

Proposed Amendments
Official Code of Cobb County
Chapters 2, 6, 50, 78, 86 and 134
Public Hearing Dates
July 10, 2012 – 9:00 am
July 24, 2012 – 7:00 pm

Cobb County Community Development
P.O. Box 649
Marietta, GA 30061
www.cobbcounty.org

Sec. 2-103. - Authority.

Employees of the code enforcement division have enforcement authority to issue citations for violations of this code in accordance with [section 1-10](#). Employees of code enforcement shall have citation authority over the following portions of this Code, unless specific authority is given exclusively to another agency or department within a code section or such exclusivity is otherwise determined by federal or state law or by agreement with another jurisdiction:

- (1) Chapter 18, article II (permits required);
- (2) Chapter 18, article III (building code);
- (3) Chapter 18, article IV (electrical code);
- (4) Chapter 18, article V (gas code);
- ~~(2)~~ (5) Chapter 18, article VI (housing code);
- ~~(3)~~ (6) Chapter 18, article VII (mechanical code);
- ~~(4)~~ (7) Chapter 18, article VIII (one and two family dwelling code);
- (8) Chapter 18, article IX (plumbing code);
- (9) Chapter 18, article X (swimming pool code and wastewater discharge);
- ~~(5) Chapter 18, article XI (unsafe building abatement code);~~
- (10) Chapter 18, article XI (energy code)
- ~~(6)~~ (11) Chapter 18, article XII (excavating and trenching);
- ~~(7)~~ (12) Chapter 26, article II (cemetery preservation);
- ~~(8)~~ (13) Chapter 50, article III (land disturbing activities);
- ~~(9)~~ (14) Chapter 50, article II (Chattahoochee River corridor tributary protection area);
- ~~(10)~~ (15) Chapter 50, article VI (tree preservation and replacement);
- ~~(11)~~ (16) Chapter 54 (fire prevention and protection);
- ~~(12)~~ (17) Chapter 58, article II (flood damage prevention);
- ~~(13)~~ (18) Chapter 78 (licenses, permits and businesses);
- ~~(14)~~ (19) Chapter 102, (solid waste);
- ~~(15)~~ (20) Chapter 106, Streets, Sidewalks and Other Public Places, Article II, Section 106- 10(c) (Obstructions on right-of-way);
- ~~(16)~~ (21) Chapter 110 (subdivisions);

~~(17)~~ (22) [Chapter 122](#), Article II (water and wastewater systems);

~~(18)~~ (23) [Chapter 134](#) (Zoning).

~~(19)~~ (24) Volumes 1 and 2 of the Cobb County Development Standards, as may be amended from time to time.

(Ord. of 3-27-90; Code 1977, § 3-9.5-6; Ord. of 9-12-00; Ord. of 7-10-01; Ord. of 1-22-02; Ord. of 9-10-02; Ord. of 7-8-03)

Sec. 6-1. Definitions.

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

Adequate parking means one parking.....

Church means a permanent building where persons regularly assemble for religious worship and shall be publicly designated as a church, but shall not include a residence also used for religious purposes.

Closed function means an event sponsored by a nonprofit organization not open to the general public which must have a written, limited guest list prepared at least 48 hours in advance of the date on which the closed function is to occur, and which occurs at the Cobb Civic Center, Jim R. Miller Park, Mable House, The Cobb County Safety Village, a county community center, or a county art place which is managed by the parks, recreation and cultural affairs department. No pay-at-the-door guests or drop-ins are to be permitted. Alcoholic beverages may be served without charge and consumed at closed functions, but the offer and sale of alcoholic beverages at such functions is prohibited; except that a general admission fee permitting attendance at the closed function may be collected in advance.

College means only such state, county,.....

Sec. 50-75. Minimum requirements for erosion and sedimentation control using best management practices.

(a) General provisions. Excessive soil erosion and resulting sedimentation can take place during land disturbing activities if requirements of this section and the NPDES general permit are not met. Therefore, plans for those land disturbing activities which are not excluded by this article shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of this section. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land disturbing activity and the NPDES general permit. Land Disturbing Activities that are exempted from obtaining a permit and preparing a plan (as listed in Section 50-74) shall institute minimum soil erosion and sedimentation control measures.

~~Sec. 78-181. Record of transactions:~~

~~(a) Every pawnbroker shall maintain a permanent record book in which shall be entered in legible English at the time of each loan, purchase or sale:~~

~~(1) The date of the transaction;~~

~~(2) The name of the person conducting the transaction;~~

~~(3) The name, age and address of the customer; a description of the general appearance of the customer; and the distinctive number from the customer's driver's license or other similar identification card;~~

~~(4) An identification and description of the pledged or purchased goods, including, if reasonably available, the serial, model or other number, and all identifying marks inscribed thereon;~~

~~(5) The number of the receipt or pawn ticket; in sequential order with no omissions, deletions, or duplications;~~

~~(6) The price paid or the amount loaned;~~

~~(7) If payment is made by check, the number of the check issued for the purchase price or loan;~~

~~(8) The maturity date of the transaction; and~~

~~(9) The signature of the customer.~~

~~(10) The fingerprint of the right hand index finger of the customer, unless such finger is missing, in which event the print of the next finger in existence on the right hand of the person pawning the articles shall be obtained with the notation as to the exact finger printed;~~

~~(b) Entries shall appear in ink and shall be in chronological order. No obliterations, alterations or erasures may be made. Corrections shall be made by drawing a line of ink through the entry without destroying its legibility. The record shall be open to the inspection of any duly authorized law enforcement officer during the ordinary hours of business or at any reasonable time.~~

~~(c) The record of each pawn or purchase transaction provided for in this section shall be maintained for a period of not less than four years.~~

~~(Ord. of 10-25-94; Code 1977, § 3-7-128; Ord. of 12-12-00)~~

~~State law references: Similar provisions, O.C.G.A. §§ 44-12-132-44-12-134.~~

78-181 Records and information to be maintained; identification; digital photographs; fingerprints; records storage; electronic automated reporting system use required

(a) All pawnbrokers shall maintain records documenting accurate descriptions of all property pledged, traded, pawned, exchanged, or sold to the pawnbroker. Such description shall include, if reasonably available, the manufacturer, model, serial number, style, material, kind, color, design, number of stones if jewelry, and all other identifying names, marks, and numbers. The pawnbroker shall assign a unique pawnshop transaction number documenting each transaction.

(b) Each item received, excluding audio and video recordings, shall be tagged with the pawnshop transaction number. The tag bearing the pawnshop transaction number must remain attached to the item until the property is disposed of by sale, trade, or other lawful means.

(c) The pawnbroker shall require all persons pledging, trading, pawning, exchanging, or selling property to show proper identification prior to conducting a pawnshop transaction. Proper identification is defined as a government issued photo identification card such as a driver's license, military identification card, state identification card, or passport.

(d) The pawnbroker shall document the name, address, telephone number, race, sex, height, weight, drivers license number, and date of birth of the person pledging, trading, pawning, exchanging, or selling the property, along with the date and time of transaction, the price paid or amount loaned, and the maturity date of the transaction. This documentation shall be made at the time of the transaction.

(e) The pawnbroker shall photograph, with a digital camera, at the time of each transaction, the person pledging, trading, pawning, exchanging, or selling the property. The photograph shall clearly show a frontal view of the subject's face along with the pawnbroker's ticket transaction number. The pawnbroker shall also clearly photograph the property being pledged, traded, pawned, exchanged, or sold. Digital images shall be labeled and stored in such a manner that they are safe from corruption, readily identifiable, and readily available for review.

(f) The pawnbroker shall obtain from each person pledging, trading, pawning, exchanging, or selling any property, the fingerprint of the right hand index finger, unless such finger is missing, in which event the print of the next finger in existence on the right hand shall be obtained with a notation as to the exact finger printed. The electronic digital fingerprint scanner will be the primary method of entry required. The fingerprint shall be imprinted onto the pawn transaction form in the designated area along with the signature of the person pawning, trading, pledging, exchanging, or selling the property. The fingerprint must be clear and legible. In the event that more than one pawn transaction form is required, a fingerprint and signature should be obtained for each form. Fingerprints and the information required herein shall be obtained each time such person pledges, trades, pawns, exchanges, or sells any property.

(g) Items of property, that appear to be new, unused, and in their original packaging cannot be accepted by the pawnbroker unless the customer can supply a copy of the original sales receipt, or other proof of purchase from the

place of purchase, to the pawnbroker who shall retain the receipt or proof of purchase on file.

(h) The pawnbroker shall store the above records, digital images, and fingerprints for a period of four years and make them available to law enforcement personnel upon request.

(i) Every pawnbroker shall enter each transaction, including all information, digital images and fingerprints required in sections (a), (d), (e), and (f) above, as it occurs into the electronic automated reporting system via the internet, or upload electronically, via the internet, a batch file of all transactions for each business day, to the administrator of the electronic automated reporting system, immediately at the conclusion of each business day. The administrator of the electronic automated reporting system will electronically transmit all transactions to the county police department.

~~Sec. 78-182. Daily report to police; customer fingerprints and identification.~~

~~(a) Daily report. Every licensee under this division shall make a daily report in writing to the county police department, in such form and manner as may be prescribed by the director of public safety for the county, or any designated agent, of all property pledged, received, traded, bartered, bought or otherwise acquired by the licensee during the 24 hours ending at 8:00 p.m. on the date of the report. In addition to any other information required by the county police department, the report shall include: the name and address of the licensee; time of transaction; serial number of pawn tickets; amount paid or advanced; full description of articles with sufficient information to identify each of such articles, including kind, style, material, color, design, kind and number of precious metals or gemstones, if any, and all identifying names, marks and numbers; and a description of the person pledging, selling or pawning, including name, address, color, weight and height. Insufficient reports shall be rejected, and any licensee, or employee thereof, making an insufficient report shall be deemed guilty of an offense punishable according to the provisions of section 78-2.~~

~~(b) Customer identification. Each licensee shall require that any person pawning, pledging, bartering, exchanging, selling or entering into any transaction with the business shall display evidence of identification, such as a duly issued driver's license with picture or other similar evidence containing a picture of the customer, and the licensee shall record the driver's license number or other number or feature of such evidence of identification.~~

~~(c) Violations. The failure of any licensee or employee thereof to comply with the provisions of this section shall constitute an offense, punishable as provided in section 78-2.~~

~~(Ord. of 10-25-94; Code 1977, § 3-7-129; Ord. of 12-12-00)~~

78-182 Daily report to police; required format; motor vehicle title pawn records

(a) Every pawnbroker shall make a daily report, including all information required in Sections 78-181(a), (d), (e), and (f), in such form as may be prescribed by the chief of police, of all pawnshop transactions that occurred during 24 hours ending at 8:00 p.m. on the date of the report. The requirements of 78-181 (i) shall satisfy the pawnbroker's daily reporting requirements.

(b) In the event that the electronic automated reporting system becomes temporarily or permanently disabled, pawnbrokers will be notified as soon as possible by the county police department. Pawnshops that incur electronic system failures or other events that would cause partial or complete loss of electronic reporting should notify the county police department forthwith with the reason for the failure. In either event, the pawnbrokers will be required to make records of transactions on paper forms. The records will include all of the information required in section 78-181. Pawnbrokers shall maintain a minimum three day supply of these paper forms.

(c) The chief of police or his designee shall designate the required automated reporting system and required equipment needed. There will be a regulatory fee assessed to each pawnshop for each reported transaction; said fee shall be an amount set by the chief of police equal to that charged by the administrator. This fee will be invoiced to the pawnbroker and collected by the chief of police or his designee, which may be a third party administrator of the automated reporting system.

(d) Every pawnbroker dealing exclusively with motor vehicle title pawns shall be excluded from the requirements of Sections 78-181(b) property tags; 78-181(e) photographs; 78-181(g) purchase receipts; 78-181(i) reporting to the electronic automated reporting system; and Section 78-182(a) daily reports.

Sec. 78-183. Employee permit; qualifications of employees.

No person shall be employed by a pawnshop in any capacity 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 Immigration and Naturalization Service and until such person has been issued an annual personal identification card/permit by the county police permit unit, authorizing such person to be employed by a pawnshop. Such a permit shall not be issued to any person who has been convicted within five years prior to the application for employment for any misdemeanor or felony involving theft, burglary, crimes against property, any felony drugs or controlled substances, any

violation of this division, or any other crime involving moral turpitude. For purposes of this section, the term "conviction" shall mean any adjudication of guilt, or plea of guilty or nolo contendere. No permit shall be issued so long as there are outstanding criminal warrants, criminal charges, accusations or indictments for any of the crimes enumerated in this subsection on which there has been no final disposition or adjudication, and any such application involving any such pending charges shall be held for any final decision until final disposition or adjudication of such charges.

Sec. 78-184. Hours of operation.

No licensee under this division shall operate his place of business except during the hours of 7:00 a.m. and 8:00 p.m.

Sec. 78-185. Dealing with minors.

It shall be unlawful for any pawnbroker or his agents or employees to receive in pawn, pledge or sale goods of any character or description from a minor. For the purposes of this section a minor is any individual 17 years of age or under.

Sec. 78-186. Sale of knives, blackjacks or other weapons.

It shall be unlawful for any licensee under this division to sell, offer for sale or expose for sale any kind of metal knacks, dirks, sword-in-canes, spears, Bowie knives or switchblade knives, or any blackjacks or similar weapons. Any licensee or employee thereof violating this section shall be deemed guilty of an offense.

Sec. 78-187. Holding period of pledged articles; Police holds.

All personal property acquired by the licensee, whether by pawn, purchase, barter, trade or otherwise, shall be held and maintained by the licensee at the licensed location, or at such other impound location as may have been previously approved by the county police department in writing, for a minimum of 30 days prior to disposal of same by the licensee, except in instances where the property is redeemed as per a pawn transaction contract. The county police department has the authority to place property that is the subject of police investigation on "police hold." In that event, the county police department shall notify the licensee of the need for a police hold and identify all property subject to the police hold. Upon notification, it shall be the responsibility of the licensee to maintain the subject property until such time as the property is released from police hold status, confiscated as evidence or returned to its rightful owner.

78-188. Violations; Exemptions

The failure of any licensee or employee thereof to comply with the provisions of this chapter shall constitute an offense, punishable as provided in section 78-2. Transactions involving the purchase of property from licensed wholesale or distributor businesses, manufacturers, manufacturers' representatives, or other pawnbrokers are exempt from the requirements of this section.

78-189. Severability.

If any portion of this ordinance is declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining portion of the ordinance.

Subdivision II. License

Sec. 78-201. Application.

- (a) Required. All persons, before beginning the business of operating a pawnshop, shall first file an application with the director of the business license office to obtain a license to conduct such a business.
- (b) Contents. All persons 25 years of age or older desiring to obtain a license required under this division shall make written application to the business license office for such privilege, and shall supply such information as may be required by the supervisor of the business license office or the police department, and such application shall be sworn to by the applicant or agent thereof.
- (c) Failure to furnish required information. All applicants shall furnish all data, information and records requested of them, and failure to furnish such data, information and records within 30 days from the date of such request shall automatically serve to dismiss, with prejudice, the application. An applicant, by filing an application, agrees to produce for oral interrogation any persons who are considered as being important in the ascertainment of the facts relative to such license, as may be requested by the supervisor of the business license office or his duly authorized representative, such as the police department or the county attorney. The failure to produce such persons within 30 days after being requested to do so shall result in the automatic dismissal of such application.
- (d) Operation in conjunction with establishment dealing in secondhand goods. No pawnshop shall be operated at the same location or in the same premises with the sale, dealing in, exchange or handling of other than new goods, wares or merchandise. No license for the sale, dealing in, exchange or handling of other than new goods, wares or merchandise shall be issued for a location licensed for a pawnshop.
- (e) Notification of change in information. Licensees shall immediately notify the county in writing through the supervisor of the business license division of any change in any information, material or data furnished in connection with an application for a license, or of any material change in the type of business,

ownership or qualifications of the applicant or employees subsequent to license issuance.

(Ord. of 10-25-94; Code 1977, § 3-7-120)

Sec. 78-202. Citizenship, residence requirements.

(a) No license shall be granted pursuant to this division to any applicant who is not a citizen of the United States.

(b) Where the applicant is a corporation, the majority stockholder must meet the residence requirements set out in subsection (a) of this section, and the license shall be issued to the corporation and the majority stockholder.

(c) If the applicant is a partnership, the same requirements pertaining to corporations set out in subsection (b) of this section shall apply.

(Ord. of 10-25-94; Code 1977, § 3-7-121)

Sec. 78-203. Disqualification of applicants with prior convictions.

(a) No license shall be issued under this division to any person, partnership or corporation for pecuniary gain where any individual having an interest either as owner, partner, principal stockholder, or licensee, such interest being direct or indirect, beneficial or absolute, or his spouse, shall have been convicted or shall have taken a plea of nolo contendere within five years immediately prior to the filing of the application for any felony or misdemeanor of any state or of the United States or any municipal or county ordinance which would have any effect on the applicant's ability to properly conduct such a business, except traffic offenses. For purposes of this section, the term "conviction" shall include an adjudication of guilt or plea of guilty, plea of nolo contendere or forfeiture of a bond when charged with a crime. Where the violation is for a misdemeanor, forfeiture of bond, or violation of a municipal or county ordinance, or where there is a plea of nolo contendere, the license review board may, after investigation, waive such violation as a disqualification.

(b) The board of commissioners, on appeal, may waive any conviction as a disqualification, if it finds that it would have no material effect upon the applicant's ability to properly conduct its business if such license were granted.

(Ord. of 10-25-94; Code 1977, § 3-7-122)

Sec. 78-204. Investigation and report.

All applications for a license for a pawnshop shall be investigated, and the police department shall report its recommendations to the supervisor of the business license office, who shall keep a copy thereof on file.

(Ord. of 10-25-94; Code 1977, § 3-7-123)

Sec. 78-205. Time limit for obtaining license after approval; issuance.

(a) All pawnshop licenses must be obtained and fees paid not later than two weeks from the date of the approval of the application by the supervisor of the

business license office, and, if not so obtained, the approval granted by the supervisor of the business license office shall be void.

(b) When a license has been approved and the applicant has deposited with the business license office the required fee, the license shall be issued.

(Ord. of 10-25-94; Code 1977, § 3-7-124)

Sec. 78-206. Display of license number.

Each pawnshop licensee shall have printed on the front window of the licensed premises the inscription "Cobb County Pawnshop License Number _____," in uniform letters not less than three inches in height.

(Ord. of 10-25-94; Code 1977, § 3-7-125)

Sec. 78-207. Time limit for commencement of business; forfeiture for nonuse.

(a) All holders of licenses under this division must, within three months after the issuance of the license, open for business the establishment referred to in the license, unless such period is extended by the supervisor of the business license office. Failure to open the licensed establishment as referred to in this subsection within the three-month period shall serve as an automatic forfeiture and cancellation of the unused license, and no refund of license fees shall be made to the license holder.

(b) Any holder of a license under this division who shall begin the operation of the business as authorized in the license, but who shall for a period of three consecutive months thereafter cease to operate the business as authorized in the license, shall upon completion of the three-month period automatically forfeit his license, which license shall, by virtue of such failure to operate, be canceled without the necessity for any further action of the supervisor of the business license office.

(Ord. of 10-25-94; Code 1977, § 3-7-126)

Sec. 78-208. Transfer.

No license granted to a pawnshop shall be transferable except upon application to the supervisor of the business license office in the same form, manner and subject to the same requirements with respect to the transferee as are applicable in an original application; provided, however, any such license may be transferred only to another person, firm, partnership or corporation doing the same business and at the same place as the person, firm, partnership or corporation to whom the license was originally issued. When permission for transfer has been granted, the original licensee or transferee shall cause the license to be delivered to the supervisor of the business license office, who shall record such transfer, and the transferee shall pay a fee therefore as a condition precedent to engaging in operations under the license. The fee for such transfer shall be kept on file as part of the schedule of fees in the business license office.

(Ord. of 10-25-94; Code 1977, § 3-7-127)

78-390 Definitions

For purposes of this article, the term:

Precious metals means gold, silver, or platinum or any alloy containing gold, silver, or platinum.

Gems means any precious or semiprecious stone which is cut and polished

Precious metals dealer means any person who under state law is defined as a dealer in precious metals, to include any partnership, sole proprietorship, corporation, association, or other entity engaged in the business of purchasing, selling, bartering, or acquiring in trade any precious metals or gems from persons or sources other than licensed wholesale or distributor businesses, manufacturers, manufacturers' representatives, or other dealers in precious metals.

[Sec. 78-391.](#) - Registration and license required.

Any person who under state law is defined as a dealer in precious metals, before engaging in business in the county, shall:

- (1) Register with the county business license office and provide all information as required under state law; and
- (2) Obtain a business license under the terms of section 78-34.
(Ord. of 10-25-94; Code 1977, § 3-7-170)

~~Sec. 78-392. Record of transactions:~~

- ~~(a) — Every dealer in precious metals shall maintain a permanent record, in which shall be entered at the time of each purchase of precious metals or gems or goods made from precious metals or gems the following:~~
- ~~(1) — The date and time of the purchase;~~
 - ~~(2) — The name of the person conducting the purchase from the seller;~~
 - ~~(3) — The name, age and address of the seller of the items purchased; a description of the general appearance of the seller; and the distinctive number from the seller's driver's license or other similar identification card containing a photo of the seller;~~
 - ~~(4) — A clear and accurate identification and description of the purchased goods, including the serial, model or other number, and all identifying marks inscribed thereon;~~
 - ~~(5) — The number of the receipt or transaction ticket;~~

- ~~(6) — The price paid for the goods purchased;~~
~~(7) — The number of the check issued for the purchase price, if payment is made by check;~~
~~(8) — The signature of the seller;~~
~~(9) — The fingerprint of the right-hand index finger of the customer, unless such finger is missing, in which event the print of the next finger in existence on the right hand of the person pawning the articles shall be obtained with the notation as to the exact finger printed.~~
~~(b) — The permanent record required by this code section shall be in legible English. Entries shall appear in ink and shall be in chronological order. No obliterations, alterations or erasures may be made. Corrections shall be made by drawing a line of ink through the entry without destroying its legibility. The record shall be open to the inspection of any duly authorized law enforcement officer during the ordinary hours of business or at any reasonable time.~~
~~(c) — The record of purchase transaction provided for in this section shall be maintained for a period of not less than four years.~~

~~(Ord. of 12-12-00)~~

~~**State law references:** Similar provisions, O.C.G.A. §§ 43-37-3.~~

78-392 Records and information to be maintained; identification; digital photographs; fingerprints; records storage

- (a) All precious metals dealers shall maintain records documenting accurate descriptions of all precious metals or gems or goods made from precious metals or gems purchased. Such description shall include, if reasonably available, the manufacturer, model, serial number, style, material, kind, color, design, number of stones if jewelry, and all other identifying names, marks, and numbers. The precious metals dealer shall assign a unique transaction number documenting each transaction, and ensure that each item received is tagged with the transaction number. The tag bearing the transaction number must remain attached to the item until the property is disposed of by sale, trade, or other lawful means.
- (b) The precious metals dealer shall require all persons selling precious metals or gems to show proper identification prior to conducting a transaction. Proper identification is defined as a government issued photo identification card such as a driver's license, military identification card, state identification card, or passport.
- (c) The precious metals dealer shall document the name, address, telephone number, race, sex, height, weight, drivers license number, and date of birth of the persons selling precious metals or gems, along with the date and time of

transaction and the price paid for items sold. This documentation shall be made at the time of the transaction.

(d) The precious metals dealer shall photograph the persons selling precious metals or gems, with a digital camera, at the time of each transaction. The photograph shall clearly show a frontal view of the subject's face along with the transaction number. The precious metals dealer shall also clearly photograph the property being sold. Digital images shall be labeled and stored in such a manner that they are safe from corruption, readily identifiable, and readily available for review.

(e) The precious metals dealer shall obtain from each person selling any persons selling precious metals or gems, the fingerprint of the right hand index finger, unless such finger is missing, in which event the print of the next finger in existence on the right hand shall be obtained with a notation as to the exact finger printed. The electronic digital fingerprint scanner will be the primary method of entry required. The fingerprint shall be imprinted onto the transaction form in the designated area along with the signature of the person selling the property. The fingerprint must be clear and legible. In the event that more than one transaction form is required, a fingerprint and signature should be obtained for each form. Fingerprints and the information required herein shall be obtained each time such person sells any property.

(f) Items of property that appear to be new, unused, and in their original packaging cannot be accepted by the precious metals dealer unless the customer can supply a copy of the original sales receipt, or other proof of purchase from the place of purchase, to the precious metals dealer who shall retain the receipt or proof of purchase on file.

(g) The precious metals dealer shall store the above records, digital images, and fingerprints for a period of four years and make them available to law enforcement personnel upon request.

(h) Every precious metals dealer shall enter each transaction, including all information, digital images and fingerprints required in sections (a), (c), (d), and (e) above, as it occurs into the electronic automated reporting system via the internet, or upload electronically, via the internet, a batch file of all transactions for each business day, to the administrator of the electronic automated reporting system, immediately at the conclusion of each business day. The administrator of the electronic automated reporting system will electronically transmit all transactions to the county police department.

~~Sec. 78-393. Daily report to police; and identification.~~

~~(a) — *Daily report.* Every licensee under this division shall make a daily report to the county police department, in such form and manner as may be prescribed by the director of public safety for the county, or any designated agent, of all property purchased or otherwise acquired by the licensee during the 24 hours ending at 8:00 p.m. on the date of the report. In addition to any other information required by the county police department, the report shall include: the name and address of the licensee; time of transaction; number of receipt or transaction ticket; amount paid; full description of articles with sufficient information to identify each of such articles, including kind, style, material, color, design, kind and number of precious metals or gemstones, if any, and all identifying names, marks and numbers; and a description of the person selling, including name, address, color, weight and height. Insufficient reports shall be rejected, and any licensee, or employee thereof, making an insufficient report shall be deemed guilty of an offense punishable according to the provisions of section 78-2.~~

~~(b) — *Customer identification.* Each licensee shall require that any selling or entering into any transaction with the business shall display evidence of identification, such as a duly issued driver's license with picture or other similar evidence containing a picture of the customer, and the licensee shall record the driver's license number or other number or feature of such evidence of identification.~~

~~(c) — *Violations.* The failure of any licensee or employee thereof to comply with the provisions of this section shall constitute an offense, punishable as provided in section 78-2.~~

~~(Ord. of 12-12-00)~~

78-393 Daily report to police; required format

(a) Every precious metals dealer shall make a daily report in such form as may be prescribed by the chief of police, of all purchase transactions that occurred during 24 hours ending at 8:00 p.m. on the date of the report. The requirements of 78-392 (h) shall satisfy the precious metals dealer's daily reporting requirements.

(b) In the event that the electronic automated reporting system becomes temporarily or permanently disabled, precious metals dealers will be notified as soon as possible by the county police department. Dealers that incur electronic system failures or other events that would cause partial or complete loss of electronic reporting should notify the county police department forthwith with the reason for the failure. In either event, the precious metals dealers will be required to make records of transactions on paper forms. The records will include all of the information required in section 78-392. Precious metals dealers shall maintain a minimum three day supply of these paper forms.

(c) The chief of police or his designee shall designate the required automated reporting system and required equipment needed. There will be a regulatory fee assessed to each pawnshop for each reported transaction: said fee shall be an amount set by the chief of police equal to that charged by the administrator. This fee will be invoiced to the precious metals dealer and collected by the chief of police or his designee, which may be a third party administrator of the automated reporting system.

~~Sec. 78-394. Holding period of purchased articles.~~

~~All personal property acquired or purchased by the licensee shall be held and maintained by the licensee at the licensed location, or at such other impound location as may have been previously approved by the county police department in writing, for a minimum of 30 days prior to disposal of same by the licensee. (Ord. of 12-12-00)~~

~~Secs. 78-395--78-410. Reserved.~~

Sec. 78-394 . Employee permit; qualifications of employees.

No person shall be employed by a precious metals dealer in any capacity 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 Immigration and Naturalization Service and until such person has been issued an annual personal identification card/permit by the county police permit unit, authorizing such person to be employed by a precious metals dealer. Such a permit shall not be issued to any person who has been convicted within five years prior to the application for employment for any misdemeanor or felony involving theft, burglary, crimes against property, any felony drugs or controlled substances, any violation of this division, or any other crime involving moral turpitude. For purposes of this section, the term "conviction" shall mean any adjudication of guilt, or plea of guilty or nolo contendere. No permit shall be issued so long as there are outstanding criminal warrants, criminal charges, accusations or indictments for any of the crimes enumerated in this subsection on which there has been no final disposition or adjudication, and any such application involving any such pending charges shall be held for any final decision until final disposition or adjudication of such charges.

Sec. 78-395. Holding period of purchased articles, Police holds:

All property acquired by the licensee through any precious metals dealer transaction shall be held and maintained by the licensee at the licensed location, or at such other impound location as may have been previously approved by the county police department in writing, for a minimum of 30 days prior to disposal

of same by the licensee. The county police department has the authority to place property that is the subject of police investigation on "police hold." In that event, the county police department shall notify the licensee of the need for a police hold and identify all property subject to the police hold. Upon notification, it shall be the responsibility of the licensee to maintain the subject property until such time as the property is released from police hold status, confiscated as evidence or returned to its rightful owner.

78-396 Dealing with minors.

It shall be unlawful for any precious metals dealer, his or her agents or employees, to purchase any precious metals or gems from any person under 18 years of age.

78-397. Violations; Exemptions

The failure of any licensee or employee thereof to comply with the provisions of this chapter shall constitute an offense, punishable as provided in section 78-2. Transactions involving the purchase of precious metals from licensed wholesale or distributor businesses, manufacturers, manufacturers' representatives, or other dealers are exempt from the requirements of this chapter.

78-398 Severability.

If any portion of this ordinance is declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining portion of the ordinance.

Section 86-10. Social Host. Provides penalty for the hosting of gatherings where the unlawful underage possession of alcohol occurs.

(a) Definitions: For the purposes of this ordinance, the following definitions shall apply:

(1) Social Host shall mean any person who is in legal and actual control of any location where a gathering takes place.

(2) Gathering shall mean 3 or more non-family members, at least one of whom is under the age of 21 years old.

(b) Violation: It shall be unlawful for any social host to allow any gathering where one or more persons attending such gathering is charged with a violation of any of the provisions of OCGA § 3-3-23.

(c) Any person who violates any provision of this chapter shall, upon conviction, be guilty of a violation of such ordinance and shall be punished in accordance with section 1-10 and as it may be amended from time to time, provided however that, for a first offense, the person shall not be fined less than \$150.00 One Hundred Fifty dollars; for a second and subsequent offenses, the person shall not be fined less than \$500.00 Five Hundred dollars.

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:

Accessory building or structure means.....

DUA means dwelling units per acre.

~~Dwelling unit. A dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for one family or two or fewer unrelated adults and their children and/or grandchildren.~~

~~(1) — A dwelling unit shall have an interior bathroom and complete kitchen facilities, permanently installed.~~

~~(2) — A dwelling unit shall have at least 390 square feet of living building square footage (as determined and maintained in the records of the Cobb County Tax Assessor) per each adult occupant.~~

~~(3) — No more than one vehicle per 390 square feet of living building square footage may be parked regularly overnight on the property upon which the dwelling unit exists. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of 3 or less (of the total) parked outside of a garage, carport or the like for properties zoned RA-5, R-15 and R-20. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of 4 or less (of the total) parked outside of a garage, carport or the like for properties zoned R-30 and R-40. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of 5 or less (of the total) parked outside of a garage, carport or the like for properties zoned R-80 and RR. This includes vehicles parked within the right-of-way adjacent to a dwelling unit. "Regularly" means a majority of nights in any seven-day period. Exceptions to subparagraphs (2) and (3) may be considered as part of a land use permit processed in accordance with section 134-36.~~

Executive golf course means.....

Motel means a building in which lodging, or board and lodging, are provided for transient guests and offered to the motoring public for compensation, in which ingress and egress to and from all rooms are made primarily direct from an exterior walkway rather than from an inside lobby. Kitchenettes or kitchen facilities are prohibited.

Multifamily dwelling unit. A multifamily dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for related and unrelated persons.

Neighborhood activity center.....

Sign. See article VI of this chapter, section 134-311 et seq.

Single Family dwelling unit. A Single family dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for one family or two or fewer unrelated adults and their children and/or grandchildren.

(1) A single family dwelling unit shall have an interior bathroom and complete kitchen facilities, permanently installed.

(2) A single family dwelling unit shall have at least 390 square feet of living building square footage (as determined and maintained in the records of the Cobb County Tax Assessor) per each adult occupant.

(3) No more than one vehicle per 390 square feet of living building square footage may be parked regularly overnight on the property upon which the single family dwelling unit exists. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of 3 or less (of the total) parked outside of a garage, carport or the like for properties zoned RA-5, R-15 and R-20. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of 4 or less (of the total) parked outside of a garage, carport or the like for properties zoned R-30 and R-40. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of 5 or less (of the total) parked outside of a garage, carport or the like for properties zoned R-80 and RR. This includes vehicles parked within the right-of-way adjacent to a dwelling unit. "Regularly" means a majority of nights in any seven-day period. Exceptions to subparagraphs (2) and (3) may be considered as part of a land use permit processed in accordance with section 134-36.

Site (manufactured home only) means the entire tract, subdivision or parcel of land on which the industrialized building or manufactured home is installed.....

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.....

(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~~ twelve 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.....

Sec. 134-34 Variance applications.....

(c) If an application for variance is rejected, then any portion of the same property may not be considered for a any type of variance for a period of 12 months from the date the application was rejected.....

Sec. 134-124. Action by board of commissioners.

(a) Before taking action on an application.....

b) So that the purpose of this chapter will be served and the health, public safety and general welfare secured, the board of commissioners may approve or deny the application, reduce the land area for which the application is made, change the zoning classification, district or category requested, either to the one(s) sought or to other constitutionally permissible classification(s) which may not necessarily be an intervening classification, add or delete conditions of the application, including but not limited to site-specific conditions, variances to zoning regulations, or allow an application to be withdrawn without prejudice with respect to the 12-month limitation of this division. An action by the board to defer or continue the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application, and no further notice except posting and legal advertising is required.

(c) The decision by the board of commissioners.....

Sec. 134-163. Zoning map.

Subject to the express provisions in this chapter, all properties shall be zoned as set forth on the official county zoning map ~~and the official zoning block maps~~ of the county, as amended from time to time. The maps shall be kept under the custody of the county community development agency and maintained in the offices of the agency's planning division and zoning division, and shall be subject to public inspection. The official county zoning maps are incorporated in this chapter by express reference.

(Ord. of 12-11-90; Ord. of 8-13-91; Ord. of 9-12-00)

Sec. 134-193. R-80 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building ~~and shall adhere to the building setbacks of the primary structure.~~ Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-194. RR single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building ~~and shall adhere to the building setbacks of the primary structure.~~ Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-195. R-40 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building ~~and shall adhere to the building setbacks of the primary structure.~~ Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-196. R-30 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building ~~and shall adhere to the building setbacks of the primary structure.~~ Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-197. R-20 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building ~~and shall adhere to the building setbacks of the primary structure~~. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-198. R-15 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building ~~and shall adhere to the building setbacks of the primary structure~~. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-199. R-12 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building ~~and shall adhere to the building setbacks of the primary structure~~. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-200. RD single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building ~~and shall adhere to the building setbacks of the primary structure~~. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-201. RA-4 single-family attached/detached residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building ~~and shall adhere to the building setbacks of the primary structure~~. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-201.1 PRD planned residential development district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building ~~and shall adhere to the building setbacks of the primary structure~~. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-201.2 RA-5 single-family attached/detached residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building ~~and shall adhere to the building setbacks of the primary structure~~. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-202. RA-6 single-family attached /detached residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building ~~and shall adhere to the building setbacks of the primary structure~~. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-207. RM-16 residential multifamily district.

~~Commencing April 4, 1996, no new applications for rezoning to the RM-16 district will be accepted by the board of commissioners~~

The regulations for the RM-16 residential multifamily district are as follows:

(1) Purpose and intent. The RM-16 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are located within regional activity center categories as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990 or within one mile of the main campus of a college or university under the Board of Regents of the University System of Georgia and/or accredited by the Southern Association of Colleges and Schools (SACS). The properties should be located in areas which are readily accessible to the interstate freeway system and along arterials or major collectors to ensure free flow of traffic. When residentially compatible institutional and recreational uses are developed within the RM-16 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

(2) Definitions. The following words,.....

Sec. 134-221.1. UC urban condominium residential district.

The regulations for the UC urban condominium residential district are as follows:.....

(11) Use limitations.

a. There shall be

j. A mandatory homeowners' association must be formed and incorporated which provides for building and grounds maintenance and repair, insurance and working capital. Said association must also include condominium declaration and bylaws, including rules and regulations to specify that a maximum of twenty five (25) percent of the units will be leased by individual owners in accordance with federal regulations as may be amended from time to time. subject to staff review and approval. The declaration and bylaws shall not be enforced by the county. The declaration and bylaws shall, at a minimum, regulate and control the following:.....

n. Minimum unit size must be established for each development. The minimum unit size must be compatible with the character of the surrounding community and the character of the proposed development.

m. A maximum of ten (10) percent of the units may be leased by the developer of the project.

Required buffers may be included within required

Sec. 134-372 Traffic and parking.....

4. The required number of parking spaces for non-residential uses may be reduced if a property owner or developer provides a shared parking study that is prepared by a professional engineer to industry standards that demonstrates the proposed shared parking facility will not cause a burden, nuisance or safety concern to the subject property, adjacent properties or the right-of-way. The shared parking study must be approved by the Cobb County Department of Transportation, the Cobb County Stormwater Management Division and the Cobb County Zoning Division to be implemented or constructed. Cobb County reserves the right, at any time, to require additional parking spaces if the shared parking study turns out to be erroneous, or if uses change that revise the merits of the shared parking study or if problems arise relating to the reduced number of parking spaces that are causing harm to the subject property, adjacent property or the right-of-way.....