

Adopted Amendments
Official Code of Cobb County
Chapters 6, 18, 118 and 134
Public Hearing Date
March 13 – 9:00 am
Dirty Copy

Cobb County Community Development
P.O. Box 649
Marietta, GA 30061
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Sec. 6-1. Definitions.

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

Conviction means adjudication of guilt.....

Craft Beer means a beer brewed by an independent brewer with annual production not exceeding 6 million barrels.

Distance means the measurement in lineal

Sec. 6-131. License prohibited for package sales in connection with sales of alcoholic beverages by the drink.

Except in a farm winery, no retail license for the sale of alcoholic beverages by the package shall be allowed where such sale would take place in, or in connection with, any restaurant, cafe or eating place, or in the same room where a bar is maintained for the dispensing and sales of alcoholic beverages. A separate license shall be required for wine package only and alcohol pouring with separate entrances for adjacent establishments but an adjoining door may exist between establishments and may be used for customers but must be able to be locked when sale of alcohol is not allowed by the package on Sunday. Businesses which are licensed only for wine package sales may allow sampling of wines provided there is no charge for admittance or for the wine sample and the serving size of the sample does not exceed two ounces. Businesses other than Convenience Stores, Drug Stores, Liquor Package Stores and Grocery Stores as defined in this chapter, which are licensed for wine and beer package sales may allow sampling of craft beers as defined in this chapter, provided there is no charge for admittance or for the craft beer sample and the serving size of the sample does not exceed two ounces.

(Ord. of 8-14-73, art. II, § 23; Ord. of 10-24-89, § I; Ord. of 5-11-93; Ord. of 10-11-94, § 3; Code 1977, § 3-4-16; Ord. of 2-26-08; Amd. of 2-23-10)

International Building Code Amendments

Sec.18-122-Amendments

The following shall be considered amendments, additions to, changes in or exceptions to the building code adopted in [18-121](#):

(1)

Section 108 of the code shall be amended as follows:

Section 108 Fees

108.4 Work commencing before permit issuance. This section will not be a substitute for any other required permit, variance or enforcement measure available to the county.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits, or exceeds the scope of work authorized by the necessary permits, shall be subject to a fee established by the building official that shall be in addition to the required permit fees. The established fee shall be equal to the permit fee, not to exceed \$1000.00 per required individual permit, excluding sub-contractor supplemental permits that would normally be included in the building permit fee.

~~(1)~~ (2)

Section 502 of the code shall be amended as follows:

Section 502 Definitions

a.

The definition of "Height, Building" shall be amended to read:

.....

~~(2)~~ (3)

Emergency closure of a building, structure, or any building system in whole or part.....

International Residential Code Amendments

Sec. 18-232 - Amendments

The one- and two-family dwelling code adopted in [section 18-231](#) is amended, modified, deleted and excepted as follows:

(1)

Section R108 of the code shall be amended as follows:

Section R108 Fees

Add Section R108.6 Work commencing before permit issuance. This section will not be a substitute for any other required permit, variance or enforcement measure available to the county.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits, or exceeds the scope of work authorized by the necessary permits, shall be subject to a fee established by the building official that shall be in addition to the required permit fees. The established fee shall be equal to the permit fee, not to exceed \$1000.00 per required individual permit, excluding sub-contractor supplemental permits that would normally be included in the building permit fee.

~~(1)~~ (2)

Chapter 11 and chapters 25 through and including [chapter 42](#) Delete each chapter and related appendixes in their entirety.

~~(2)~~ (3)

Definitions:

Sec. 118-201. - Definitions.

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

Authorized emergency vehicle means a motor vehicle designated as an emergency vehicle licensed by the state department of public safety, provided such vehicle is in use as an emergency vehicle by one authorized to use it for that purpose, or a motor vehicle designated as an authorized emergency vehicle by the person designated as the "person in charge" at the scene of an incident.

Enforcement officer(s) means any duly authorized law enforcement officer employed by the county.

Fire Department Connection means a connection through which the fire department can pump supplemental water into the sprinkler system, standpipe, or other system furnishing water for fire extinguishment to supplement existing water supplies.

Fire lane means an area designated by the fire official providing access for fire department vehicles to buildings, fire department connections and fire hydrants. This includes all alleys, driveways or lanes, devoted to public use, where the parking of motor vehicles or other obstructions can interfere with the ingress or egress of fire department vehicles for the protection of persons and properties, including, but not limited to, shopping centers, theaters, hospitals, bowling lanes, churches, multifamily housing, and high-rise buildings.

Fire official means the fire officer or other designated authority, or their duly authorized representative, charged with the administration and enforcement of the fire prevention code.

Master plats means all original plats drawn in accordance with this division; all copies distributed shall be from this original drawing.

New building means any commercial structure or public facility whose certificate of occupancy was issued after May 5, 1989.

'Park' or 'parking' means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Plats means those maps created by the developer and/or property owner which depict the location and boundaries of land and all existing fire lanes in accordance with this division. These maps shall be drawn to scale.

Property owner means each person or entity possessing any estate, usufruct or leasehold right in the property being designated as a fire lane.

Return mail parking citation means an order issued out of court, by an enforcement officer of the county, directing a violator of this division to comply with all penalties as set forth in this division.

'Stand' or 'standing' means the halting of a vehicle other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

(Res. of 5-8-89; Code 1977, § 3-24-118)

Cross reference— Definitions generally, § 1-2.

Sec. 118-202. - Purpose and scope.

It is the declared purpose of this division to provide for the designation and identification of fire lanes, for the manner, method and language for the posting of signs; to establish the penalty for violation of this division; to identify and designate the persons who have authority to enforce this division and the limits of such authority; to prohibit parking in fire lanes; to provide for the method of submitting properties to this division; to repeal all ordinances in conflict with this division; and for other purposes.

(Res. of 5-8-89; Code 1977, § 3-24-117)

Sec. 118-203. - Exemptions.

All buildings built prior to 1971 shall not automatically be subject to this division. Properties may become subject to this division by submitting a petition from the property owner or duly authorized agent of the property owner

requesting that this division apply. The petition shall be submitted to the fire official, and upon approval the property shall become subject to this division and subsequent revisions to this division.

(Res. of 5-8-89; Code 1977, § 3-24-128)

~~Sec. 118-204. — Fire lane descriptions to be shown on plat.~~

~~Property which falls within the jurisdiction of the county fire department shall have all fire lane delineations visually depicted on a plat. These plats shall be designed by the developer or property owner and filed in the office of the county fire marshal as of the date the property owner assumes occupancy or otherwise assumes use of the property. The county fire department shall distribute the plats to fire stations and to respective county police precincts. Each visual depiction shall identify all building exterior walls, traffic and parking lanes, and sidewalks. The areas to be designated as fire lanes shall be delineated in red ink. The plat shall state a scale of measurement and shall be on paper or a series of pages of 8½ inches by 11 inches. The plat identification shall specify the name of the property, a brief legal description of the property, and the length and width of the fire lane or lanes, as approved by the fire official, with whom all master plats will be filed.~~

(Res. of 5-8-89; Code 1977, § 3-24-129)

Secs. 118-205—118-215. - Reserved.

Sec. 118-216. - Penalty for parking in fire lane. Prohibited parking, standing; violations.

No person shall stand or park a vehicle (other than an authorized emergency vehicle), whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(A) Within 20 feet of a fire hydrant;

(B) Within 20 feet of a Fire Department Connection (FDC); or

(C) In a fire lane.

(D) Vehicles may stand in a fire lane of an educational occupancy (as defined by the Life Safety Code adopted by Section 54-54) for thirty minutes

prior to the afternoon end time and thirty minutes thereafter. Standing or parking of a vehicle in such fire lane at any other time is prohibited.

For purposes of this code section, areas near hydrants and FDCs need not be marked as fire lanes.

The parking of any vehicle other than an authorized emergency vehicle in a fire lane Violations shall be punishable subject to fines or penalties as provided in section 118-31. Enforcement of this division shall be as provided in Section 118-31 and shall be through a civil criminal action in the magistrate court by the issuance of a citation which shall either be left with the vehicle or delivered to the person in possession thereof.

Vehicles that are disabled and/or left unattended in a fire lane or which block emergency vehicle access are subject to being impounded.

(Res. of 5-8-89; Code 1977, § 3-24-122)

Sec. 118-217. - Enforcement authority.

A duly authorized law enforcement officer employed by the county shall have the authority for enforcement of fire lanes.

(Res. of 5-8-89; Code 1977, § 3-24-123)

Sec. 118-218. - Liability of owner and operator of vehicle.

The lessee or owner of any motor vehicle shall not be liable for the violation of any provision of this division occurring while such vehicle was not in the lessee's or owner's possession or control if upon notice of the violation the lessee or owner notifies the clerk of magistrate court of the county in which the case is pending of the name and address of the person who, with permission of the lessee or owner, was operating the vehicle on the date the violation occurred. If the lessee or owner fails to submit such notice, the magistrate court may find the lessee or owner of the motor vehicle liable for the violation. For purposes of a civil action, it shall be presumed that the owner of such vehicle is in control and possession thereof.

(Res. of 5-8-89; Code 1977, § 3-24-124)

Sec. 118-219. - County not liable for enforcement pertaining to maintenance and clearing of fire lanes.

The county assumes no liability for any damages, injuries or deaths resulting from enforcement, or lack of enforcement, of the laws pertaining to maintenance and clearing of the fire lanes. The county has the authority to issue individual citations for fire lane violations, but the property owner has the ultimate responsibility to clear the fire lanes.

(Res. of 5-8-89; Code 1977, § 3-24-125)

Sec. 118-220. - Enforceability of properly placed signs.

The disregard or disobedience of the instruction of any sign placed in accordance with the provisions of this division by the driver of a vehicle shall be deemed prima facie evidence of a violation of law, without requiring proof by whom and by what authority such sign has been erected.

(Res. of 5-8-89; Code 1977, § 3-24-126)

Sec. 118-221. - Agreement to suspend enforcement.

Enforcement of this division at a specific location shall be suspended only upon written agreement between the fire official and property owner. This agreement would also make the property owner solely responsible for any damages, injuries or deaths resulting from lack of enforcement of this division. The property owner shall also be required by the agreement to indemnify, release and hold harmless the county and any other person, board, commission, or agent from any cause of action which relates either directly or indirectly to the suspension of enforcement of this division.

(Res. of 5-8-89; Code 1977, § 3-24-127)

Secs. 118-222—118-230. - Reserved.

Sec. 118-231. - Required access for fire apparatus; identification.

(a)

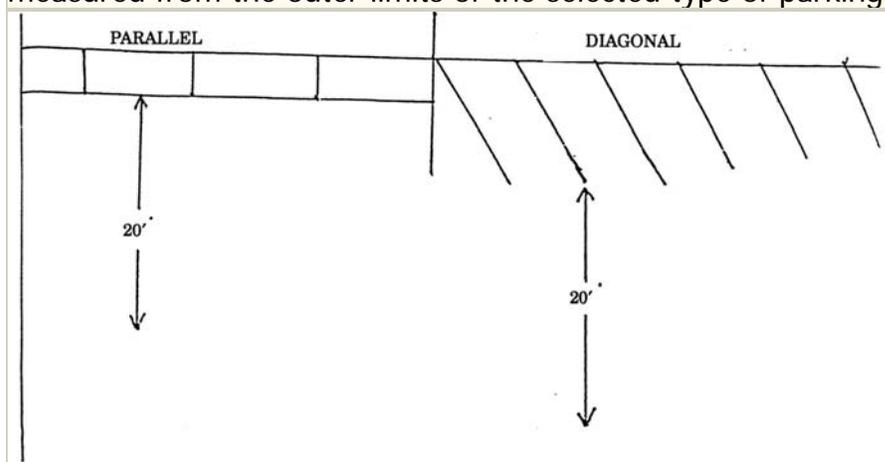
Every existing building, built after the 1971 adoption of section 54-52, as amended, and all new buildings shall be accessible to fire department apparatus and other emergency vehicles by way of designated fire lanes with an all-weather driving surface of not less than 20 feet of unobstructed width. There shall be adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a vertical clearance of 13 feet six

inches. During construction, when combustibles are brought onto the site in such quantities as deemed hazardous by the fire official, access roads and a suitable temporary supply of water acceptable to the fire department shall be provided and maintained.

~~(1)~~

~~Class A mercantile occupancies and covered malls shall have a continuous fire lane along the exposed perimeter, extending outward from the curbing for a distance of no less than 20 feet. This 20-foot distance may be increased at the discretion of the authority having jurisdiction.~~

~~In order to obtain a greater degree of fire protection, the authority having jurisdiction may allow diagonal or parallel parking at other than covered malls or class A mercantile occupancies. The fire lane shall then be measured from the outer limits of the selected type of parking.~~



parking

~~(2)~~ (1)

The fire official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

~~(3)~~ (2)

The creation, deletion or modification of a fire lane shall be done solely at the discretion of the fire official.

(b)

The areas designated as fire lanes in all areas other than one-family and two-family dwelling complexes shall have signs posted meeting the following criteria:

(1) Signs shall be a minimum of 12 inches wide by 18 inches high, have red letters on a white background.

~~Signs shall be painted on both sides to read "No parking, fire lane".~~ "No Parking" may be replaced by  provided the "P" is a minimum of 6" in height.

(2) Letters shall not be less than two inches in height.

(3) One sign shall be posted at the beginning of the fire lane and one at the end of the fire lane. Each Intermittent signs shall be erected such that signs shall should not be more than approximately 100 feet apart.

~~(4) Signs posted shall not be more than four feet from the edge of the curb, and shall be visible from both directions of the driving surface with the height of the sign face, as measured from the bottom of the sign, to be no less than four feet nor more than seven feet from ground level. Fire lanes less than 40 feet in length may have one sign posted in the middle of the fire lane.~~

(5)

For fire lanes 20 to 28 feet, signs and markings are required on both sides. For fire lanes 29 to 37 feet, signs and markings are required on one (either) side. For fire lanes in excess of 37 feet, no signs or markings are required.

(6)

Curbing or lineage delineating fire lanes shall be painted red. The top and face of the curb shall be painted. Every existing building shall conform to this subsection when repainting is necessary. New buildings shall conform prior to a certificate of occupancy being issued.

(c)

The areas designated as fire lanes in one-family and two-family dwelling complexes shall have signs posted meeting one of the following criteria:

(1)

Curbing or lineage delineating fire lanes shall be painted red. The top and face of the curb shall be painted. "NO PARKING FIRE LANE" shall be stenciled on the curb every 100 feet. Letters shall not be less than three inches in height, and white in color. Not less than one "NO PARKING FIRE LANE" sign shall be posted within each complex; or

(2)

Curbing shall not be required to be painted red. One sign shall be posted at the beginning of the fire lane and one at the end of the fire lane. Additional signs shall be erected such that signs are spaced not more than 100 feet apart. Signs shall be a minimum of 12 inches wide by 18 inches high, have red letters on a white reflective background, letters shall be not less than two inches in height. Signs shall be single-faced with directional arrow(s).

(3)

Fire lanes shall be required as specified in section (b)(5) when parking on the road causes access problems for emergency vehicles.



Fire Lane No Parking Signs

(Res. of 5-8-89; Code 1977, § 3-24-119; Ord. of 7-25-06)

Sec. 118-232. - Approval; subsequent maintenance.

All fire lanes shall be approved by the fire official pursuant to this division, and thereafter the fire lanes shall be maintained by the property owner. Designated fire lanes or roads deemed necessary for fire department access by the fire official shall be maintained in a passable condition.

(1)

Private property owners or their representative shall be responsible for keeping all fire lanes on their property free from obstructions.

(2)

Public property owners, the county, or their representative shall be responsible for keeping all fire lanes within the county's jurisdiction free of obstructions.

(Res. of 5-8-89; Code 1977, § 3-24-120)

Sec. 118-233. - Erection of signs; penalty for noncompliance.

No person or property owner shall place, erect or maintain any sign for control of parking or traffic which includes the words "fire lanes" unless such location has been designated a fire lane by the fire official. Any failure to meet the applicable requirements specified in section 118-231 shall be subject to a fine of \$300.00 for each violation. ~~however, the fine will be waived if the required specifications are made within 14 days from the date of the citation. If the private or public property owner fails or refuses to meet such requirements on his property within such 14 days, he shall, on the 15th day after receiving the citation, be subject to the \$150.00 fine for each violation and an additional fine of \$5.00 for each violation for each day that the owner fails to comply with the provisions of this division until the area is properly designated and constructed. All fines assessed under this section shall be paid into the county treasury.~~

(Res. of 5-8-89; Code 1977, § 3-24-121)

Secs. 118-234—118-255. - Reserved.

Sec. 134-36. Temporary land use permits.

(a) The board of commissioners may permit temporary land use permits for limited periods of time for uses.....

(d) The board of commissioners has determined that temporary land use permits are only appropriate if granted for a limited period of time. In no event shall the board of commissioners grant a land use permit for a period of time in excess of 24 months except on reapplication, readvertisement and public hearing. Land use permits that have been in existence for ten years or more from the adoption date of this amendment will continue to be considered upon each renewal, until the use ceases to operate or is relocated. Land use permits for exceptions to the county's minimum square footage per adult occupant ~~and~~ minimum square footage per vehicle parked at a dwelling unit or mobile home and churches with accessory daycare facilities (commonly known as pre-k, daycare school, child development center, "mother's morning out", and the like) programs that have greater than 25% non-church members of the total number of children in the daycare program will be considered upon each renewal. Land use permits, (other than those for exceptions to the county's minimum square footage per adult occupant and minimum square footage per vehicle parked at a dwelling unit or mobile home) that have been in existence less than ten years from the adoption date of this amendment will be allowed to apply for one more renewal, which if granted may be granted for up to 24 months. Once the period of time for which the temporary land use permit was granted has expired, the use must cease or relocate.

All new applications, (other than those for exceptions to the county's minimum square footage per adult occupant ~~and~~ minimum square footage per vehicle parked at a dwelling unit or mobile home and churches with accessory daycare facilities (commonly known as pre-k, daycare school, child development center, "mother's morning out", and the like) programs that have greater than 25% non-church members of the total number of children in the daycare program) that have been approved for a temporary land use permit after the adoption date of this amendment may only be considered for one renewal up to 24 months from the date the temporary land use permit was granted. Once the period of time for which the temporary land use permit was granted has expired, the use must cease or relocate.

If the property where a land use permit has been granted is sold or otherwise conveyed, or the business for which the land use permit was granted is sold or otherwise conveyed, requiring a change in the business license, the approved land use permit shall no longer be valid. In order for the use to resume operation, a new land use permit must be applied for and approved by the board of commissioners.

(e) The applicant or operator