

Adopted Amendments
Official Code of Cobb County
Chapters 2 (Part II), 6, 18, 54, 78, 83, 114, 118, 122, 126 and 134
Public Hearing Dates
January 25, 2011 – 7:00 pm
February 8, 2011 (Transmit Planning Commission Recommendation) – 9:00 am
February 22, 2011 – 7:00 pm
Dirty Copy

Cobb County Community Development
191 Lawrence Street
Marietta, GA 30060
www.cobbcounty.org

Sec. 2-25. Election returns; vacancies.

(a) In all elections for chairpersons or commissioners held pursuant to this article, the returns shall be canvassed and the results of same certified as provided by law for elections for members of the general assembly, and the persons so certified shall be declared and deemed to be elected to such offices.

~~(b) In the event of a vacancy in the office of chairperson or a commissioner, due to the fact that the chairperson or commissioner qualifies for another elected position, the term of office for which begins more than 30 days prior to the expiration of such person's current term, the remaining members of the board of commissioners shall appoint a qualified person to fill such vacancy until the vacancy is filled for the unexpired term of office at a special election. Such special election shall be held on the same date as the general election which is first held following the date of the vacancy and shall be conducted in accordance with the provisions of chapter 2 of title 21 (O.C.G.A. § 21-2-1 et seq.), the "Georgia Election Code." Reserved.~~

(c) In the event of a vacancy in the office of commissioner or chairperson ~~for a reason other than qualifying~~ for any reason, including for the reason of automatic vacancy due to the fact that the commissioner or chairperson qualifies for another elected position, the term for which begins more than 30 days prior to the expiration of such person's current term, the vacancy shall be filled as provided in this subsection.

~~(1) If the unexpired term of office exceeds 180 days, the vacancy shall be filled by a special election called and conducted in accordance with chapter 2 of title 21 (O.C.G.A. § 21-2-1 et seq.), the "Georgia Election Code." The vice-chair shall preside during any vacancy in the position of chairperson until the special election results are certified.~~

~~(2) If the unexpired term of office of a commissioner or chairperson does not exceed 180 days,:~~

~~(i) for a commissioner, the remaining members of the board of commissioners shall appoint a qualified person to serve for the remainder of the unexpired term.~~

~~(ii) for the chairperson, the vacancy shall be filled at the next general election, and the vice-chair shall preside during the vacancy in the position of chairperson. In that event, the presiding vice-chair shall appoint a second-vice-chair to preside during any subsequent absence of the vice chair or vacancy in the position of vice-chair.~~

~~(1964 Ga. Laws (Ex. Sess.) (Act No. 22), page 2075, § 5; 1993 Ga. Laws (Act No. 213), page 4616, § 2)~~

Part II-State Enabling Legislation.

Sec. 2-48. Clerk of commission; minute books of commission and county manager. The comptroller shall be ex officio clerk of the commission and chairman; and, if the commission and chairman shall so elect, they may appoint a clerk, who shall keep a proper and accurate book of minutes. The book of minutes of the commission shall

contain all the acts, orders and proceedings of the commission in chronological order. ~~A similar book of minutes shall be kept which shall contain, in chronological order, all acts, orders and proceedings of the county manager.~~ The minute books of the county manager and commission shall be open to the public inspection at all times during regular office hours; and certified copies of any entries in the minute books shall be furnished by the clerk to any person requesting same upon payment of a reasonable fee, to be paid into the county treasury as other funds, to be assessed by the commission in an amount sufficient to defray the cost of preparing same. (1964 Ga. Laws (Ex. Sess.) (Act No. 22), page 2075, § 18; 1967 Ga. Laws (Act No. 523), page 3182, § 3; 1983 Ga. Laws (Act No. 383), page 4283, § 8).....

Sec. 2-102. Tax levy to support office authorized.

The board of commissioners of Cobb County is hereby authorized and empowered to levy and collect tax on all taxable property in Cobb County sufficient to pay the salary of said tax commissioner, his chief clerk, his clerical force and the other expenses of his office as herein provided.

(1949 Ga. Laws (Act No. 179), page 790, § 12)

Sec. 2-103. Fees for collection of school district taxes.

The tax commissioner of Cobb County shall remit all educational funds collected by said officer to the board of education of Cobb County, except that for the years 2001 through ~~2011~~ 2021 the amount of 1.6 percent of the school taxes collected shall be retained by the tax commissioner and remitted to the governing authority of Cobb County to reimburse the county for the cost of collecting school taxes.

(1992 Ga. Laws (Act No. 834), page 5684, §§ 1, 2; 2001 Ga. Laws (Act No. 240), page 4488, § 1)

Secs. 2-104--2-140. Reserved.

ARTICLE IV. BOARDS, COMMISSIONS AND AUTHORITIES*

Sec. 6-1. – Definitions

Adequate parking means one parking space for each 200 square feet of gross floor area within the premises of an applicant.

~~Agent means that person authorized with a work permit and designated by a license to sell alcoholic beverages.~~

Agent means a person designated and/or authorized by a licensee or their employee, whether compensated or not, to conduct business functions or marketing related to the selling or serving of alcoholic beverages.

Alcoholic beverages includes but is not limited to malt beverages, vinous beverages, and spirituous liquors as defined in this section.

Sec. 6-206. - Employment of persons with prior convictions.

No licensee shall employ, for compensation or otherwise, in any premises for the sale of alcoholic beverages or the operation of a bottle house under this chapter any person in a capacity requiring a work permit under section 6-207 who is not a citizen of the United States or an alien admitted for permanent residence or a person who has otherwise been granted employment authorization by the United States Citizenship and Immigration Services ~~and Naturalization Service~~ or who has been convicted within three years immediately prior to the application for employment of soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, one or more Under 21 DUI's or any charge relating to the sale or furnishing of alcoholic beverages, or who has been convicted within five years immediately prior to the application for employment of any felony drug conviction, felony sex offense, or any other crime involving moral turpitude, of two or more convictions of driving under the influence, of two or more convictions of possession, consumption, or attempt to purchase alcohol by an underage person, of any charge relating to the unlawful possession, use or manufacturing of a authentic or fraudulent driver's license or ID or for whom there exists any outstanding warrant charging such person with any crime described in this section, provided that this section shall not apply to private clubs as defined in this chapter. If at the time of application the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a verdict or dismissal. The omission or falsification of any material information in an application for an alcoholic beverage permit shall be a violation of this chapter and grounds for the denial, suspension or revocation of any such permit; however, any employees excluded from employment under the terms of this section shall have the right to appeal such exclusion to the license review board.

Sec. 6-207. - Work permits.

(a)

For whom required. It is the responsibility of the licensee and designee as stated in section 6-92(g) to ensure that the employees required under this code section obtain and possess the required work permit prior to working. Failure of an employee to possess a work permit while selling or serving alcoholic beverages shall be unlawful and will subject the employee and licensee to prosecution as provided in this chapter and is grounds for suspension or revocation of the license. A permit to work in any of the following establishments shall be required of the following:

(1)

All employees of package stores.

(2)

All employees of businesses with a pouring license, except busboys, cooks, dishwashers, hostesses, maintenance and administrative staff. Notwithstanding the exception by title in this subsection, any employee serving or selling food or alcohol in an establishment with a pouring license is required to obtain a work permit.

(3)

~~All managers, including an independent contractor, all employees serving in a managerial capacity and any employees providing security~~ All managers, employees serving in a managerial capacity and any person providing security, including independent contractors, to any establishment with a package or pouring license, whether or not any such person sells or serves alcohol, shall be required to have a work permit.

(4)

All employees of convenience stores. The licensee to whom an alcoholic beverage license has been issued under this chapter shall not be required to obtain a work permit. Employee for the purposes of this section shall include independent contractors.

(b)

Application and issuance. Except as otherwise provided, no person requiring a work permit may be employed by an establishment holding a license under this chapter until such person has been issued a work permit from the county police department indicating the person is eligible for employment. The work permit is valid for employment at one business only. The permit may be transferred to another business location, without approval, provided that the ownership of the business is the same as the previous location. If the ownership of the business is different, the person with the work permit must apply and be approved by the Cobb County Police Department in order for the work permit to be valid. All applications required by this section shall be investigated by the police department to include, among other things, an investigation of the criminal record, if any, of the applicant. No work permit shall be issued by the police department if the applicant has violated any of the provisions of section 6-206 hereof. Any applicant who is not issued a work permit

shall have the right to appeal such decision to the license review board. Appeals to the Cobb County License Review Board regarding the denial of an alcoholic beverage work permit must be filed with the Cobb County Business License Division within 30 days of the denial. Denied applicants that fail to file a timely appeal shall not be authorized to reapply for an alcoholic beverage work permit for 12 months from the date of denial.

(c)

Time limit. All persons subject to the provisions of this section shall, prior to the date of their first work in an establishment holding a license to sell alcoholic beverages, make application for a work permit to the county police department. Work permit requirements do not apply to temporary, nonprofit fundraising events.

(d)

Permit term; prescribing fee. Any permit for employment issued under this section shall expire 12 months from the date of issuance unless earlier suspended or revoked as provided in this section. The police department may prescribe regulations for certifying the eligibility for continued employment without the necessity of the employee's being fingerprinted and may prescribe reasonable fees for certifying the eligibility for employment.

(e)

Possession of permits by employees. Employees holding permits issued pursuant to this section shall at all times during their working hours have the permits available for inspection at the premises.

(f)

Exclusion. This section shall not apply to private clubs.

(g)

Work permit requirement. At all times that the business is open the licensee shall have at least one person on the premises who has a valid work permit.

(h)

Grounds for suspension, revocation, probation. No permit which has been issued or which may hereafter be issued under this section shall be suspended, revoked or placed on probation except for due cause as defined in this subsection, and after a hearing and upon written notice to the holder of such permit of the time, place and purpose of such hearing and a statement of the charge or charges upon which such hearing shall be held. A minimum of three days' notice shall be provided to the applicant or permit holder. "Due cause" for the suspension or revocation of the permit shall consist of the violating of any laws or ordinances regulating the sale of alcoholic beverages or for the violation of any state, federal or local ordinances set out in section 6-206; or for the omission or falsification of any material in any application; or for any reason which would authorize the refusal of the issuance of a permit; or any violation of this chapter. All hearings shall be before the license review board and shall be conducted in the manner provided in section 6-147(b). After the

hearing if the license review board determines due cause exists, the license review board may suspend, revoke or place on probation for a maximum of 12 months, with or without conditions, the permit. In addition, after the hearing, the license review board may grant a work permit to an employee whose application was denied upon any conditions deemed appropriate by the board. The board of commissioners shall at its next meeting review a summary of the hearing before the license review board wherein the work permit was considered for issuance, suspension or revocation (the summary shall be prepared by the business license division manager) and the board of commissioners after such review may place the matter down for a hearing. Should the board of commissioners place the matter down for hearing the board of commissioners, after such hearing, may issue the work permit, suspend or revoke the work permit or place the employee on probation. The employee whose work permit was not issued or whose work permit was probated, suspended or revoked may appeal to the board of commissioners pursuant to section 6-147 hereof.

(i)

Notwithstanding any of the provisions in this section, any permits issued through administrative error or an error in the completion of a background investigation may be terminated by the director of public safety or his/her designee.

Sec. 6-221. - Generally.

(a)

Sale by the package for off-premises consumption.

(1)

Spirituous liquors. Spirituous liquors by the package shall not be sold or dispensed except between the hours of 8:00 a.m. and 11:45 p.m. each day on Monday through Saturday.

(2)

Malt beverages and vinous beverages. Malt beverages and vinous beverages by the package shall not be sold or dispensed except between the hours of 6:00 a.m. of one day and 2:00 a.m. the following day on Monday through Friday, and between the hours of 6:00 a.m. and midnight on Saturday. However a farm winery may sell wine by the package on Sunday in accordance with O.C.G.A. § 3-6-21.2.

(b)

Sale by the drink for on-premises consumption and operation of a bottle house. Alcoholic beverages by the drink for on-premises consumption shall not be sold or dispensed and no bottle house shall be operated except between the hours of 8:00 a.m. of one day and 2:00 a.m. of the next day, on Monday through Friday, and between the hours of 8:00 a.m. on Saturday until 2:55 a.m. the following Sunday. All alcohol shall be removed from the patrons within thirty minutes following the service

hours. This section shall also apply to private clubs. A business which possesses a valid county pouring license for alcoholic beverages and a valid Sunday sales permit when New Year's Eve is on Sunday shall be authorized to sell, offer for sale, serve and/or permit the consumption of alcoholic beverages upon the license business premises between the hours of 12:00 a.m. (midnight) and 2:30 a.m. on New Year's Day.

(c)

Wholesalers. The business hours of any wholesaler licensed under this chapter shall only be from sunup to sundown each day, Monday through Saturday.

(d)

Sundays, Christmas Day. Except as otherwise provided in this division, no alcoholic beverages of any kind shall be sold or dispensed, and no licensee for the sale of alcoholic beverages of any kind, or his agents or employees, shall permit his place of business to be open for the sale of alcoholic beverages or to sell alcoholic beverages on Sundays or Christmas Day.

Sec. 18-146 – Adopted

The edition of the National Electrical Code promulgated pursuant to O.C.G.A. § 8-2-25, as amended from time to time, is hereby adopted as the electrical code of the county, subject to all exceptions, amendments and modifications contained in this article, which in the event of conflict shall supersede and take priority over any amended or unamended section. Amendments shall be construed as superseding only that part of the section with which there is a conflict. The county further adopts sections 101 through 111 and 113 through 115 of chapter 1 of the International Building Code for administration of the electrical code.

Sec. 18-186 – Adopted

The ~~2003~~ edition of the International Property Maintenance Code, promulgated pursuant to O.C.G.A. § 8-2-25, as amended from time to time, is adopted by reference, subject to all exceptions, amendments and modifications contained in this article, which in the event of conflict shall supersede and take priority over the adopted housing code or any published amendments thereto. Amendments contained in this article shall be construed as superseding only that part of the section with which there is a conflict.

Sec. 18-231 - Adopted

The edition of the International Residential Code promulgated pursuant to O.C.G.A. § 8-2-25, as amended from time to time, is hereby adopted as the one and two family dwelling code of the county, subject to all exceptions, amendments and modifications contained in this article, which in the event of conflict shall supersede and take priority over any amended or unamended section. Amendments shall be construed as superseding only that part of the section with which there is a conflict. ~~Chapter 1 of the most recent edition of the International Residential Code as adopted by the department of community affairs is specifically adopted by the county for the administration of such one and two family dwelling code.~~ The county further adopts sections 101 through 111 and 113 through 114 of chapter 1 of such International Residential Code for administration of such code, and "Appendix G, Swimming Pools, Spas and Hot Tubs in its entirety.

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) Chapter 11 and Chapters 25 through and including chapter 42: Delete each chapter and related appendixes in their entirety.

(2) Add the following definitions:

Basement (for the purposes of determining residential building height) means a portion of a building with its exterior walls at least 50% underground (below finished grade),

Residential Building height (height of structure or building) means the vertical distance from the lowest first floor elevation (above grade) to the mean level of the highest roof structure. When measuring residential building height, measurement will be taken from the front of the structure provided that exposed crawl space walls do not exceed 5 feet (at any location) or exposed basement walls do not exceed 10 feet (at any location). Any amount of crawl space or wall height exceeding these maximums will be subtracted from maximum allowable building height. For properties within platted subdivisions that have publicly maintained, internal roadways, the front entrance of the building must be oriented to the required setback adjacent to a public roadway.

Sec. 18-272 - Purpose and intent.

It is the purpose of this division to require the use of ultra low-flow plumbing fixtures in all new construction, or when replacing plumbing fixtures during renovation or remodeling of existing buildings, and to require the labeling of plumbing fixtures with information regarding flow rates for the purpose of conserving water to maintain the integrity of drinking water supplies and reduce wastewater flows. In the event that other Federal, State or local requirements conflict with any of the standards in this division, the most stringent standard will be required.

No plumbing fixture shall be installed which does not meet the standards listed in subsection (1) of this section. This includes all plumbing fixtures installed in newly constructed buildings or when replacing plumbing fixtures during remodeling, renovation or addition to any existing building, except as noted in section 18-275. The requirements of subsection (1) of this section shall apply to any residential construction initiated after April 1, 1992, and to any commercial construction initiated after July 1, 1992.

(1)

All plumbing fixtures installed as referred to in this section should not exceed the following maximum water use rates:

a.

Toilets, gallons per flush 1.6

b.

Urinals, gallons per flush 1.0

c.

Showerheads, gallons per minute 2.5

d.

Kitchen faucets, gallons per minute 2.5 2

e.

Bathroom and lavatory faucets, gallons per minute 2.0

Sec. 18-326 – Adopted.

Sec. 18-327 – Amendments.

Secs. 18-328 – 18-350. Reserved

Sec. 18-326 – Adopted.

The edition of the International Energy Code promulgated pursuant to O.C.G.A. § 8-2-25, as amended from time to time, is hereby adopted as the energy code of the county.

Sec. 18-327 – Amendments.

The energy code adopted in section 18-326 is amended as follows:

*Revise the International Energy Code, 2009 Edition and 2009 Georgia State Amendments as follows:

Adopt Appendix C, Third Party Verification in its entirety

Adopt Appendix D, Sample Compliance Certificate in its entirety

Secs. 18-327 8 – 18-350. – Reserved.

Sec. 54-30. Assistant chief.

In the fire department, a person may be nominated by the chairman and approved by the board of commissioners and shall be designated as assistant chief. The assistant chief shall report to the fire chief and shall follow the policies of the board of commissioners.

(Res. of 7-22-69, § 5; Code 1977, § 3-13-24)

Sec. 54-54.1. Tanks; fuel.

(a) Scope

- (1) Section 54-54.1 shall apply to all storage and fuel tanks.
- (2) Section 54-54.1 shall not apply to propane containers used exclusively for heating or cooking purposes for detached 1 and 2 family dwellings, provided the tank capacity does not exceed 1000 water gallons.
- (3) Section 54-54.1 shall not apply to containers of Class I liquids with capacity of less than 25 gallons.
- (4) Section 54-54.1 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 Section 54-54, Cobb County Code.

(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) Tanks will be limited to 1,000 gallons of diesel fuel and 660 gallons of gasoline in nonresidential areas zoned other than heavy industrial (see state requirements for heavy industrial);~~
- (4) All aboveground tanks storing gasoline will be a vaulted type tank that is projectile resistant and vehicle impact resistant as certified by Underwriters Laboratories or other recognized testing labs;
- ~~(5) The size of the tank may be increased by the Cobb County Fire Marshal after review of tank site plans and tank construction plans; and~~
- (6) All aboveground tanks must be approved for aboveground use by Underwriters laboratories or other recognized testing labs.

(c) Permit.

- (1) All tanks will be permitted through the Cobb County Fire Marshal's Office;
- (2) Plan review fee will be \$300.00 for each permit, regardless of number of tanks on the permit;
- (3) Fines assessed for failure to obtain a permit will be \$1,000.00; and
- (4) Fines assessed for failure to call for an inspection will be \$500.00. (Ord. of 12-18-97)

Sec. 78-275. - Hours and place of operation.

(a)

~~No massage shall be performed by any massage practitioner or any of his employees, apprentices or trainees as a part of conduct of business, in the home of any client or in any place except for the place of business of a licensee under this division, unless a written memorandum is first made in a log or record book kept at the place of business for the purpose of recording consecutively the date, time of treatment, place of treatment, name and address of person to receive treatment, type of treatment to be received, name of person to render treatment, and time practitioner leaves to render treatment. The practitioner shall record the time each treatment was completed immediately upon return to the place of business.~~

(b)

~~No business of a massage practitioner shall be engaged in and no place of business shall be open for business except within and between the hours of 7:00 a.m. and 10:00 p.m. This subsection shall not pertain to health spas.~~

The owner of the Health spa shall provide in writing to the Cobb County Business License Division the hours of operation of the health spa.

Sec. 78-276. - Prohibited contact.

No ~~massage practitioner~~, independent contractor or any employees, apprentices or trainees of the health spa ~~or massage business~~, shall manipulate, fondle or handle the sexual organs or anus of any person.

Sec. 78-291. - Application.

No person shall engage in the business, trade, or profession or practice the business, trade or profession of a health spa unless such person shall, before engaging in such business, trade or profession, file an application for a license with the county as set forth in division 3 of this article. Such application shall set forth or show compliance with the following:

(1)

Name and address of the applicant.

(2)

Name and address of any person having previously employed the applicant for a period of two years or longer in a ~~massage or physical culture studio~~, health spa or business.

(3)

Qualifications, plainly stated, with all documentary exhibits annexed.

Sec. 78-294. - Grounds for denial, suspension or revocation.

In addition to the causes for denial, suspension or revocation of a license specified in section 78-45(c), due cause for denial, suspension or revocation of a license for a massage practitioner or health spa shall include the following:

(1)

The applicant or licensee is or has been guilty of fraud ~~in the practice of massage, or fraud or deceit on his being licensed to the practice of massage.~~

(2)

The applicant or licensee is or has been engaged in ~~the practice of~~ massage business under a false or assumed name, or is impersonating another ~~practitioner~~ person of a like or different name.

(3)

The applicant or licensee is addicted to the habitual use of intoxicating liquors, narcotics or stimulants to such an extent as to incapacitate such person to the extent that he is unable to perform his professional duties.

(4)

The applicant or licensee has violated or is guilty of criminal attempt or conspiracy to violate any laws relating to racketeer-influenced and corrupt organizations as defined in the Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act (O.C.G.A. § 16-14-1 et seq.), crimes against the person as defined in O.C.G.A. tit. 16, ch. 5 (O.C.G.A. § 16-5-1 et seq.), sexual offenses as defined in O.C.G.A. tit. 16, ch. 6 (O.C.G.A. § 16-6-1 et seq.), gambling offenses as defined in O.C.G.A. tit. 16, ch. 12, art. 2 (O.C.G.A. § 16-12-20 et seq.), obscenity and related offenses as defined in O.C.G.A. tit. 16, ch. 12, art. 3 (O.C.G.A. § 16-12-80 et seq.), or contributing to the delinquency of a minor, all as defined by state law as it presently exists or may be hereafter amended, or has been convicted of any felony or misdemeanor involving moral turpitude under the laws of this state or any other state or of the federal government.

(5)

Failure of the applicant or licensee to have or maintain initial qualifications for obtaining the license.

(6)

The applicant or licensee is guilty of employing any person who is not a licensed massage practitioner and allowing or permitting such person to administer massage in the establishment except as may be allowed ~~under this division~~ by State law.

(7)

The premises in which the business is located are in violation of any of the federal, state, county or municipal laws designed for the health, protection and safety of the occupants.

(8)

Failure of the applicant or licensee to actively supervise and monitor the conduct of the employees, customers and others on the premises in order to protect the health, safety and well-being of the general public and the customers.

ARTICLE II. WEED CONTROL

Sec. 83-9. Weed control.....

Sec. 83-12. Prohibited.

It shall be unlawful for the owner of any property to permit weeds to obtain a height exceeding 12 inches on at least ten percent of the size of the property tract, excluding the portion of the property where permanent structures exist ~~or 35 percent of the pervious surface, whichever is greater,~~ unless exempted as described in this section. It shall be unlawful for the owner of any property, that contains a lake, pond or other water impoundment, to permit weeds to obtain a height exceeding 12 inches on any portion of the property, unless exempted as described in this section.

(Ord. of 2-27-07; Ord. of 7-24-07; Ord. of 7-27-10)

Sec. 83-13. Notice to remove and hearing.....

ARTICLE III. PROHIBITING UNAUTHORIZED DUMPING ON ABANDONED PROPERTIES**Sec. 83-17. Prohibiting unauthorized dumping on abandoned properties.**

It is found and declared that unauthorized dumping on properties within unincorporated Cobb County is unhealthy and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance.

(Ord. of 2-26-08)

Sec. 83-18. Definitions.

As used throughout this article, the term:

Abandoned property means any lot, tract, or parcel of improved real estate, including parking lots and private access drives/easements that is are unoccupied or provide access to an abandoned property as defined herein. 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, parking lot, private access drive/easement, and appurtenance belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. For the purposes of this section unoccupied shall be evidenced by notice of termination of service by a local utility provider, as well as visual observation by county personnel to include on site visits, or written communication attempts. A property shall be considered abandoned if unoccupied for 60 days, with no utility service being provided to the property and there is an apparent lack of maintenance/upkeep to the property and/or structures. As used in this chapter, the term shall not mean any dwelling, building, unit or structure that has been classified as a nuisance in accordance with Article I of this chapter 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.

Owner means the current owner of record as shown by the records of the tax commissioner and the deed records of the clerk of superior court for the current calendar year.

(Ord. of 2-26-08)

Sec. 83-19. Exemptions.

This section shall not apply to county, state or federal property.

(Ord. of 2-26-08)

Sec. 83-20. Prohibited.

It shall be unlawful for the owner of any property as defined in this section to permit dumping on any abandoned property.

(Ord. of 2-26-08)

Sec. 83-21. Access barrier required.

Any property that has been observed by county personnel as being abandoned for longer than 60 days via notice of violation as required in section 2-102(2) of this Code, must erect a fence or other suitable barrier approved by Cobb County to prevent continued dumping violations within 30 days of receipt of notice of violation. The county is authorized to erect a suitable barrier if any owner has failed to erect such after proper notification of violation as required in section 2-102(2) of this Code. Upon failure to comply after proper notice, the code enforcement officer shall certify to the director of finance the expense incurred in remedying the condition whereupon such expense plus any administrative penalty as provided in the following section, shall become payable within 30 calendar days, after which a special assessment lien and charge shall be

attached to the property, which shall be payable with interest at the rate of eight percent per annum from the date of such certification until paid. Such lien shall be in favor of Cobb County, Georgia, and may be satisfied at any time by payment thereof including accrued interest. Notice of such lien shall be filed in the office of the clerk of the superior court and recorded among the public records of Cobb County, Georgia. (Ord. of 2-26-08)

Sec. 83-22. Notice of violation.

Code enforcement personnel shall provide notice of any violation to this article in accordance with section 2-102(2) of this Code.

(Ord. of 2-26-08)

Chapters 84, 85 RESERVED

Sec. 114-61. - Exemptions.

No tax shall be imposed under this article:

- (1) Upon a permanent resident.
- (2) Upon a corporation or association organized and operated exclusively for religious, charitable or educational purposes, or for one or more such purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.
- (3) Lodging or accommodations furnished for more than ~~ten~~thirty consecutive days.
- (4) Lodging or accommodations furnished for a period of one or more days for use by state or local government officials or employees traveling on official business.

Sec. 118-271. Required; exceptions.

No person shall engage in, participate in, aid, form or start any parade consisting of 25 or more persons or five or more vehicles, unless a parade permit shall have been obtained from ~~the director of~~ a public safety official designated by the County Manager. However, this article shall not apply to:

- (1) Funeral processions;
- (2) Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate direction and supervision of the proper school personnel;
- (3) A governmental agency acting within the scope of its functions.

(Ord. of 6-29-76, § 3; Code 1977, § 3-24-72)

Sec. 118-272. - Application.

- (a) Filing. A person seeking issuance of a parade permit shall file an application with ~~the director of~~ a public safety official designated by the County Manager on forms provided by such officer.
- (b) Indemnification agreement. No parade permit shall be issued unless the applicant agrees to release, indemnify and hold harmless the county for and from any liability for personal injuries or property damage sustained by any person in connection with any activities for which a permit under this article would issue.
- (c) Filing period. An application for a parade permit shall be filed with the director of public safety not less than five days before the date on which it is proposed to conduct the parade.
- (d) Contents. The application for a parade permit shall set forth the following information:
 - (1) The name, address and telephone number of the person seeking to conduct such parade.
 - (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.

- (3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
- (4) The date when the parade is to be conducted.
- (5) The route to be traveled, the starting point and the termination point.
- (6) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles.
- (7) The hours when such parade will start and terminate.
- (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
- (9) The location by streets of any assembly areas for such parade.
- (10) The time at which units of the parade will begin to assemble at any such assembly areas.
- (11) The interval of space to be maintained between units of such parade.
- (12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with ~~the director of~~ a public safety official designated by the County Manager. a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.
- (13) Any additional information which ~~the director of~~ a public safety official designated by the County Manager. shall find reasonably necessary to a fair determination as to whether a parade permit should issue.

(Ord. of 6-29-76, § 4; Code 1977, § 3-24-73)

Sec. 118-273. - Standards for issuance.

(a)

~~The director of~~ A public safety official designated by the County Manager. shall issue a permit as provided for under this division when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade will not require the diversion of so great a number of police officers of the county to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the county;
- (3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the county other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;
- (6) The conduct of the parade is not reasonably likely to cause injury to persons or property, provoke disorderly conduct or create a disturbance;
- (7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route; and
- (8) The applicants for such permit have not violated the terms of any previous parade permit granted to them and have not caused undue traffic congestion and police problems under any previous parade permit.

- (b) All signs, traffic studies and detour routes shall meet with the approval of ~~the director of~~ a public safety official designated by the County Manager. and/or the county department of transportation director.

(Ord. of 6-29-76, § 5; Code 1977, § 3-24-74)

Sec. 118-274. - Rejection of application—Notice.

~~The director of~~ A public safety official designated by the County Manager. shall act upon the application for a parade permit within three days after the filing thereof. If ~~the director of~~ a public safety official designated by the County Manager disapproves the application, he shall mail to the applicant, within three days after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit.

(Ord. of 6-29-76, § 6; Code 1977, § 3-24-75)

Sec. 118-275. - Same—Appeal.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the board of commissioners. The appeal shall be filed within five days after notice of denial.

(Ord. of 6-29-76, § 7; Code 1977, § 3-24-76)

Sec. 118-276. - Same—Alternate permit.

~~The director of~~ A public safety official designated by the County Manager., in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of ~~the director of~~ a public safety official designated by the County Manager., file a written notice of acceptance with ~~the director of~~ a public safety official designated by the County Manager. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this article.

Fees

- (a) The fees with respect to all services performed in connection with enforcement of this chapter shall be set by the board of commissioners from time to time. A copy of such fee schedule shall be posted at the headquarters of the CCPD and may be changed at any time as determined by the board of commissioners.
- (b) The fees established and collected under this chapter are imposed for the purpose of defraying expenses borne by the county for law enforcement services under this chapter and are subject to change at any time.

Chapter 122 – UTILITIES

ARTICLE II. – WATER AND WASTEWATER SYSTEMS

DIVISION 1. GENERALLY

Sec. 122-26. - 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:

...

Holding tank waste means any domestic wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

...

Sewer development fee means a fee assessed to ~~new~~ users of the county wastewater system to provide the funds necessary to renew, extend and/or improve the system where such renewals, extensions and/or improvements are necessitated by the reduced available wastewater system capacity caused by the ~~new~~ users' demands.

...

Sec. 122-30. Cobb County-Marietta ~~w~~Water aAuthority.

The creation of and organizational structure of the Cobb County-Marietta ~~w~~Water aAuthority is found in 1951 Ga. Laws (Act No. 319), page 497.

DIVISION 3. FEES AND CHARGES

Sec. 122-82. - Wastewater system fees.

(a) System development fee.

- (1) At the time of connection. There is hereby levied and assessed a system development fee for ~~making connections to the county wastewater system~~ the conveyance and treatment capacity required to accommodate the estimated sewage flow, as calculated by the water system, from a property connecting to the county wastewater system. All amounts charged ~~for wastewater connections shall be assessed to the owners of the property being connected to the property owner or user at the time of connection shall be calculated based on the estimated sewage flow from the proposed use of a property approved at the time of connection,~~ and such connection shall not be lawfully made prior to payment of such charges.
- (2) Due to change in use or usage. There shall be levied and assessed a system development fee for the conveyance and treatment capacity required to accommodate any increase in the estimated sewage flow, as calculated by the water system, from a property due to a change in use or usage of a property from the proposed use at the time of connection

to the county wastewater system. The property owner or customer shall be responsible for paying the system development fee prior to the change in use or usage, and the change shall not be lawfully made prior to payment of such charges. A tenant or user on a property who is not the owner or a customer (e.g. master metered account with multiple users) may pay the charges associated with said tenant or user on behalf of the owner or customer. In the event that a tenant or user fails to pay such amounts as required by this section, the owner or customer shall be liable for the payment of such system development fees. The water system shall have the power and authority to enter upon the property of any owner or customer who fails to pay any additional fees or charges assessed in order to terminate the water and/or wastewater service in any manner deemed necessary and appropriate by the water system.

Sec. 122-130. Dry sewers and septic tanks.....

Sec. 122-131 Commercial Car Wash Requirements

The purpose of this ordinance is to reduce water consumption from commercial car wash facilities by requiring all new conveyor car washes to install operational recycled water systems.

(a). Definitions

The following words and phrases, whenever used in this division, have the meaning defined in this section:

In-bay automatic car wash means a commercial car wash where the driver pulls into the bay and parks the car. The vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through the tunnel.

Conveyor car wash means a commercial car wash where the car moves on a conveyor belt during the wash. The driver of the vehicle can remain in the vehicle or wait outside of the vehicle.

Recycled water system means a water system that captures and reuses water previously used in wash or rinse cycles.

Self-service car wash means a commercial car wash where the customers wash their cars themselves with spray wands and brushes.

(b) Applicability

- (1) This ordinance applies to all new conveyor car washes permitted and constructed after January 1, 2011, regardless of the water source.
- (2) The provisions of this ordinance do not apply to commercial conveyor car washes that were permitted or constructed before January 1, 2011.
- (3) The provisions of this ordinance do not apply to self-service car washes or in-bay car washes.

(c) Commercial Car Wash Water Recycling Requirement

All new commercial conveyor car washes permitted and constructed after January 1, 2011, must install and maintain operational recycled water systems. A minimum of 50% of water utilized shall be recycled.

Secs. 122-131 ~~32~~--122-150. Reserved.

DIVISION 5. GENERAL USE OF PUBLIC WATER AND WASTEWATER FACILITIES

Sec. 122-153. - Wastewater System

- (a) ...
- (b) Connection to county wastewater system.
 - (1) All sinks, dishwashing machines, toilets, urinals, basins, shower baths, bathtubs, laundry tubs, washing machines and similar plumbing fixtures or appliances shall be connected to the county wastewater system when there is sewer availability, defined as follows:
 - a. ...
 - b.
 - c. Exceptions.
 - 1. ...
 - 2. ...
 - 3. Approved gray water systems. ~~Sec. 18-157.~~Sec. 18-257.
- (c) ...
- (d) ...
- (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(e).~~

Sec. 122-154. – Phosphorus control

- ~~(a) Declaration of policy. O.C.G.A. § 12-5-27.1 provides that whenever a local governmental entity is required by the environmental protection division to reduce phosphorus in its wastewater, being discharged into the waters of the state, such local governmental entity shall pass an ordinance mandating the sale of low phosphorus household laundry detergent as part of its phosphorus reduction process. It is hereby declared to be the public policy of the county to encourage the use of clean, phosphate-free household laundry detergents and to prohibit the sale of household laundry detergents which contain more than 0.5 percent phosphorus by weight. The county finds that such use and sale will be a cost-effective way to reduce the amount of phosphorus in wastewater discharge so as to protect the state's rivers and lakes downstream; promote health, safety and welfare; and prevent injury to human health, plant and animal life and property. It is vital to the health, well-being and welfare of present and future inhabitants of the county that these sources be protected against contamination and pollution.~~
- ~~(b) Definitions. The following definitions shall apply to the interpretation and enforcement of this section:~~

- (1) ~~Household laundry detergent means a laundering cleaning compound in liquid, bar, spray, tablet, flake, powder or other form which may be used for domestic clothes cleaning purposes. The term household laundry detergent shall not mean:~~
- ~~a. A dishwashing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner or other substance that is intended to be used for nonlaundry cleaning purposes;~~
 - ~~b. A detergent used in dairy, beverage or food processing cleaning equipment;~~
 - ~~c. A phosphorus acid product, including a sanitizer, brightener, acid cleaner or metal conditioner;~~
 - ~~d. A detergent used in hospitals, veterinary hospitals or clinics or health care facilities or in agricultural production;~~
 - ~~e. A detergent used by industry for metal cleaning or conditioning;~~
 - ~~f. A detergent manufactured, stored or distributed for use or sale outside the state;~~
 - ~~g. A detergent used in any laboratory, including a biological laboratory, research facility, chemical laboratory and engineering laboratory; or~~
 - ~~h. A detergent used for the laundry services for hospital, health care facility or veterinary hospital.~~

(2) ~~Phosphorus means elemental phosphorus.~~

- (c) ~~Limitation on amount of phosphorus. It shall be unlawful for any person to sell a household laundry detergent which contains greater than 0.5 percent phosphorus by weight.~~
- (a) The General Assembly, through the enactment of O.C.G.A. § 12-5-27.1 has set standards limiting the amount of nutrients in various cleaning agents. The nutrients contained in many of these products serve a valuable purpose in increasing their overall effectiveness, but they overstimulate the growth of aquatic life and may eventually lead to an acceleration of the natural eutrophication process of our state's water resources which can result in a lower quality of life and thereby create an undesirable environment in which the citizens of the state would not want to live and do business.
- (b) Definitions. The following definitions shall apply to the interpretation and enforcement of this section:
- (1) Cleaning agent means a laundry detergent, dishwashing compound, household cleaner, metal cleaner or polish, industrial cleaner, or other substance that is used or intended for use for cleaning purposes.
 - (2) Nutrient means a substance or combination of substances which, if added to waters in sufficient quantities, provides nourishment that promotes growth of aquatic vegetation in densities which:
 - a. Interfere with use of the waters by humans or by any animal, fish, or plant useful to humans; or

-
- b. Contribute to degradation or alteration of the quality of the waters to an extent detrimental to their use by humans or by any animal, fish, or plant that is useful to humans.
 - (c) On or after January 1, 1991, it shall be unlawful to sell at retail or use any cleaning agent containing phosphorus, except as otherwise provided in this section.
 - (d) This section shall not apply to cleaning agents which are used:
 - (1) In agricultural or dairy production;
 - (2) To clean commercial food or beverage processing equipment or containers;
 - (3) As industrial sanitizers, metal brighteners, or acid cleaners, including those containing phosphoric acid or trisodium phosphate;
 - (4) In industrial processes for metal, fabric, or fiber cleaning and conditioning;
 - (5) In hospitals, clinics, nursing homes, other health care facilities, or veterinary hospitals or clinics;
 - (6) By a commercial laundry or textile rental service company or any other commercial entity:
 - a. To provide laundry service to hospitals, clinics, nursing homes, other health care facilities, or veterinary hospitals or clinics;
 - b. To clean textile products supplied to industrial or commercial users of the products on a rental basis; or
 - c. To clean professional, industrial, or commercial work uniforms;
 - (7) In the manufacture of health care or veterinary supplies;
 - (8) In any medical, biological, chemical, engineering, or other such laboratory, including those associated with any academic or research facility;
 - (9) As water softeners, antiscaling agents, or corrosion inhibitors, where such use is in a closed system such as a boiler, air conditioner, cooling tower, or hot water heating system; or
 - (10) To clean hard surfaces including windows, sinks, counters, floors, ovens, food preparation surfaces, and plumbing fixtures.
 - (e) This section shall not apply to cleaning agents which:
 - (1) Are manufactured, stored, sold, or distributed for uses other than household laundry detergents or household or commercial dishwashing agents;
 - (2) Contain phosphorus in an amount not exceeding 0.5 percent by weight which is incidental to manufacturing; or
 - (3) Contain phosphorus in an amount not exceeding 8.7 percent by weight and which are intended for use in a commercial or household dishwashing machine.
 - (f) This section shall not apply to any natural or commercial fertilizers.

- ~~(d)~~(g) Penalties for violation. Any person who violates any provision of this section shall be subject to a fine not to exceed \$500.00. Each sales transaction shall constitute a separate offense.
- ~~(e)~~(h) Court proceedings. In addition to the penalty provided in subsection (d) of this section, the county may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain any violation of this section, effective January 1, 1990.

Sec. 122-185. - Sampling and testing procedures.

- (a) ...
- (b) Testing procedures.
- (1)
 - (2)
 - (3) All analysis for permit reporting shall be performed by certified wastewater laboratory analysts as required by the rules of the state board of examiners for certification of water and wastewater treatment plant operators and laboratory analysts, or performed in a commercial environmental laboratory approved by the Georgia EPD.

Sec. 122-188. - Sand and oil/grease interceptors.

- (a) Requirements.
- (1) All users involved in the preparation of food for commercial purposes shall provide oil/grease interceptors or traps, unless exempted by the water system. Additionally, any user who generates a wastewater which contains greater than the quantity of oil and grease regulated under section 122-181, and provided that the excess oil and grease is floatable and can be effectively removed in an oil/grease interceptor or trap, then such user will be required to install a grease/oil interceptor.
- ...
- (b) For facilities other than eating establishments.
- (1) ...
 - (2) Compliance with plumbing code. All sand and oil/grease interceptors shall be sized, located and constructed in accordance with the provisions of the duly adopted the county plumbing code where such parameters have not been otherwise set forth in this article.
- (c) ~~Maintenance. To the extent section 122-188.1 applies only to food service or food preparation establishments' grease recovery systems, all other users shall maintain all grease, oil and sand interceptors in continuously efficient operation at all times. In the maintaining of these interceptors, the user 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 department director. The~~

~~frequency of removal shall be such as to ensure that no overflows of oil, grease or sand into the wastewater system ever results. All users shall maintain their sand and oil/grease interceptors in a proper and effective manner at all times. In maintaining these 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 department director. The frequency of removal shall be specified in the permit issued by the water system.~~

- (d) Proper disposal of collected materials. Any removal and hauling of the collected materials from a grease trap, grit trap, oil-water separator, or sand trap, which is not an AIRD, not performed by the owner's employees must be performed by waste disposal firms holding a current county health department waste hauler permits for restaurant grease or hazardous waste transport permits for petroleum products registration and permit number as a commercial waste hauler under EPD rules. ~~Under no circumstances shall~~ the collected materials ever shall not be returned to the wastewater system.
- (e) Registration requirement. Each user required to install an oil/grease or sand recovery system as set forth in paragraphs (a) or (b) of this section shall register its recovery system with the water system for the purpose of obtaining a discharge permit. Such application shall include the name, address, telephone number and factors indicating the potential for grease or grit laden waste to be introduced into the wastewater collection system. The water system shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant grease removal system. The water system shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user. The water system may review discharge permits annually. The discharge permits of those found to be in compliance with existing federal, state, and local laws and regulations will be renewed by the water system.

Sec. 122-188.1. - Food service and food preparation recovery systems.

- (a) Definitions and abbreviations. The following definitions and abbreviations shall apply only to this section 122-188.1:

...

User. Food service or food preparation establishments, their owners or operators, or their agents, that receive county wastewater system service and/or reclamation facility service ~~(see section 122-117). The term excludes industrial food preparation facilities.~~

- (b) General. Users that generate or use grease, fats or oil, or any combination thereof, and discharge water to a county wastewater reclamation facility shall be required to install, operate, clean and maintain a grease recovery system of appropriate size and design to achieve compliance with requirements set forth under this section. Users with grease recovery devices which were in existence prior to January 1, 2001, may continue to operate with such devices until such

time as there is a change of owner or operator, expansion of the establishment, change from a fast food to full service establishment, or they receive official notice from CCWS. The CCWS may exempt food service establishments that are known to not be a source of grease, fats, and oils from the grease recovery system installation requirement.

(c) Administration.

- (1) Registration requirement. Each user required to install a grease, fats and oils recovery system ~~as set forth in paragraphs (2) of this section~~ shall register its recovery system with the ~~Cobb County Water System (CCWS)~~ for the purpose of obtaining a discharge permit. Such permit application shall include the name, address, telephone number and factors indicating the potential for grease-laden waste to be introduced into the wastewater collection system. CCWS shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant grease removal system. CCWS shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user. CCWS ~~will~~ may review discharge permits annually. The discharge permits of those found to be in compliance with existing federal, state, and local laws and regulations will be renewed by CCWS.
- (2) Inspection fees. No fee will be charged for an annual inspection by CCWS of the grease recovery system for the discharge permit. However, if the grease recovery system is not in compliance with this section, a ~~\$50.00~~ reinspection fee will be charged for each inspection thereafter until the grease recovery system is in compliance and approved by CCWS. Failure to pay the reinspection fee shall result in the forfeiture of the discharge permit.
- (3) Records. All users with a grease recovery system must keep a record of any cleaning or maintenance of their grease recovery system. The following records must be kept on-site at the food service establishment for a ~~period~~ minimum of three years:
 - a. ~~Manifest. All removal of grease traps contents must be tracked by a manifest that confirms pumping, hauling and disposal of wastes whether it is collected by interior or exterior grease traps. The removal of grease trap contents (PEDs or PIDs) must be tracked by a state approved manifest that confirms the pumping, transport, and disposal of the contents.~~
 - ...
 - b. ~~Maintenance log. For all interior grease traps, whether active or passive, a continuous log indicating each cleaning or maintenance for the previous 12 months shall be maintained by each user of a grease recovery system. This log shall be kept in a conspicuous location where it can be inspected by the Health Department and CCWS personnel upon request. For all AIRDs, 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 CCWS personnel upon request.

- (d) Grease recovery systems.
- (1) ...
 - (2) ...
 - (3) ...
 - (4) Dumpsters/dumpster pads. Dumpsters/~~dump~~-ster dumpster pads may be allowed to connect to the wastewater collection system under the following conditions:
 - a. ...
 - b. The drain is connected to an exterior grease trap which will be maintained by the user in the method prescribed by this section for other exterior grease traps. The trap shall be at least 750 gallons where restaurants or food preparation establishments are the users or are in the vicinity and the trap shall comply with the grease trap detail approved and amended from time to time by CCWS. The trap shall be at least 300 gallons for offices, retail and other non-food preparation users and shall comply with the dumpster trap detail approved and amended from time to time by CCWS.
 - c. Each user who installs a dumpster trap shall register its recovery system with the CCWS for the purpose of obtaining a discharge permit. Such application shall include the name, address, telephone number and factors indicating the potential for grease-laden waste to be introduced into the wastewater collection system. CCWS shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant grease removal system. CCWS shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user. CCWS may review discharge permits annually. The discharge permits of those found to be in compliance with existing federal, state, and local laws and regulations will be renewed by CCWS.
 - (4) ...
 - (5) Passive exterior device (PED) requirements.
 - a. ...
 - ...
 - ~~b. Passive interior devices (PIDs). There shall be no PIDs installed in any user's premises upon the effective date of this article.~~
 - ~~e.b.~~ Sizing. All passive exterior devices ~~grease traps~~ shall have a capacity and design in compliance with the following equations:
 - ...

(6) Passive interior devices (PIDs). There shall be no PIDs installed in any user's premises upon the effective date of this article.

~~(6)(7)~~ Active interior recovery device requirements.

...

(e) Alternative methods.

...

(3) Monitoring. The user may be required to install a manhole on the discharge sewer to allow observation, sampling and measurement of grease recovery system discharges. This manhole shall be installed so as to be safe and accessible at all times.

(f) User responsibility.

(1)

a. ...

b. ...

c. Any removal and hauling of grease, fats and oils shall be performed by a ~~licensed waste disposal or rendering firm~~ registered commercial waste transporter. If the grease recovery system fails to prevent discharge over the daily maximum, CCWS will require the user to repair, replace or upgrade their grease removal system, which may include one or more of the user's devices, at the user's expense.

d. ...

e. ...

(2) Grease trap maintenance.

a. All grease traps shall be maintained by the user at the user's expense. For passive internal devices and passive external devices, ~~M~~maintenance shall include the complete recovery of all contents, including floating materials, wastewater and bottom sludges and solids. All grease recovery systems, including passive interior devices, passive exterior devices, and any grease recovery devices, shall be properly and adequately maintained by the user so as to achieve the intended purpose of the device.

b. In the maintaining of these grease recovery systems, the user shall be responsible for proper recovery, removal and disposal by appropriate, approved means of the captured material by a licensed waste disposal or rendering firm.

c. Pumping/cleaning frequency. All PEDs shall be completely pumped out at a minimum of once every three months, or more frequently as required by CCWS ~~to comply with this section or the manufacturer's recommendation to protect the wastewater system.~~ The CCWS may establish a less frequent schedule to address unusual situations such as schools closed during the summer or establishments with known low usage of grease, fats, and oils. The frequency of removal shall be such as to ensure that no overflows of oils or grease into the

wastewater collection system ever results. 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. All PIDs shall be completely pumped out at a frequency established by CCWS to ensure the protection of the wastewater system.
- e. All PIDs shall be maintained in accordance with the manufactures recommendations and a copy of same shall be maintained at the site for review and inspection by CCWS. 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 CCWS personnel upon request.

(g) Enforcement: Inspection and entry.

- (1) ~~Monitoring. The user shall install a manhole on the discharge sewer to allow observation, sampling and measurement of grease recovery system discharges. This manhole shall be installed so as to be safe and accessible at all times.~~
- (2) ~~Inspection and entry. Any authorized representative of CCWS bearing proper credentials and identification shall be permitted to enter and inspect all properties, without prior notification, for compliance with code. This right of inspection shall include the right to measure, observe, monitor, sample, test, record, review and make copies of all pertinent documents in accordance with this section.~~

(h) Violations and penaltiesEnforcement.

- (1) Violations. It shall be unlawful for any user or customer to discharge water to CCWS in a manner in violation of this section, or of any conditions set forth in this article. Any person 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) ~~Notice of n~~Noncompliance. If through inspection, it is determined that the user has failed to comply with the provisions of this section, a written warning of the 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 customer (e.g. if the user is a tenant in a master-metered development), then the 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 have seven days from receipt of this notice 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. CCWS shall have the power and authority to enter upon the property of any user ~~who, after having received a written warning, has failed to comply with the provisions of this article,~~ 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 CCWS. If a user who fails to comply with a notice of violation is not a customer, then CCWS 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 CCWS. Additionally, CCWS may request that the county 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 penalty charge. Any sewer or manhole overflow traced to an inadequately operating grease recovery system or lack of a grease recovery system will 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 CCWS wastewater collection system. A fine in an amount not to exceed \$1,000.00 may be added to the service charge for each successive overflow. This penalty will be doubled with each successive overflow. This penalty ~~These charges and fines~~ shall not impede other enforcement actions as delineated in sections 122-41 through sections 122-61. 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 collection system caused by grease traced to any inadequate or absent grease recovery system.

Sec. 122-193. - Hauled wastes.

- (a) ...
- (b) Permit required. The department director is hereby authorized to grant permits to discharge the contents of holding tanks and septic tanks at locations specified by him and under his supervision. Such permits may be revoked at any time if, in the opinion of the department director, continued dumping of such matter into the county wastewater system will be injurious to the system or treatment processes. Such permit shall stipulate the locations and times for which the permittee will be allowed to discharge holding tank and septic tank wastes and to whom each load must be reported and what information, e.g., the source of the load, must be provided by the permittee when reporting.
- ...
- (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 (e) (d).

...

DIVISION 8. PRIVATE WASTEWATER DISPOSAL FACILITIES

Sec. 122-242. Conditions for acceptable construction and use of septic tanks.

...

- (e) Specifications for septic tank systems. The specifications for all septic tank systems constructed in the county shall conform to the Rules and Regulations of the Division of Public Health for On-Site Sewage Management Systems, chapters 290-5-26-.05 through 290-5-26-.07 with the exception that the water system generally requires installation of dual absorption fields for new septic tanks.
- (f) ~~{Lot size requirement.}~~ Lot size must be at least 21,780 square feet if served by public water supply and at least 43,560 square feet if served by private water supply. Lot size refers to the area of soils suitable for on-site sewage disposal.

...

DIVISION 9. OUTDOOR WATER USE RESTRICTIONS

~~Sec. 122-262. Outdoor water use schedule during non-drought periods~~

~~Outdoor water use at times when there are no declared drought conditions other than exempted activities shall occur only as follows:~~

- ~~(a) Odd-numbered addresses: Outdoor water use is allowed on Tuesdays, Thursdays and Sundays.~~
- ~~(b) Even-numbered addresses: Outdoor water use is allowed on Mondays, Wednesdays and Saturdays.~~

~~Sec. 122-263. Outdoor water use schedule during declared drought response levels.~~

- ~~(a) During drought conditions pursuant to the declaration of the Director of the EPD, outdoor water use other than exempted activities shall occur only during scheduled hours on the scheduled days.~~
- ~~(b) Declared drought response level one—Outdoor water use may occur on scheduled days within the hours of 12:00 midnight to 10:00 a.m. and 4:00 p.m. to 12:00 midnight.~~
 - ~~(1) Scheduled days for odd-numbered addresses are Tuesdays, Thursdays and Sundays.~~

- ~~(2) Scheduled days for even numbered addresses are Mondays, Wednesdays and Saturdays.~~
- ~~(3) Use of hydrants for any purpose other than firefighting, public health, safety or flushing is prohibited.~~
- ~~(c) Declared drought response level two—Outdoor water use may occur on scheduled days within the hours of 12:00 midnight to 10:00 a.m.~~
 - ~~(1) Scheduled days for odd numbered addresses are Tuesdays, Thursdays and Sundays.~~
 - ~~(2) Scheduled days for even numbered addresses and golf course fairways are Mondays, Wednesdays and Saturdays.~~
 - ~~(3) The following uses are prohibited:~~
 - ~~a. Using hydrants for any purpose other than firefighting, public health, safety or flushing.~~
 - ~~b. Washing hard surfaces, such as streets, gutters, sidewalks and driveways except when necessary for public health and safety.~~
- ~~(d) Declared drought response level three—Outdoor water use may occur on the scheduled day within the hours of 12:00 midnight to 10:00 a.m.~~
 - ~~(1) The scheduled day for odd numbered addresses is Sunday.~~
 - ~~(2) The scheduled day for even numbered addresses and golf course fairways is Saturday.~~
 - ~~(3) The following uses are prohibited:~~
 - ~~a. Using hydrants for any purpose other than firefighting, public health, safety or flushing.~~
 - ~~b. Washing hard surfaces, such as streets, gutters, sidewalks, driveways, except when necessary for public health and safety.~~
 - ~~c. Filling installed swimming pools except when necessary for health care or structural integrity.~~
 - ~~d. Washing vehicles, such as cars, boats, trailers, motorbikes, airplanes, golf carts.~~
 - ~~e. Washing buildings or structures except for immediate fire protection.~~
 - ~~f. Non-commercial fund raisers, such as car washes.~~
 - ~~g. Using water for ornamental purposes, such as fountains, reflecting pools, and waterfalls except when necessary to support aquatic life.~~
- ~~(e) Declared DROUGHT RESPONSE LEVEL FOUR—No outdoor water use is allowed, other than for exempted activities, or as the director of the EPD may order.~~

Sec. 122-264. Exemptions.

- ~~(a) Outdoor water use restrictions shall not apply to the following outdoor water uses:~~
 - ~~(1) Capture and re-use of cooling system condensate or storm water in compliance with applicable local ordinances~~

-
- ~~(2) Re-use of gray water in compliance with applicable local ordinances.~~
 - ~~(b) The following established landscape water uses are exempt from the outdoor water use schedules:
 - ~~(1) Use of reclaimed wastewater by a designated user from a system permitted by EPD to provide reclaimed wastewater.~~
 - ~~(2) Irrigation of personal food gardens.~~~~
 - ~~(c) Newly (in place less than 30 days) installed landscapes are subject to the following:
 - ~~(1) Irrigation of newly installed landscapes is allowed any day of the week, but only during allowed hours for the drought response level in effect, for a period of 30 days following installation. No watering is allowed during drought response level four.~~
 - ~~(2) For new landscapes installed by certified or licensed professionals, commercial exemptions apply.~~~~
 - ~~(d) The following golf course outdoor water uses are exempt from the outdoor water use schedules:
 - ~~(1) Use of reclaimed wastewater by a designated user from a system permitted by EPD to provide reclaimed wastewater.~~
 - ~~(2) Irrigation of fairways during times of non-drought and declared drought response level one.~~
 - ~~(3) Irrigation of tees during times of non-drought and declared drought response levels one, two and three.~~
 - ~~(4) Irrigation of greens.~~~~
 - ~~(e) The following commercial outdoor water uses are exempt from the outdoor water use schedules:
 - ~~(1) Professionally certified or licensed landscapers, golf course contractors, and sports turf landscapers: during installation and 30 days following installation only. Professional landscapers must be certified or licensed for commercial exemptions to apply.~~
 - ~~(2) Irrigation contractors: during installation and as needed for proper maintenance and adjustments only.~~
 - ~~(3) Sod producers.~~
 - ~~(4) Ornamental growers.~~
 - ~~(5) Fruit and vegetable growers.~~
 - ~~(6) Retail garden centers.~~
 - ~~(7) Hydro seeding.~~
 - ~~(8) Power washing.~~
 - ~~(9) Construction sites.~~
 - ~~(10) Producers of food and fiber.~~
 - ~~(11) Car washes.~~
 - ~~(12) Other activities essential to daily business.~~~~

~~(13) Watering in of pesticides and herbicides on turf.~~

Sec. 122-262. Restrictions on outdoor watering of landscape during non-drought periods

Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses during non-drought periods:

- (a) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;
- (b) Capture and reuse of cooling system condensate or stormwater in compliance with Section 18-257 and state guidelines;
- (c) Reuse of gray water in compliance with Section 18-257, O.C.G.A. § 31-3-5.2, and applicable local board of health regulations;
- (d) Use of reclaimed wastewater by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed wastewater;
- (e) Watering personal food gardens;
- (f) Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;
- (g) Drip irrigation or irrigation using soaker hoses;
- (h) Hand watering with a hose with automatic cutoff or handheld container;
- (i) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
- (j) Watering horticultural crops held for sale, resale, or installation;
- (k) Watering athletic fields, golf courses, or public turf grass recreational areas;
- (l) Installation, maintenance, or calibration of irrigation systems; or
- (m) Hydroseeding.

Sec. 122-263. Other outdoor water uses during non-drought periods.

For outdoor uses not associated with landscape watering, such as car washing, pressure washing, outdoor cleaning, pool filling, etc., the following rules apply during non-drought periods:

- (a) Odd-numbered addresses: Outdoor water use is allowed on Tuesdays, Thursdays and Sundays.
- (b) Even-numbered addresses: Outdoor water use is allowed on Mondays, Wednesdays and Saturdays.

Sec. 122-264. Outdoor water use schedule during declared drought response levels. Outdoor water use and exemptions during state declared drought levels are in accordance with O.C.G.A. § 12-5-7 and Georgia Department of Natural Resources Rules 391-3-30-.04 and 391-3-30-.05.

Sec. 122-265. Right to curtail water usage during emergency conditions.

- (a) Authority. The county may, upon application to and approval by the director of the Environmental Protection Division of the Georgia Department of Natural Resources for good cause shown, impose more stringent restrictions on outdoor water use during non-drought periods or impose more stringent restrictions than those applicable restrictions, if any, imposed by the state during state declared periods of drought. For purposes of this section, 'good cause' means evidence sufficient to support a reasonable conclusion, considering available relevant information, that such additional restrictions are necessary and appropriate to avoid or relieve a local water shortage. A variance granted pursuant to this section shall be valid for such period as determined by the director of the Environmental Protection Division. ~~Notwithstanding any provision to the contrary, the county manager, with the authorization of the board of commissioners, is empowered to implement special water conservation measures during emergency conditions. The type, nature, degree, penalty, commencement and duration of any restrictions or prohibitions are to be determined by the county manager and approved by the board of commissioners.~~
- (b) Emergency conditions. For the purposes of this section only, emergency conditions shall include, but not be limited to times of drought, low stream flows, interruptions in the raw water supply due to breaks or contamination, inability of the filter plants to meet demand, excessive losses or demands in the distribution system due to breaks, fires or other causes, contamination in the finished water, or any other purpose for which the curtailed use of water might be reasonably required in the best interest of public health, safety and welfare as determined by the county manager.
- (c) Restrictions. The water conservation measures may include restrictions or prohibitions on nonessential uses such as swimming pool filling, watering of lawns and gardens, washing of recreational or other vehicles, equipment, sidewalks, driveways, parking areas, tennis courts, patios and other paved areas, recreational uses, and other uses which the county manager may deem to be nonessential and that have been approved by the director of the Environmental Protection Division.
- (d) Notice. A notice of the restrictions or prohibitions imposed under this section and approved by the director of the Environmental Protection Division shall be published in the county organ in a non-legal section. The notice shall set forth

the specific nature of the restrictions or prohibitions, the reasons for the imposition of the restrictions or prohibitions, the date upon which the restrictions or prohibitions become effective, and their duration. The restrictions and prohibitions shall become effective no sooner than the first day following the publication date of the first notice. The notice shall be published once a month while the restrictions and prohibitions are in effect.

Sec. 126-26. - 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:

Basic tow job means and includes the furnishing of a wrecker and all work necessary to properly hook up a damaged or undamaged vehicle and tow it to a storage area.

Damaged vehicle means any vehicle suffering such mechanical or structural damage to the extent that it cannot properly or safely be operated.

Director of public safety means the director of the county department of public safety.

Heavy equipment means vehicles weighing more than 14500 ~~1½ tons or 15,000~~ pounds of GVW.

Passenger cars, light trucks and similar vehicles means any vehicle weight up to 14500 ~~15,000~~ pounds of GVW.

Police department means the county police department, its officers, agents or employees.

Property owner means the owner of property, or his authorized representative, upon which a vehicle to be removed is located.

Public calls means calls received by wrecker services from public officers in the exercise of their public duties, including but not limited to police, fire and emergency medical matters.

Response time means that the zone wrecker service will respond toward the scene of the traffic infringement as soon as possible after a call from the county police department.

Selection committee means a committee composed of the head, chief, manager or director of the following departments, divisions or agencies of the county: public safety, finance, purchasing, business license and internal audit or the designee of such head, chief, manager or director.

Undamaged vehicle means any vehicle which has no or only minor structural or mechanical damage and is capable of being safely and properly operated.

Vehicle owner means the owner of a vehicle or his authorized representative.

Wrecker means an automotive vehicle with hoisting apparatus and equipment for towing wrecked, disabled or abandoned automobiles or other vehicles. The term "wrecker" also includes any vehicle otherwise equipped and used for the purpose of towing wrecked, disabled or abandoned automobiles or other vehicles.

Wrecker service means any corporation, partnership or individual person, either as principal, agent or employee, in the business of removing, towing and/or storing wrecked, disabled or abandoned automobiles or other vehicles by the use of a wrecker or other towing device.

Zone means a geographical area to be contiguous with the boundaries of the police precincts of the police department as now or hereafter created by the county police department and approved by the county board of commissioners.

Zone holder means any wrecker service which submits a successful application under section 126-53 and is permitted a zone and which otherwise complies with the provisions of this article to qualify for the privilege of engagement by the police department for the removal or storage of vehicles.

Sec. 126-34. - Vehicle inventory; procedure.

(a)

Whenever any vehicle is removed by a wrecker service at the direction of a police officer, the police officer shall make a thorough inventory of all equipment, accessories, personal articles and other items either attached to or located within the vehicle. The inventory shall be completed on a form supplied or approved by the police department and signed by the officer in charge of the removal. Upon acceptance of the vehicle and prior to its removal, the agent or employee of the wrecker service performing the removal shall sign the inventory form. The police department shall provide the wrecker service with a copy.

(b)

~~Whenever any vehicle is removed at the request of the vehicle owner and without participation by a police officer, the agent or employee of the wrecker service performing the removal shall complete and sign the inventory form supplied or approved by the police department. The vehicle owner shall be given a reasonable opportunity to verify and sign such inventory form and shall sign same. The owner or lawful custodian of the vehicle shall keep the original of the inventory form. The wrecker service shall keep a copy thereof and shall forward an additional copy to the police department at the time it supplies the information required by section 126-33.~~

(b)

When the vehicle owner picks up his vehicle, the wrecker service shall provide him with a copy of such inventory form.

Sec. 126-54. - Due cause for denial of application.

(a)

The director of public safety shall have due cause to find an applicant not qualified due to any of the following circumstances:

(1)

The applicant has failed to obtain any paper or document necessary in pursuance of its business as may be required by any officer, agency or department of the county, state or 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 director of the business license bureau or to the director of public safety or to the police department or has failed to provide information required by subsection 126-53(e).

(3)

The applicant violates any law, ordinance or resolution regulating such business or violates any regulation made pursuant to authority granted for the purpose of regulating such business.

(4)

The applicant, during the 12-month period next preceding the filing of its application, has suffered revocation of its wrecker service zone privileges, has engaged in any fraudulent business transaction punishable by the laws of this state or has engaged in any act or practice with respect to its business designated as unlawful in O.C.G.A. § 10-1-393, the Fair Business Practices Act of 1975.

(5)

The applicant does not have adequate personnel or equipment to service the zone requested.

(6)

The applicant does not have an impound facility meeting the requirements of section 126-59.

(7)

Each applicant, and all employees and principals associated with the applicant, shall be required to submit to a police background check, and the existence of any of the following items shall result in a denial of the application. Owners and principals shall be examined for a ten-year period, and employees shall be examined for a five-year period. A conviction, plea of guilty or entry of a nolo contendere plea of any of the following shall result in a denial of the application:

a.

Any felony crime.

b.

More than one misdemeanor crime.

- c. Any suspension or revocation of driving privileges, other than administrative suspensions.
- d. Any serious traffic offense as follows:
 1. Reckless driving as defined in O.C.G.A. § 40-6-390.
 2. More than one driving under the influence as defined in O.C.G.A. § 40-6-391.
 3. Homicide by vehicle as defined in O.C.G.A. § 40-6-393.
 4. Serious injury by vehicle as defined in O.C.G.A. § 40-6-394.
 5. Fleeing, eluding or impersonating a law enforcement officer as defined in O.C.G.A. § 40-6-395.

(8)

The applicant would be unable to service the zone in a reasonable response time. Such response time shall be no more than 15 minutes during normal traffic and normal weather and no more than 45 minutes during rush-hour traffic or inclement weather or other abnormal conditions, all while obeying all traffic laws.

(b)

All zone holders shall notify the police department Permits Unit in writing of any material change of the applicant or any employee thereof or any business change in status within 72 hours of such change, which change shall affect any requirement contained in this article.

Sec. 126-59. - Requirements for impound facilities; inventory.

(a)

Each impound facility of the zone holder must be located within the county on properly zoned real property owned or leased by the zone holder and must comply with the following:

(1)

Have the capacity to hold all vehicles towed pursuant to public calls by such zone holder for a period of 90 days.

(2)

Have the entire area adequately illuminated during the hours of darkness to discourage and detect attempts at theft or vandalism.

- (3) Be enclosed by a chainlink fence with barbed wire running at the top, with gate that can be securely locked, such fence to meet all zoning and ordinance requirements of the jurisdiction in which it is located.
- (4) Have an attendant on the property, able to respond to a request for releasing of vehicles and providing ingress and egress immediately upon request.
- (5) The gate to the impound lot shall be and remain locked during the hours of darkness except to provide reasonable ingress and egress in connection with wrecker service operations.

(b) Each zone holder shall submit an inventory every two weeks of all vehicles remaining in its possession whose owner has not been identified and notified. ~~The inventory shall be completed on a form supplied or approved by the police department and~~ submitted in writing to the Cobb County Police Department Permits Unit.

(c) The zone holder shall provide the Cobb County Police Department with five (5) storage areas in each impound lot at no charge for police confiscated vehicles with investigative holds. Each area to be minimum size of one passenger car. The five (5) no charge storage areas shall be within each impound lot in a specific area easily accessible and mutually agreed upon by Cobb County Police Department and the wrecker service.

(d) Each zone holder shall notify the Cobb County Police Department Permits Unit of any damage or theft to a vehicle that was impounded by the Cobb County Police Department which occurs while the vehicle is in the possession of the zone holder. Additionally, the zone holder will provide the police report/ case number from any jurisdiction where the incident was reported.

Sec. 126-62. - Fee schedule—Adoption; notice; public hearing.

- (a) When any recommendation with respect to the fee schedule is submitted to the board of commissioners by the department of public safety, the board of commissioners shall take action with respect thereto by way of a public hearing, giving at least three days' notice to the public and to all zone holders affected thereby of such hearing. After such hearing, the board of commissioners may take such action as it deems appropriate.
- (b) Upon adoption by the board of commissioners of such fee schedule or amendments thereto, no zone holder shall charge fees or prices for public calls in excess thereof for any services performed under this article. Such

fee schedule shall remain in full force and effect until changed pursuant to the provisions of this article.

- (c) A copy of any approved fee schedule or amendment shall be on file with the county clerk and with the county police department, and may be amended from time to time as determined by the board of commissioners. A copy of any approved fee schedule or amendment shall be furnished to each zone holder.
- (d) Each zone holder shall post in a conspicuous place on its premises a sign stating the following:
Note: The maximum fees which may be charged by wrecker services for removal and/or storage for public/police calls have been established by bid and/or a county ordinance. You are entitled to a copy of the fee schedule upon request. Inquiries and complaints concerning any fees charged should be made to the Cobb County Police Department Permits Unit.
- (e) Each zone holder shall furnish to any person so requesting a current copy of the fee schedule.
- (f) Other applicable requirements:
- (1) The investigating officer of the county police department will make a record of the time that a wrecker service spends at an incident location. The officer will note the time of arrival and the time of leaving either from his personal observation of such events or from evidence given him by the wrecker operator or other parties. These times shall be noted on the impound sheet.
 - (2) The basic fees adopted on the fee schedule will cover all charges of the wrecker service from its place of business to the incident location, at the incident location and back to its place of business or any other location within the zone holder's zone requested by the vehicle owner. Should the owner of the vehicle request the vehicle to be towed to a location outside of the operator's zone, the fee will not be governed by the fee schedule. The fee schedule shall further provide for storage fees and administrative fees which may be charged in connection with a public call.
 - (3) If a zone holder is requested to respond to a location for a police-related matter, and upon his arrival the wrecker service is refused by the owner of the vehicle, no charge can be made by the wrecker service for his response or his return to his place of business.

(4)

Should a mistake be made by the police department dispatcher in dispatching the wrong wrecker service, no charge can be made by the zone wrecker service who responds, nor will any charge be made for his return to his place of business.

Sec. 126-116. - 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:

Business license means the license required of all persons engaged in business in the unincorporated areas of the county as set forth in chapter 78, concerning licenses, permits and businesses, as amended.

Chauffeur means, for purposes of this article, any person with a Georgia state driver's license who meets the qualifications as prescribed in O.C.G.A. § 46-7-85.10 and who is authorized by the public service commission to drive a sedan, limousine, extended limousine, van or minibus.

Director means the director of the Cobb County Public Safety Agency.

Dispatcher means a person assigned to a base of operations, in contact with taxicabs of the licensee's company having access to a landline telephone to talk with passengers or place phone calls in the event of an emergency.

Domicile means the place where the corporate establishment is maintained; its principal place of business.

Licensee means a person licensed by the county business license office to engage in the vehicle for hire business.

Limousine means any motor vehicle that meets the manufacturer's specifications for luxury limousine with a designed seating capacity for no more than ten passengers with a minimum of five seats located behind the operator of the vehicle, and which does not have a door at the rear of the vehicle designed to allow passenger entry or exit; further, no vehicle shall be permitted to be operated both as a taxicab and as a limousine. Limousines and limousine carriers shall be fully regulated by the state under the public service commission.

Motor vehicle safety standards means standards promulgated by the public safety agency for approval by the board of commissioners that all vehicles for hire regulated under this article must meet.

Operator's permit means the written authority granted by the ~~public safety department~~ Cobb County Department of Public Safety Director or his designee to persons who qualify to operate vehicles for hire. Sometimes referred to as a taxi driver's permit.

Permittee means a person granted a permit to operate vehicles for hire in the unincorporated areas of the county.

Sedan means any luxury or nonluxury sedan or town car type vehicle which has a seating capacity of not more than five passengers and the driver and which does not contain a taximeter designed to measure electronically or mechanically the distance traveled or time.

Sedan carrier means any person operating a service regularly rendered to the public by furnishing transportation as a motor common carrier for hire, not over fixed routes, by means of sedans driven by chauffeurs on the basis of telephone contract, written contract or other prearrangement.

Taxicab means a motor vehicle used as a public conveyance which does not meet the requirements of a limousine, is not a van, minibus or sedan, has a taximeter and is subject to the rules and regulations of this article.

Valid complaint means a complaint against an operator or business to the business license office where the complainant provides his name, address and substance of complaint, and expresses a willingness to attend any hearing regarding his complaint.

Van means any motor vehicle, other than a limousine, extended limousine, minibus or a sedan, with a designed seating capacity for no more than 15 passengers, including the driver.

Vehicles for hire. For the purposes of this article, vehicles for hire shall mean taxicabs.

Vehicle for hire or taxicab stand means any area where vehicles for hire park, stop, wait or stand for the purpose of accepting or soliciting any consideration, charge or fee in exchange for transportation.

Vehicle permit sticker means a sticker issued to a licensee upon proof of insurance and verification of compliance with county vehicle mechanical safety standards, to be placed on each vehicle for hire operated under this article and renewed annually.

Sec. 126-129. - Drivers' duties and responsibilities.

(a)

Drivers of taxicabs shall notify their dispatcher of any personal property left in the vehicle for hire and such property shall be noted on the daily dispatch log sheets. Within 24 hours of discovery of any personal property left by a passenger, a driver shall forward such property to the public safety agency or to its company's headquarters. Licensees shall maintain an accurate log of all private property held by them and the

names of all persons claiming and receiving such property for a minimum of one year.

- (b) A driver shall take the most direct route to a passenger's destination unless otherwise authorized or directed by the passenger.
- (c) It shall be unlawful for any driver of a vehicle for hire who is not permitted and for any person who is not licensed to solicit or engage passengers within the unincorporated areas of the county.
- (d) No driver shall refuse to accept a passenger unless the passenger is obviously intoxicated or dangerous.
- (e) No driver shall refuse to accept a passenger solely on the basis of race, color, national origin or religious belief.
- (f) No driver shall be permitted to carry nonpaying passengers in a taxicab while transporting a paying passenger or passengers except for the purpose of driver training.
- (g) It shall be unlawful for a driver to operate his vehicle in a manner which threatens a passenger or anyone else, or to threaten or otherwise abuse a passenger.
- (h) It shall be unlawful for a driver to discharge any passenger before reaching the passenger's destination unless the driver has a reasonable belief that the passenger is dangerous, or unless street or area conditions do not permit a safe discharge to either the passenger or driver.
- (i) No television sets may be operated on the front seat on which the driver sits inside of a moving vehicle.
- (j) It shall be unlawful for drivers to drive, or for companies or other entities to allow to be driven, any vehicle for hire which does not have a valid inspection sticker, is not validly insured or, if a taxicab, has an unsealed or improperly working taxifare meter.
- (k) Persons or other entities operating a taxicab service shall be prohibited from allowing such vehicles to be operated by persons not holding valid operator permits.
- (l) Drivers shall not be required to carry more than \$15.00 in change.
- (m)

Upon request of a passenger of a taxicab, drivers shall give receipts showing the amount of fare paid, name of company, license number, number of passengers, location of trip origination and location of trip termination.

(n) Drivers shall notify the dispatcher of any fare originating from a taxi stand or by personal command and provide the information required per Section 126-124.

Sec. 126-151. - License requirements generally.

(a)

No person shall engage in the business of operating vehicles for hire, except limousines, in the unincorporated areas of the county without first having been issued a business license. Limousine carriers and other vehicles not regulated by this article but engaged in the business of vehicles for hire which are domiciled within the unincorporated areas of the county must be issued a business license and pay business license fees. All licenses shall be issued by the county business license office.

(b)

The license must be posted in public view at the license location.

(c)

In order to secure a business license to operate a taxicab service, an applicant must provide information showing its qualifications on a form provided by the business license office of the county, information requested by the public safety agency and must submit to a police clearance consisting of a background investigation and/or fingerprinting. If the applicant is other than a sole proprietor, all partners, officers, managers and stockholders holding a 20 percent or more interest in the company shall be subject to the provisions of this section. An applicant must:

(1)

Be at least 21 years of age.

(2)

Be a citizen of the United States or an alien admitted for permanent residence ~~or a person who has otherwise been granted employment authorization~~ by the United States Citizenship and Immigration Services ~~and Naturalization Service~~.

Not have been convicted, pleaded guilty, pleaded nolo contendere or been on probation or parole, for a period of five years previous to the date of application for the violation of any of the following criminal offenses of the state or any other stated or of the United States: criminal homicide; rape; aggravated battery; mayhem; burglary; aggravated assault; kidnapping; robbery; child molestation; any sex-related offense; driving a motor vehicle while under the influence of intoxicating beverages or drugs; leaving the scene of an accident; criminal solicitation to commit any of these

listed offenses; any felony in the commission of which a motor vehicle was used; perjury or false swearing; any crime of violence or theft or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants; provided, however, that all applicants shall be entitled to the full benefits of O.C.G.A. § 42-8-60 et seq., relating to first offender status. If at the time of application the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal. Subsections 126-151(c)(1), 126-151(c)(2) and 126-151(c)(3) shall also apply to the spouse of the licensee and all shareholders. If the applicant's spouse does not meet the qualifications of an applicant, particularly if it appears that the applicant's spouse or another person is using the applicant, as a guise or dummy to obtain a license, the vehicle for hire or taxicab application and license and all vehicle stickers shall be denied, suspended, and/or revoked.

- (4) Provide a copy of the rate schedule and the daily hours of operation.
- (5) Provide the name, address and telephone number of a responsible individual who is a fulltime employee in a management position of the applicant residing in the county who will be the registered agent for the purpose of serving of process.
- (6) Provide proof of insurance pursuant to section 126-152.
- (7) Provide information and verification pursuant to section 126-153.
- (8) Provide the address of an office staffed by company agents or employees, including a dispatcher, that will be open between the hours of 7:00 a.m. and 7:00 p.m., and during any additional hours that any vehicle for hire associated with that company is being operated, located in Cobb County including any municipalities within Cobb County.
- (d) All taxicab companies and vehicle for hire companies shall submit to the county business license division a list containing each make, model, separate vehicle number, vehicle identification number, tag number, and insurance for each taxicab or vehicle.
- (e) All licenses obtained through the business license office of the county for taxicab companies or other entities shall not be transferable.

Sec. 126-153. - Vehicle permit stickers with license.

A business duly licensed to operate a taxicab service pursuant to this article will be issued, at the time of licensing or at the time of providing proof of insurance as required by subsection 126-152(b), vehicle permitting stickers for each vehicle owned, leased or operated by such business, pursuant to the following conditions:

- (1)
 - The applicant or licensee must:
 - a.

List all vehicles to be operated in the business, indicating their make, model, year, VIN, tag number and color, on a form to be provided by the business license office. Each company shall submit a company logo and/or identification/color scheme, which shall not be the same or similar to any other company. The logo and/or identification/color scheme shall be approved by the business license office.
 - b.

Execute a verification statement concerning the mechanical safety of each vehicle listed in subsection (1)a of this section pursuant to section 126-120.
 - c.

Provide proof of insurance for each vehicle listed in subsection (1)a of this section as set forth in section 126-152, along with vehicle registration, both of which must be in the applicant's name.
- (2)

Stickers must at all times be displayed on the passenger's rear side window and in the front windshield. Each vehicle will be assigned a numbered sticker and that sticker may not be used on any other vehicle.
- (3)

No vehicle to which a permit sticker is affixed may be leased, subleased or otherwise assigned for the purpose of operating a taxicab service under this article.
- (4)

A licensee shall report any additional vehicles to be operated pursuant to this article and shall provide all information necessary and pay all fees required to obtain additional vehicle permit stickers.
- (5)

A fee schedule for vehicle permit stickers will be recommended by the supervisor of the business license office and approved from time to time by the board of commissioners. Such schedule will be on file with the clerk of the county, the business license office and the department of public safety. It shall be the responsibility of

the licensee to renew vehicle permit stickers annually. Any licensee who fails to timely renew its vehicle permit and pay such fee when due shall pay, in addition to such fee, a separate penalty equal to ten percent of the permit sticker fee for each period of 30 days, or portion thereof, following the due date. To be considered a county business for purposes of determining vehicle sticker permit fees, a business must have or operate out of one or more offices in the unincorporated part of the county. A post office box will not constitute an office.

(6)

If a business license is suspended, all vehicle permit stickers associated with such license shall be null and void for the period of the suspension. If the suspension is in effect on the annual renewal date of the business license or on the annual renewal date of the vehicle permit sticker, then immediately upon the suspension ending, such person or entity shall renew its license and vehicle permit stickers.

(7)

Once a taxicab company or vehicle for hire company, or one of its vehicles, ceases to have a county-approved insurance policy or otherwise becomes uninsured, the licensee shall return the Cobb County vehicle for hire permit sticker to the Cobb County business license office within 24 hours. In the event a vehicle becomes uninsured and then reinsured, the sticker must be returned to the business license office within 24 hours and reapplied for.

(8)

Vehicle stickers will not be issued when a company is not in compliance with this article. If a request for additional documentation to process a vehicle application is not met within 10 days of the request, then the application shall be suspended and no additional vehicle requests shall be accepted until the initial application is processed or rescinded.

(9)

No ADD Vehicle Request of Taxi vehicles will be accepted in December of any year.

Sec. 126-171. - Regulation of drivers of vehicles for hire.

(a)

No person shall operate a taxicab in unincorporated Cobb County without an operator's permit issued by the Cobb County public safety agency. No business licensed to operate a taxicab service shall employ any driver who has not been issued an operator's permit.

(1) Expired Taxi Permit – a driver who has allowed his Taxi Permit to expire while conducting business for a licensed Cobb County company shall be in violation of this lesser offense.

- (b) Operator's permits shall not be issued to any driver not employed by or representing a licensed company. Proof of employment or representation shall be presented upon application of a permit. Taxi Permits will denote the business where the driver is employed.
- (c) An applicant for a permit must furnish information requested on a form to be provided by the public safety agency and submit to a police clearance consisting of a background investigation and/or fingerprinting. Operator permit applicants must meet the following requirements:
- (1) Be at least 21 years of age; provided, however, any driver between the age of 18 and 21 who was operating a taxicab on or before the effective date of the ordinance from which this article is derived shall not be subject to this age provision.
 - (2) Be a citizen of the United States or an alien admitted for permanent residence or a person who has otherwise been granted employment authorization by the United States Citizenship and Immigration Services and ~~Naturalization Service~~.
 - (3) Possess a current, valid Georgia state driver's license, which must not be limited as defined in O.C.G.A. §§ 40-5-58 and 40-5-64.
 - (4) Exhibit a proficiency with the English language so as to be able to comprehend and interpret traffic signs, issue written receipts to passengers and obey lawful orders of police and others in lawful authority.
 - (5) Not have been convicted, pleaded guilty, pleaded nolo contendere or been on probation or parole, for a period of five years previous to the date of application, for the violation of any of the following criminal offenses of the state or any other state or of the United States: criminal homicide; rape; aggravated battery; mayhem; burglary; aggravated assault; kidnapping; robbery; child molestation; any sex-related offense; driving a motor vehicle while under the influence of intoxicating beverages or drugs; leaving the scene of an accident; criminal solicitation to commit any of these listed offenses; attempts to commit any of these listed offenses; any felony in the commission of which a motor vehicle was used; perjury or false swearing; any crime of violence or theft, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants; provided, however, that all applicants shall be entitled to the full benefits of O.C.G.A. § 42-8-60 et seq., relating to first offender status. If at the time of application the applicant is charged with any of the

offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal.

- (d) All operator permits automatically expire one year from the date they are issued. It shall be the responsibility of the operator to renew his permit and pay the applicable fee.
- (e) Drivers are responsible for reporting any change in qualifications or status from information previously supplied to the public safety agency within ten days of such change.
- (f) Operator permits must be posted on the dash or sunvisor of the vehicle being driven so that it is visible from the passenger area. Drivers of sedans must have their operator's permits in their possession and they must be visible to passengers. Licensees under this article are responsible for checking to ensure that each driver has a current operator's permit in his possession and that such permit is posted on the dash or sunvisor of the vehicle being operated.
- (g) A schedule of permit fees, as adopted from time to time by the board of commissioners, shall be posted in the offices of the clerk of the county and the public safety agency. Any permittee who fails to timely renew his permit and fails to pay such fee when due shall pay, in addition to such fee, a separate penalty equal to ten percent of the required fee, for each period of 30 days, or portion thereof, following the due date. If the fees adopted from time to time by the board of commissioners provide for different fees for county drivers/operators than for noncounty drivers/operators, to be considered a county driver/operator and pay fees associated therewith, a driver must have or operate out of one or more offices in the unincorporated part of the county; a post office box will not constitute an office. Proof of a current lease, if applicable, for the company premises, an affidavit as to ownership or occupancy or proof of association with a county licensee must be submitted to the public safety department upon request.

Sec. 134-1. 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:.....

Basement (for the purposes of this chapter) means a portion of a building partly underground which has more than one-half of its height, measured from finished floor to finished ceiling, above the average grade of the adjoining ground. A basement shall not be deemed a story unless the ceiling is six feet or more above the grade, or unless it is part of any permitted self-service storage facility.

Basement (for the purposes of determining residential building height) means a portion of a building with its exterior walls at least 50% underground (below finished grade),

Building height (height of structure or building) means the vertical distance from the curb level, or its equivalent, to the highest point of the underside of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip or gambrel roof. ~~For the purposes of determining residential building height, the height of the building is measured from the mean elevation of the finished lot grade at the front entrance of the building. For properties within platted subdivisions that have publicly maintained, internal roadways, the front entrance of the building must be oriented to the required setback adjacent to a public roadway.....~~

Community fair means a festival or fair such as the North Georgia State Fair conducted wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line. Any event shall not exceed 21 days.

Community retail uses means commonly found low scale and low intensity retail uses that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as the following: auto parts store, antique shop, appliance store (home use), bakery, barber shop or beauty shop, beverage shop, bookstore (but not including adult bookstores), bridal shop, camera shop, china and pottery store, clothing store, dance studio, martial arts, pilates, yoga and the like studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drug store, dry goods store, florist, furniture store, gifts and stationery store, hardware store, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop or video store.

Component means any assembly, subassembly or combination of parts for use as a part of a building, which may include structural, electrical, plumbing, mechanical and fire protection systems and other systems affecting health and safety.....

Funeral home means a building or facility utilized for preparations and ceremonies for deceased persons prior to burial or cremation. A funeral home may have an accessory

crematory within the main building in compliance with manufacturer's instructions and any state or federal laws.....

Neighborhood activity center. The purpose of the neighborhood activity center (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail uses and grocery stores.

Neighborhood retail uses means commonly found low scale and low intensity retail uses (with square footages in accordance with the use limitations established within the individual zoning districts of this chapter) that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as, but not limited to, an auto parts store, antique shop, appliance store (home use), bakery, barbershop or beauty shop, beverage shop, bookstore (but not including adult bookstore), bridal shop, camera shop, china and pottery store, clothing store, dance studio, martial arts, pilates, yoga and the like studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drugstore, hardware store, dry goods store, florist, furniture store, gifts and stationery store, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop or video store.

Nightclub means an establishment which operates with its primary income generation from the sales of alcoholic beverages, and which may offer live entertainment.....

Recycling center means a center or location designed for sorting or collection of recyclables from designated recycling collection locations and other private entity sources.

Redevelopment: For the purposes of this chapter, a property shall be deemed as a redevelopment when one of the following thresholds is exceeded:

1. When an existing building is totally demolished, and a new building or structure is proposed.
2. When a proposed building addition adds 15% more building square footage to an existing building. Building additions shall be cumulatively calculated over time, and shall be based on gross building square footage.
3. When a Land Disturbance Permit is obtained disturbing more than 25% of the property.

Routine maintenance shall not be considered redevelopment. Routine maintenance shall include re-roofing, painting, repairing damaged structural components, sealing and

striping a parking lot, window/door changes, façade renovation, signage change, and the like.

Residence hall means a house, apartment, boardinghouse or roominghouse, or other multifamily housing for human dwelling.

Residential Building height (height of structure or building) means the vertical distance from the lowest first floor elevation (above grade) to the mean level of the highest roof structure. When measuring residential building height, measurement will be taken from the front of the structure provided that exposed crawl space walls do not exceed 5 feet (at any location) or exposed basement walls do not exceed 10 feet (at any location). Any amount of crawl space or wall height exceeding these maximums will be subtracted from maximum allowable building height. For properties within platted subdivisions that have publicly maintained, internal roadways, the front entrance of the building must be oriented to the required setback adjacent to a public roadway.

Rest home means a health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Sec. 134-4. Sale, refinancing or leasing of portion of property.
The sale, refinancing or leasing of any portion of a commercial,

Sec. 134-5 Lots requiring lot size variances prior to rezoning

Any lot which is deficient pertaining to minimum lot size, in which a rezoning is contemplated or needed, shall file an application for variance to the Board of Zoning Appeals. The application for variance must be approved by the Board of Zoning Appeals and ratified by the Board of Commissioners at least 21 days prior to the Board of Commissioners' zoning hearing. However, if the Zoning Division Manager or designee is provided with documentation which demonstrates the lot size deficiency was caused by purchase or condemnation by an entity which has the power of eminent domain, or the condition existed prior to December 26, 1972, then this code section shall not be applied and the application for rezoning will be processed and decided in the usual manner despite the lot size deficiency.

Secs. 134- 6 -134-30. Reserved.

Sec. 134-31. Nonconforming uses.

(a) Purpose and intent. The purpose of a zoning ordinance is to have orderly use of property. Nonconforming uses that existed legally prior to the adoption or change of a zoning ordinance create land uses that do not conform to the zoning ordinance. It is the purpose of this nonconforming use provision to allow legally existing nonconforming uses to be retained with certain limitations to protect adjacent property owners and the public from the inconsistencies created by nonconforming uses. It is the intent that over time all nonconforming uses will be eliminated.

(b) Continuance of nonconforming uses. A nonconforming use of a building, structure or land that was legal prior to the enactment of an amendment or adoption of the zoning ordinance shall be allowed to legally continue even though such use does not conform with the provisions of this chapter, subject to the following:

(1) The nonconforming use cannot be expanded to occupy a greater area of land or building area.

(2) The nonconforming use may continue only in the original building structure or land area that was originally occupied by the nonconforming use.

(3) The nonconforming use of the building, structure or land cannot be intensified or escalated, for example, by increasing the number of deliveries, employees or customers coming to the nonconforming use, or noise, dust, fumes or other pollutants emanating from the nonconforming use.

(4) A nonconforming use cannot be reinstated after it has been abandoned. It shall be prima facie evidence of abandonment for the owner and/or operator of the nonconforming use to discontinue the nonconforming use for six months, to fail to obtain a new or renew an existing business license as required under the Code of Cobb County, Georgia for the operation of such nonconforming use, to fail to declare and remit the sales tax required by state law for the nonconforming use.

(5) Failure to follow any other state, federal or local administrative procedure or regulation that is required for the nonconforming use shall be prima facie evidence of abandonment.

(6) A nonconforming use cannot be changed to another nonconforming use.

(7) A nonconforming use must maintain any screening or buffering that existed prior to the use becoming a nonconforming use or that was later voluntarily added.

(8) A use that constitutes a nuisance as defined by state law is not and cannot become a nonconforming use.

(c) Continuance of nonconforming structure or building. A building or structure that is nonconforming or that contains a nonconforming use at the time of enactment of the ordinance from which this chapter is derived or at the time of enactment of an amendment to this chapter may be retained, except that it shall not be:

(1) Enlarged, altered or rebuilt, except for repairs necessary to maintain the structure or building in a safe and sanitary condition.

(2) Rebuilt, altered or repaired after damage or deterioration exceeding 75 percent of its replacement cost at the time of destruction, except in conformity with this chapter.

(3) Section 134-31 does not apply to signs. See section 134-311 et seq.

(d) Continuance of nonconforming lot size. Any lot which is deficient pertaining to minimum lot size may be granted a permit for a principal structure, accessory structure or building addition, consistent with the other underlying zoning district requirements, if the Zoning Division Manager is provided with documentation that demonstrates the lot

size deficiency was caused by purchase or condemnation by an entity which has the power of eminent domain, or the condition existed prior to December 26, 1972,

~~(d)~~ (e) Nothing in this section shall be construed to allow a use that is dangerous to the general public to continue to exist. This section shall also not be construed to not require changes to buildings or structures to comply with any fire code, life safety code or other safety ordinance or regulation.

(e) To protect the public from inconsistent zoning requirements and to make nonconforming uses as consistent with conforming uses as possible, nonconforming uses must comply with zoning requirements such as parking, landscaping, setback, outside storage, screening or buffering requirements for the zoning district or use which does not substantially impact the nonconforming use or nonconforming structure.

(Ord. of 12-26-72; Ord. of 12-11-90, § 3-28-12.0; Ord. of 10-27-92; Ord. of 6-24-97 (eff. 7-1-97); Ord. of 2-9-99)

DIVISION 4. REZONING OR LAND USE PERMIT APPLICATIONS

Sec. 134-121. Generally.

(a) Prerequisites for processing.....

(3) Applications which have been publicly heard by either the planning commission or the board of commissioners and which have been withdrawn without right and without permission of a majority of the applicable board as set forth in subparagraph 134-121(d)(1) above shall be deemed a rejected application with prejudice.

(e) Resubmission of rejected/deleted applications.

(1) If an application for rezoning, land use permit or special land use permit is rejected or deleted to another zoning classification, then any portion of the same property may not again be considered for rezoning, land use permit or special land use permit for a period of 12 months from the date of the original board of commissioners' hearing. An applicant may reapply for rezoning to a more restrictive classification than the application previously denied, or denied without prejudice, following the expiration of six months in accordance with O.C.G.A. § 36-66-5, as amended from time to time.

(2) The board may only consider property for rezoning within the six-month time period in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction. The board shall advertise, post the property, and conduct another public hearing prior to taking such action.

(Ord. of 12-26-72; Ord. of 12-11-90, § 3-28-8.1; Ord. of 8-13-91; Ord. of 1-11-94; Ord. of 6-24-97 (eff. 7-1-97); Ord. of 12-9-97 (eff. 1-1-98); Ord. of 2-8-00; Ord. of 1-25-05)

Sec. 134-126. Site plan/stipulation amendments.

On any rezoning which is conditioned upon a site plan, proposed minor modifications which do not alter or conflict with the basic intent of the plan may be approved by the zoning division manager after presentation and approval by the board of commissioners at any regularly scheduled meeting or hearing. Also, on any rezoning which is conditioned upon a stipulation or stipulations, proposed minor amendments ~~to the~~ specific and limited to stipulations (identified prior to a regularly scheduled meeting or hearing) which do not alter or conflict with the basic intent of the rezoning on which they apply may be approved by the zoning division manager after, first, determination by the board of commissioners that the amendments are minor and, second, approval of the amendments by the board of commissioners at any regularly scheduled meeting or hearing. All other modifications must be advertised and rezoned in accordance with the provisions set forth in this division.

(Ord. of 12-26-72; Ord. of 12-11-90, § 3-28-8.8; Ord. of 1-11-94; Ord. of 9-26-95)

Sec. 134-228. RRC regional retail commercial district.

Commencing January 1, 1998, no new applications for a Special Land Use Permit for Self-Service Storage Facilities (SSSF) are to be accepted by the board of commissioners. The regulations for the RRC regional retail commercial district are as follows:

(1) Purpose and intent. The RRC district is established to provide locations for intense retail commercial, office or mixed uses which exceed 500,000 net square feet and which are designed and oriented to serve a regional market making up a community. Projects developed within the RRC district should be done so as compact unified centers. Ideally, projects developed within the RRC district should occupy an area adjacent to or having good access to interstate highways, which is delineated within a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. ~~Additionally, the board of commissioners require an applicant seeking an RRC zoning district to participate in the Atlanta Regional Commission's Major Development Area review, as amended from time to time.~~

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

Sec. 134-272. Traffic and parking.

Each use shall meet the following requirements:

(1) Street access generally.....

c. Surfacing. The parking of any vehicle on any lot in any district other than a surface treated and hardened with concrete, asphalt, tar and gravel mix, or the like, to accommodate such vehicle, is prohibited except as provided in this section. (All tires of vehicle must be on hardened surface.) The required number of surface treated and hardened parking spaces for any use or number of separate uses may be reduced via an administrative variance per 134-35, if: a) the reduced number of spaces is provided on pervious surface; or: b) documentation is submitted and approved by community development staff that indicates a reduced number of spaces is sufficient for the use or combination of uses provided that the area remains in a natural state or is landscaped. This reduction shall not allow for any increase in square footage of any use or number of separate uses. In addition, parking of vehicles within the front yard setback or in front of the principal building line in an R district shall be prohibited except on a hardened surface with concrete, asphalt, tar and gravel mix, or the like, driveway or in a carport or garage. (For the purpose of this section only, the use of concrete blocks, pavers, runners or the like, used as a treated and hardened surface, must be ~~installed permanent and not loosely on top of the ground.~~ installed flush with the ground and capable of supporting all vehicle/equipment tires without driving onto or over an unapproved parking surface.)

d. Required spaces. The number of parking spaces or area required for a particular use shall be as follows:.....

134-286 Mableton Form-based Redevelopment

General Procedures

Intent

Due to the sustained lack of private investment in the old Downtown Mableton, it is necessary to institute development incentives to assist residences and businesses in having the community they desire. Therefore, the intent and purpose of this Section is to enable and encourage the implementation of the South Cobb Town Center-Mableton Lifelong Community Plan (as adopted February 8, 2011) as depicted and expressly limited to the boundaries shown on Table 1C. The following policies provides further clarification on the intent for this section:

- 1) The Mableton Community
 - a) That Mableton should retain its natural infrastructure and visual character.
 - b) That growth strategies should encourage infill development in parity with the development of new communities.
 - c) That development within or contiguous to urbanized areas should support Traditional Neighborhood Development (TND) or Regional Corridor Development (RCD) patterns.
 - d) That transportation corridors should be planned and reserved in coordination with land use.
 - e) That green corridors should be used to define and connect the urbanized areas.
 - f) That the community should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.
 - g) That compact, pedestrian-oriented and mixed use development should be enabled as a pattern of development.
 - h) That ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.
 - i) That interconnected networks of thoroughfares should be designed to disperse traffic and reduce the length of vehicle trips.
 - j) That a range of housing types, sizes and price levels should be distributed throughout the community to accommodate diverse ages and incomes.
 - k) That appropriate building densities and land uses should be provided within walking distance of transit stops.
 - l) That civic, institutional, and commercial activity should be in downtowns, not isolated in remote single-use complexes.
 - m) That schools should be sized and located to enable most children to walk or bicycle to them.
 - n) That a range of open space, specifically parks, squares, and playgrounds should be distributed within neighborhoods and downtowns.
- 2) The Block and the Building
 - a) That buildings and landscaping should be disciplined to contribute to the spatial definition of thoroughfares.
 - b) That block structure should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
 - c) That the design of streets and buildings should reinforce safe environments, but not at the expense of accessibility.

- d) That architecture and landscape design should grow from local climate, topography, history, and building practice.
 - e) That the architectural design of buildings should respond to climate through energy efficient methods.
 - f) That civic buildings and public gathering places should be distributed to locations that reinforce community identity and support local governance.
 - g) That civic buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.
 - h) That the preservation and re-use of historic buildings should be facilitated.
 - i) That the harmonious and orderly evolution of urban areas should be secured through regulating the form of buildings.
- 3) The Transect
- a) That communities should provide meaningful choices in living arrangements as enabled by distinct physical environments.
 - b) That the transect zone descriptions on Table 1 shall constitute the intent of this Code with regard to the general character of each of these environments.

Applicability

- 1) Provisions of this Section are activated by "shall" or "are" when required, "should" when recommended, and "may" when optional.
- 2) Areas that are outside of the Mableton Form-based Redevelopment District, as depicted in Table 1C, which may request to utilize form-based coding will need to demonstrate a specific need as to why the normal zoning process will not accommodate their needs. Reasons to authorize the use of form-based codes shall include all of the following:
 - o A lack of development in comparison to the county average for a period of at least 15 years;
 - o Blight, which includes social, economic, and physical factors; and
 - o Areas that have been part of a Board of Commissioners approved Master Plan or Corridor Study.
- 3) If an area of Cobb County desires to have the Board of Commissioners consider applying form-based type standards to an area outside of that which is depicted in Table 1C, the requesting party will be required to undertake a process similar to that of the South Cobb Town Center-Mableton Lifelong Community Plan (as adopted February 8, 2011) and the Mableton Form-based Redevelopment District. This shall include, but is not limited to the following:
 - o A week long Design Workshop, which culminates in a joint-presentation to the Planning Commission and Board of Commissioners. The Design Workshop shall include multiple designers and planners that will create the Illustrative Master Plan, Illustrations, Graphics, and Maps which sets the vision for the future of the area.
 - o Community participation and involvement in all aspects of the Design Workshop;
 - o Public notification of the week long Design Workshop through road signs, direct mailing to all property owners impacted by the plan and code, e-mail, website, and print media;
 - o An Illustrative Master Plan document shall be compiled and approved by the Board of Commissioners prior to final consideration of draft form-based code.

- The creation of the Regulating Plan and code language shall be a direct reflection of the vision created in the Illustrative Plan.
 - Prior to a draft code being presented to the Planning Commission and Board of Commissioners, at least two public workshops will need to occur to educate the impacted community about the contents of the code and obtain community input into the specifics of the code.
 - Finally, consideration of new form-based code areas should be done in accordance with the standard and procedures for other code amendments.
- 4) Specific standards set forth in the Implementation of the Mableton Form-based Redevelopment District are considered part of this code. These standards are available for viewing with the Community Development Agency, the Cobb County Clerks Office, and on-line via the Cobb County website. Alterations to the standards shall be considered amendments to the code and will be undertaken in the manner described below.
 - 5) Provisions of this Section, when in conflict, shall take precedence over those of other codes, ordinances, regulations and standards except Chapter 54 (Fire Prevention and Protection) of the Cobb County Code; the Cobb County Commission approved International Building Code; International Fire Code; International Mechanical Code; International Plumbing Code; International Residential Code; National Electrical Code; International Fuel Gas Code; International Energy Conservation Code; and International Property Management Code. These provisions shall not take precedence if owners opt to utilize the existing underlying zoning.
 - 6) The existing provisions of the Cobb County Code and Cobb County Development Standards shall continue to be applicable to parcels that opt to utilize the existing underlying zoning as well as applying to issues not covered by this Section except where the existing local codes would be in conflict.
 - 7) Definitions & Synonyms contains regulatory language that is integral to this Section. Those terms not defined in Definitions & Synonyms shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those of the existing local codes, those of this Section shall take precedence.
 - 8) The provisions of this Section or the numerical metrics of its tables, when in conflict with diagrams and illustrations, shall take precedence.
 - 9) Illustrations of recommended infrastructure strategies and land use allocations that would support the implementation of the South Cobb Town Center-Mableton Lifelong Community Plan (as adopted February 8, 2011) are located in the Regulating Plan.
 - 10) Infrastructure illustrated in The Regulating Plan may be required as part of the routinely applied development approval process, but in no event constitutes a commitment that Cobb County will install the infrastructure.

Approvals Process

- 1) A Review Committee (RC) shall process administratively applications and plans for proposed projects.
- 2) An owner may request a variance or appeal a decision of the RC to the Board of Commissioners.

Warrants and Variances

- 1) There are two types of deviations from the requirements of this Section: warrants and variances.

- 2) A warrant shall permit a practice that is not consistent with a specific provision of this Section but is justified by the General Procedures Intent. The Warrant Committee (WC) shall have the authority to approve or disapprove administratively a request for a warrant pursuant to the procedures established by the Board of Commissioners. Prior to warrant being considered, notice shall be provided to the entire RC at least 15 days prior to the WC meeting. WC decisions may be appealed to the Board of Commissioners with 30 days of the WC Committee Decision. Appeals should be filed with the Zoning Division Manager, or his/her designee.
- 3) A variance is any ruling on a deviation other than a warrant. Variances shall be granted only by the Board of Commissioners with a recommendation provided by the Planning Commission.
- 4) Variance and appeals requests heard by the Planning Commission and Board of Commissioners shall be heard as per the rules set forth for consideration of Other Business Agenda Items.

Incentives

To encourage the use of this Section, an incentives plan shall be presented to the County Board of Commissioners after the adoption of this Section. General items that may be considered in this incentives plan include:

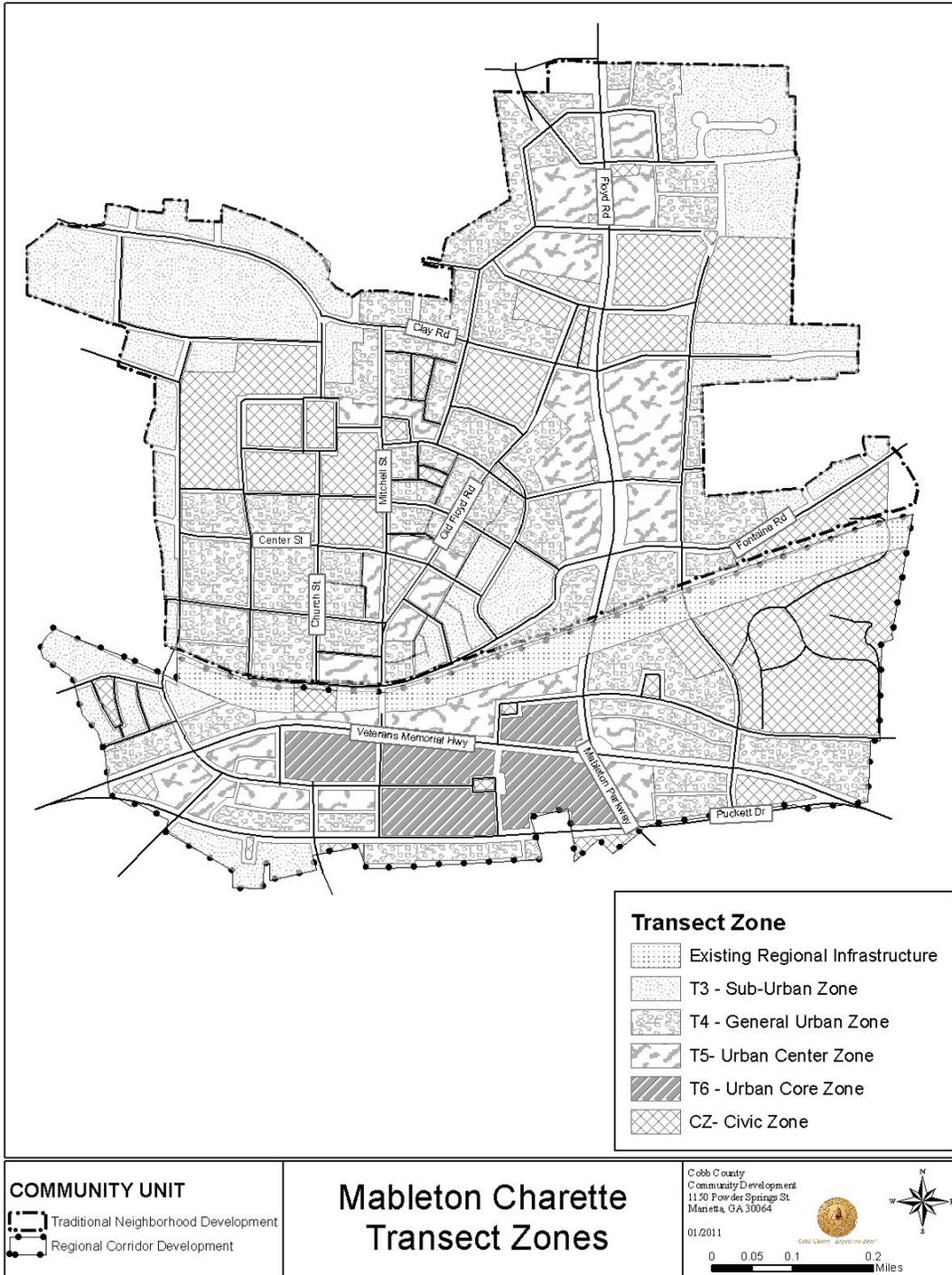
- 1) Fee reduction.
- 2) Density increases (particularly as they relate to workforce housing options).
- 3) Tax relief (tax abatement via Development Authority).
- 4) Green building certifications.

Amendments

- 1) There are two types of amendments available for this Section, amendments to the regulating plan and amendments to the metrics of this Section. All Amendments to the regulating plan and metrics of this section shall be approved by Board of Commissioners. Amendments may be permitted, provided they are consistent with the intent of this Section and adhere to the following:
 - a. Amendments to this Section shall be considered as a request by the Community Development Agency or at the discretion of the Board of Commissioners. Modifications to the regulating plan and metrics, including changes in transect zone assignments are considered Amendments.
 - b. The Community Development Agency may prepare or have prepared on its behalf amendments to the regulating plan, subject to review and recommendation by the Planning Commission and approval of the Board of Commissioners. Amendments shall adhere to specific criteria set forth in the Implementation of the Mableton Form-based Redevelopment District, which are hereby considered part of this code.

The Regulating Plan

Table 1C – Transect Zone Allocation



Sec. 134-318.1. Reduction in number of off-premises outdoor advertising signs

(a) Purpose: The board of commissioners finds that all off-premises outdoor advertising signs in unincorporated Cobb County are legal nonconforming uses, and consistent with the provisions of section 134-346, nonconforming signs, it is the desire of Cobb County that such nonconforming uses be permitted to continue, but that they be reduced over time. Despite this intent, the number of legal nonconforming off-premises outdoor advertising signs has not been materially reduced in a significant fashion. The board of commissioners further finds that the development of electronic signs provides a valuable opportunity to enhance the utilization of existing signage within Cobb County, although such electronic signs must be properly regulated to insure they do not constitute a traffic hazard or otherwise negatively impact the aesthetics of Cobb County. As such, the board of commissioners finds that the modification of a limited number of existing legal nonconforming static signs to electronic signs, in exchange for a reduction in the overall number of nonconforming off-premises outdoor advertising signs constitutes a benefit to Cobb County in regard to traffic safety and aesthetics.

(b) Exchange ratio and permitting: Notwithstanding any other provision of this ordinance, any existing legal nonconforming off-premises outdoor advertising sign face(s) or panel(s) existing on the date of adoption of this ordinance amendment and not located within 500 feet of a residence may be modified to an electronic sign face(s) or panel(s), provided that the applicant remove from within Cobb County (including both incorporated and unincorporated areas) not less than three legal nonconforming off-premises outdoor advertising sign face(s) or panel(s) of equal or greater square footage to that sign being converted to an electronic sign.

(c) Determination criteria.....

Sec. 134-373. Application; issuance or denial.

(a) Who may apply. Permits shall be issued only to:.....

(d) Processing of application. Upon receipt of a properly completed application for a sign as permitted under the provisions of this article, the county, through its enforcement personnel, shall examine and process the application, ~~and either grant or deny the application within five business days or else the application shall be deemed granted on the sixth business day.~~ An action by the county to approve or deny a sign permit shall be taken within 30 days of receipt of a complete sign permit application. Any sign permit application for which no action has been taken after 30 days or more shall be deemed to be approved. A permit may be denied if the applicant landowner or lessee is presently maintaining any sign in violation of this article.

(e) Procedure upon denial. Upon denial of the application of a permit, the applicant shall be given written notice stating the reason for the denial within ~~15~~ 30 days of the decision to deny the permit. Upon denial of the application for a permit, the applicant may appeal to the board of zoning appeals as provided by section 134-95 within 30 days of the receipt of notice of the final decision of the administrative officer. The hearing before the board of zoning appeals shall take place within 45 days of the filing of the appeal with the clerk of the BZA. The BZA shall render a decision on the appeal no longer than ten days after the hearing date. Except for the time limits for an appeal and decision on appeal as prescribed in this subsection, all appeals to the BZA shall be governed by the board of zoning appeals hearing procedures.

(f) Expiration. Any permit which is required to be renewed or transferred and is not renewed or transferred within 12 months will be deemed expired and cannot be renewed or reinstated. If the permit expires the sign may be removed as specified under subsection 134-132(c).

(Ord. of 1-9-90, § 8; Ord. of 2-25-92, § 8(E); Ord. of 2-14-95, § 11.A--E, G; Ord. of 6-24-97 (eff. 7-1-97); Ord. of 4-25-02; Ord. of 9-10-02)