate the use of a higher level of stormwater management services, systems and facilities in the county.
- (11) The existence of privately owned and maintained on-site or off-site systems, facilities, activities, or assets that are found to reduce or otherwise mitigate the impact of a particular property on the county's cost of providing stormwater management services and/or stormwater management systems and facilities should be taken into account to reduce stormwater service fee on that property.
- (12) It is imperative that the proceeds from stormwater service fee be dedicated to stormwater services, management, and facilities in accordance with this article.
- (13) The area of impervious surface on each parcel is the most important factor influencing the cost of the stormwater management services and stormwater management systems and facilities provided by the county water system or to be provided by the county water system in the future. The area of impervious surfaces on each parcel is, therefore, the most appropriate parameter for calculating a periodic stormwater service fee.

Sec. 122-303. - Establishment of stormwater utility.

There is hereby established a stormwater utility within the County water system in accordance with this article in the unincorporated area of the county. The stormwater utility shall be administered by the county water system. Upon the execution of a written intergovernmental agreement between the county and any municipality in the county, pursuant to the Georgia Constitution, Article 9, Section 2, Paragraph III(b) and Article 9, Section 3, Paragraph I, the county water system may provide services as provided herein within the corporate limits of said municipality in accordance with the terms of this Article, subject to funding availability and to policy determinations made in the best interest of public health, welfare and safety and the environment; provided, however, that no such intergovernmental agreement shall be construed as authorizing the county water system to operate outside of the boundaries of the county.

Sec. 122-304. - Scope of responsibility.

- (a) The county water system shall provide stormwater management services, in accordance with this Article, subject to ownership, funding availability, and policy determinations made in the best interest of public health, welfare, and safety and of the environment, which relate to the:
 - (1) Operation, maintenance, repair, enhancement and replacement of existing stormwater management systems and facilities owned and/or maintained by the county water system;
 - (2) Planning, development, design, and construction of additional public stormwater management systems and facilities to meet current and anticipated needs;
 - (3) Regulation of maintenance and use of public and private stormwater management systems and facilities as defined in Chapter 50, Environment, Articles IV and V and Chapter 58, Floods;

- (4) Education of the public as to stormwater issues;
- (5) Review of zoning applications and approval of new development and redevelopment;
- (6) Monitoring for water quantity and water quality to determine compliance with county stormwater standards and state water quality standards;
- (7) Compliance with applicable state and federal stormwater management regulations and permit requirements.
- (b) The county water system maintains those stormwater management systems and facilities:
 - (1) That are located in drainage easements dedicated to the public on single-family residential property not owned by a homeowner's association and are shown on the recorded subdivision final plat or have been dedicated to and accepted by the county for maintenance; or
 - (2) That have been dedicated in fee simple to and accepted by the county through the subdivision acceptance process; or
 - (3) That are located on private property and by which the county has a written agreement to own and/or maintain; or
 - (4) That are on land owned by the county and were constructed by the county water system; or
 - (5) That are on land transferred to and accepted by the county and accepted for maintenance by the county water system.
- (c) The county water system is not responsible for the aesthetic maintenance of stormwater management systems.
- (d) The county water system may perform channel stabilization work on residential property within the portion of the public water influence zone for which a dedicated easement has been granted to and accepted by the county for such purpose. The property owner is responsible for keeping the public water influence zone clear and free from obstructions and for the full maintenance of the remainder of the open channel.
- (e) Stormwater management systems and facilities located on county owned property that were not constructed by the county water system, shall be and remain the responsibility of the county department responsible of the maintenance of said property, except as provided otherwise in this division.
- (f) Generally, the county department of transportation is responsible for maintaining stormwater management facilities in county right-of-way, but the county water system may, as determined by the director, assist with the repair of such stormwater facilities.
- (g) The Georgia Department of Transportation is responsible for maintaining stormwater management facilities in state right-of-way.
- (h) Stormwater management systems and facilities located on private property or on public property not owned by the county that have not been dedicated to and accepted by the county for maintenance, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by the laws of the state and the United States, even if such systems and facilities are located in a drainage easement. All maintenance shall be at the sole cost and expense of the owners thereof.
- (i) It is the express intent of this article 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, but not to create any special duty or relationship with any individual person, or to any specific parcel within or outside the boundaries of the county. The county expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the

county, its commissioners, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.

- (j) If any permit, plan approval, inspection or similar act is required by the county as a condition precedent to any activity or change upon property not owned by the county pursuant to this or any other regulatory ordinance, regulation or rule of the county, or under federal or state law, the issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages or equitable remedies against the county, its commissioners, officers, employees or agents.

Sec. 122-305. - Establishment of enterprise fund.

- (a) The county shall establish a stormwater enterprise fund in the county budget and accounting system for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the county water system as they relate to the provision of stormwater services within the unincorporated area or any municipality with whom the county has entered into an agreement to provide stormwater services, including, but not limited to, rentals, rates, charges, fees, and licenses as may be established by the county board of commissioners, subject to the terms of any governing Bond Resolution.
- (b) Any revenues and receipts of stormwater fees shall be placed in the stormwater enterprise fund(s). Subject to the terms of any governing Bond Resolution, the stormwater enterprise fund(s) shall be used exclusively to pay for county stormwater expenses and improvements. Other revenues, receipts, and resources not in the stormwater enterprise fund(s) may be applied to stormwater management operations expenses and capital investments as approved by the county board of commissioners.
- (c) Subject to the terms of any governing Bond Resolution, the county may pledge all or any portion of all income and revenue of any nature derived from the operation of the stormwater management systems and facilities owned and/or maintained by the county water department, including periodic stormwater service fees and other charges for stormwater service, to the payment of principal of premium, if any, and interest on any revenue bonds or other obligations lawfully issued for county water or stormwater system as may be provided in any Bond Resolution authorizing such bonds or obligations or in any trust instrument relating to such bonds or obligations.

Sec. 122-306-122-310 – Reserved.

DIVISION 2. - FEES AND CHARGES

Sec. 122-311. - Service charges, rates and fees generally.

- (a) *Purpose.* It is the purpose of this division to establish a fee mechanism whereby those who receive or benefit from various county water system stormwater management services, systems, and facilities are charged for the cost of providing those services in accordance with the estimated amount of stormwater generated from a property.
- (b) *Actual rates and fees published separately.* The actual rates and fees charged by the county water system for the stormwater management services, systems, and facilities shall be adopted by the board of commissioners and published in a separate rate or fee schedule. A copy of such rate or fee schedule shall be on file and available at the office of the county clerk and the office of the director.
- (c) *Changes in rates and fees.* The rates and fees charged by the county water system for stormwater management services may be revised from time to time by affirmative action of the county board of

commissioners as necessary. In modifying such rates and fees, the county board of commissioners shall establish rates and fees that are fair and reasonable, reflect the value of the stormwater management services, systems and facilities to those customers who benefit therefrom, and are sufficient to support the cost of the stormwater management services, systems and facilities.

(d) *Customer categories.* Customer categories are defined as follows:

- (1) Residential customer is the owner or occupant of a detached single-family dwelling unit or an owner or occupant of an attached single-family dwelling unit served by an individual water meter. In addition, the principal use of the property shall be residential.
- (2) Nonresidential customer is the owner, owner's agent, or occupant of a commercial, industrial, governmental, or institutional property; a property or community with multi-family dwelling units; a property or community with an attached single-family dwelling unit served by a master water meter; a mobile home park; or any other properties not meeting the requirements of subsection (1) above.

Sec. 122-312. – Stormwater management and miscellaneous charges and fees

- (a) *Stormwater service fee.* There are hereby levied and assessed rates, fees and/or charges for the service, maintenance, operation and amortization of public stormwater management systems and facilities, as well as other stormwater management services provided by the county water system. Stormwater service fees are based on measurable parameters that influence cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of land. The use of impervious area as a stormwater service fee rate parameter shall not preclude the use of other parameters, or the grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent numerical interval, or the use of flat-rate charges for one or more classes of similarly-situated properties whose impact on the stormwater utility's cost of providing stormwater management services and facilities is relatively consistent.
- (b) *Late fees.* Payment is due on the date listed on the bill. A late charge may be assessed for any balance unpaid after the due date in accordance with the rate or fee schedule on file and available at the office of the county clerk and the office of the director.
- (c) *Returned checks.* A processing fee will be charged for returned checks and returned electronic fund transfers.

Sec. 122-313. - Stormwater service fee exemptions

Exemptions to the stormwater service fee include the following:

- (1) *Undeveloped land.*
- (2) *Railroad right-of-way (tracks).* Railroad stations, maintenance buildings, and/or other improved property used for railroad purposes, however, shall not be exempt from the stormwater service fee.
- (3) *Public streets and right-of-way maintained by the county department of transportation and Georgia Department of Transportation (GDOT) shall be exempt from the stormwater service fee. Maintenance buildings and/or other improved property used by the departments of transportation, however, shall not be exempt from the stormwater service fee.*
- (4) *Public airport runways.* Maintenance buildings and/or other improved property used to support the runways, however, shall not be exempt from the stormwater service fee.
- (5) *Properties covered as part of Dobbins Air Reserve Base's stormwater permit with the State of Georgia.*

- (6) Basins used for the development or treatment of drinking water or wastewater, such as water reuse ponds, aerators, clarifiers, sedimentation, and flocculation tanks, in use by public utilities.
- (7) Any property whereby 100 percent of the stormwater runoff is contained or infiltrated on the property and no stormwater runoff is discharged, via overland flow or manmade conveyance, to adjacent properties or rights-of-way for all storm events up to and including the 100-year 24-hour storm event.

Cross reference: O.C.G.A. § 36-60-17.2.

Sec. 122-314. - Billing, payments, delinquencies, and adjustments.

- (a) Water and/or Sewer Account Holders. Stormwater services fees shall be billed monthly. Stormwater service fees shall be included on the parcel's monthly water and/or sewer bill. The water and/or sewer account holder is responsible for the stormwater service fees even if the account holder is not the property owner.
- (b) Customers without a Water and/or Sewer Account. The owner(s) of parcels not billed by the county water system for water and/or sewer shall receive a stormwater service fee only bill, which may be billed monthly, bi-monthly, or quarterly. When no homeowners' association parcels are billed by the county water system for water and/or sewer, the impervious area for any such parcel owned by such homeowners' association may be allocated among all parcels served by the impervious area (e.g., private drives, parking spaces, etc.).
- (c) Underbilling or Failure to Receive Bill. The bill may be sent through the United States mail or by alternative means notifying the customer of the amount of the bill and the date the payment is due. Failure to receive a bill is not justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of developed land shall be ultimately obligated to pay such fee. If a customer is underbilled or if no bill is sent for developed land, the county may back bill for a period of up to four years but shall not assess penalties for any delinquency due to the failure to send a bill or an under billing.
- (d) Payments. Any partial monthly payments made to the county water system shall be applied to stormwater fees before being applied to water and sewer fees. Customer shall be required to make payments necessary to keep the water and/or sewer fees current.
- (e) Delinquent accounts. Amounts due not paid within 30 days from the due date are delinquent.
- (g) Adjustments. The stormwater manager shall administer the procedures and standards for the adjustment of the stormwater service fee.
 - (1) If a customer believes their stormwater service fee is incorrect, the customer may seek an adjustment of the stormwater service fee allocated to a property at any time by submitting the request in writing to the stormwater manager and setting forth in detail the grounds upon which relief is sought.
 - (2) If necessary, customers requesting the adjustment shall be required, at their own expense, to provide supplemental information to the stormwater manager, including, but not limited to, a survey certified by a registered land surveyor or a professional engineer of the impervious surfaces on the subject property. Submittal of this information shall be required if stormwater manager cannot make a determination based on county water system staff inspection and/or review of existing county aerial photography.
 - (3) Once a completed adjustment request and all required information are received by the stormwater manager, the stormwater manager shall have thirty (30) calendar days within which to render a written decision. Concurrent payment of any charges allocated to the property is not required as a condition precedent to this request for review.

- (4) In considering an adjustment request, the stormwater manager shall consider whether the calculation of the stormwater service fee for the property is correct.
- (5) The stormwater manager's decision shall be in writing and will be mailed or emailed to the address provided on the adjustment request, and service shall be complete upon mailing or emailing.
- (6) If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next stormwater bill.

Sec. 122-315. - Credits.

Owners of developed land and customers may apply for a reduction in their stormwater service fee for certain activities that reduce the negative impact on the stormwater utility, help the county to comply with Cobb County's Municipal Separate Storm Sewer System permit, and/or have a reduced impact on the receiving surface waters downstream. Such activities are defined in the county's stormwater credit manual, approved by the board of commissioners pursuant to this division, as it may be updated or amended from time to time. A stormwater service fee credit shall be determined based on the technical requirements, standards, and criteria contained in the stormwater credit manual. The amount of stormwater service fee credit, or reduction of the stormwater service fee, shall be in accordance with the criteria contained in the stormwater credit manual. The stormwater credit manual shall be available on the county water system's website and on file and available at the office of the director.

Sec. 122-316. - Appeals.

- (a) An applicant for a stormwater service fee adjustment or credit may appeal a denial of a requested service fee adjustment or credit in accordance with this section.
- (b) An appeal shall be filed in writing with the director within 30 days of the date of the denial of the application. Such appeal shall be submitted on a form provided by the county water system and shall be accompanied by any documentation or other evidence the appellant wishes the director to consider in deciding the appeal.
- (c) The director shall conduct a technical review of the conditions on the parcel and respond to the appeal in writing within 30 days of receipt. In response to an appeal, the director may adjust the calculated impervious surface area applicable to a parcel in conformance with the general purpose and intent of this division.
- (d) Any person adversely affected by any determination made by the director relative to a stormwater service fee adjustment or credit may appeal such determination to the board of commissioners. The appeal shall be applied for within 30 days after notification of the director's determination is sent by the director. The county may approve, modify or reject the determination made by the director if the board of commissioners finds that the director abused his/her discretion in reaching the determination. Appeals from decisions of the board of commissioners made pursuant to the stormwater service fee adjustment or credit may be taken to the superior court of the county, in the manner provided by law.