



# COBB COUNTY COMMUNITY DEVELOPMENT AGENCY

Dana Johnson, AICP  
Director

P. O. Box 649  
Marietta, GA 30061-0649  
770-528-2128 • fax: 770-528-2126  
dana.johnson@cobbcounty.org

**TO:** Board of Commissioners  
**FROM:** Dana Johnson, Director   
**DATE:** November 1, 2016  
**RE:** Revised Draft Parking Code Amendments

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Attached is the most recent version of the special event parking code for your review and consideration. Special thanks to Sam Heaton, Director; John Houser, Chief; Ronnie Prince, Deputy Chief; Richard Edwards, Sargent; and Sonya Allen, Lieutenant Colonel for working closely with the Community Development Agency and the County Attorney's Office and for their input. It is the intent of the code for lot operators to work closely with public safety officials to minimize adverse impacts for both guests and operators.

There are three primary changes from the version previously distributed. First, a section was added to address the fact that public safety in cooperation with DOT will be creating a traffic and pedestrian safety management plan for special events and it is the licensee's responsibility to comply with said plan. For SunTrust Park, public safety has been working with other affected local governments and the Braves to develop this plan. It begins by identifying critical intersections where an officer may need to be posted or where other special measures need to be taken to address traffic/pedestrian control and safety. This plan may vary depending upon the day and time of the game. It may also undergo revisions based on "lessons learned" from prior special events.

Second, the name of the license has been revised to simply "special event parking." Rather than just reaching parking providers who are doing this on an accessory basis, it will also reach those properties where parking is a primary use, at least during the periods of special events.

Third, the approval document is no longer designated as a "license" but simply a "registration." Parking is currently allowed on these properties so issuing a license was not necessary. Cobb County public safety officials must know where special event parking is going to be located so that it may be incorporated into the traffic and pedestrian safety management plan. The revisions require the operators to be available to converse with public safety as needed. Because it is now a "registration" for the purpose of public safety, the approval and revocation processes are no longer required.

The modifications from the original draft package are summarized as follows:

**Section 78-406. – Special event parking.**

- The word “accessory” was removed from the title and language of the code.

**Section 78-406.1 – Purpose.**

- The word “accessory” was removed from three terms defined in the ordinance.
- Language was added to further define the public safety reasons for the code.

**Section 78-406.2 – Definitions.**

- The word “accessory” was removed from three terms defined in the ordinance.
- Definitions were moved so that they could be placed in alphabetical order.
- Language was added to the definition of special event parking as it relates to parking on the project site of a major tourist attraction.
- The term “license” was deleted and replaced with the term “registration.”
- A definition of Traffic and Pedestrian Safety Management Plan was added.

**Section 78-406.3 – Traffic and pedestrian safety plan responsibilities.**

- The application requirements were moved from 78-406.3 to 78-406.4
- New language was added to 78-406.3 to describe the county responsibilities and licensee responsibilities concerning traffic and pedestrian safety management plans.

**Section 78-406.4 – Registration requirements for special event parking owners/operators.**

- The operational requirements were moved from 78-406.4 to 78-406.5.
- The word “accessory” was removed from the title and from the code language and any reference to “license” was replaced with “registration.”
- Clarification was added that a special event parking registration is valid for one year for any special event during that time period.
- Clarification was made to that each property would require a separate application (in case a person or entity owns multiple parcels in an area).
- Clarified the language on shared parking arrangements and how they impact parking availability.
- Added a requirement that any existing registration is not transferable in the event that property is transferred.
- The section regarding denial and a hearing before the BOC was deleted.

**Section 78-406.5 – Additional operational Requirements for special event parking.**

- The word “accessory” was removed from the title and from the code language and any reference to “license” was replaced with “registration.”
- Changed the requirement for the number of attendees and clarified their responsibilities.
- Added the requirement that parking must be operated in compliance with the Traffic and Pedestrian Safety Management Plan.
- Lowered the number of required attendants to one attendant.

**Section 78-406 –Revocation.**

- Deleted

**Section 78-406 – Board of commissioners hearing procedures.**

- Deleted.

**Section 78-406 – Appeal of a decision of the board of commissioners.**

- Deleted.

**Section 78-406.6 – Offenses.**

- Moved from 78-406.9 to Section 78-406.6.

**Section 78-406.7 – Penalties.**

- Moved from 78-406.10 to Section 78-406.7.
- The word “chapter” was changed to “division.”

The revised amendments contained in this revised version of the parking code will be considered by the Board of Commissioners on November 15, 2016 at 7:00 pm. The agenda item will be considered in the Board of Commissioners Meeting Room on the 2<sup>nd</sup> Floor of 100 Cherokee Street, Marietta, GA 30060.

Hard copies of this memorandum and the revised parking code will be provided to the Board of Commissioners, County Manager, County Clerk, and the Clerk of the Superior Court.

Thank you.

**CODE AMENDMENTS**  
**OFFICIAL CODE OF COBB COUNTY**  
**PART I. - CHAPTERS 78**

Version 3 - distributed on November 1, 2016

Board of Commissioners Public Hearing Dates  
September 27, 2016 – 7:00 pm  
October 25, 2016 – 7:00 pm  
November 8, 2016 – 9:00 am

Board of Commissioners Dates for Consideration  
October 25, 2016 – 7:00 pm (78-120 & 134-375)  
November 8, 2016 – 9:00 am (78-406)

Planning Commission Public Hearing Date  
October 4, 2016 – 9:00 am

Cobb County Community Development  
P.O. Box 649  
Marietta, GA 30061  
[www.cobbcounty.org](http://www.cobbcounty.org)

1 **PART 1. – OFFICIAL CODE OF COBB COUNTY, GA**

2 **CHAPTER 78 – LICENSES, PERMITS, AND BUSINESSES**

3 **ARTICLE III. – SPECIAL LICENSES AND REGULATORY FEES**

4 **DIVISION 10. ~~ACCESSORY~~ SPECIAL EVENT PARKING**

5  
6 Section 78-406 is amended to read as follows:

7 **Sec 78-406. ~~Accessory~~ Special event parking.**

8 The following division sets forth provisions for the registration ~~licensing of accessory~~ special event parking.

9  
10  
11 Section 78-406.1 is amended to read as follows:

12 **Sec. 78-406.1 – ~~Definitions~~ Purpose.**

13 The purpose of this division is to promote the health, safety, and welfare of Cobb County citizens and visitors and to preserve ~~promote~~ neighborhood integrity by addressing issues of traffic flow and pedestrian safety that may occur when paid parking is offered by private property owners, ~~not part of the major tourist attraction,~~ to supplement parking provided for special events at major tourist attractions that occur when property is used for the parking of motor vehicles by persons attending special events. ~~The establishment of a limited access zone and appropriate signs and barricades on public right-of-way during special events is intended to reduce neighborhood impact, improve traffic conditions, increase pedestrian safety in the area of the highest pedestrian volumes, and increase the ability of residents and public safety officials to obtain neighborhood access and adequate parking.~~ These provisions are intended to promote the safety of area visitors, residents, and businesses, and to provide a systematic approach to parking and traffic management for such special events. Appropriate signage and barricades on public rights-of-way, and other safety-related measures during special events, are intended to reduce neighborhood impacts, improve traffic conditions, increase pedestrian safety in the areas of the highest pedestrian volumes, and increase the ability of residents and public safety officials to obtain safe neighborhood access and parking. ~~The establishment of accessory special event parking license registration is specifically intended to address problems anticipated in areas of high concentration for accessory special event parking addresses private property use for parking in areas that were not originally designed or licensed for special events parking; the safety of persons and property; traffic problems congestion arising from paid parking; created by payment for parking; motorized and non-motorized vehicle and pedestrian traffic management; emergency vehicle and public safety access; and/or litter created by operation/maintenance/safety by a lot owner/operator to ensure properly administered lots and adjacent areas a lot operator's failure to properly administer the lot and adjacent area after the special event. This article is not intended to create new or to expand existing legal obligations of the county, including specifically the Cobb County Police Department or Cobb County Sheriff's Office, or to establish a special duty or special relationship between those agencies and owners/operators of special event parking, invitees to special events or special event parking facilities, and/or pedestrians or operators of motor vehicles present at or in the vicinity of special event parking.~~ These provisions are intended to promote the safety of area visitors, residents, and businesses, and to provide a systematic approach to parking and traffic management for special events.

43  
44 Section 78-406.2 is amended to read as follows:

45 **Sec. 78-406.2 – ~~Purpose~~ Definitions.**

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

~~Limited access zone means the streets described in this division where accessory special event parking licenses shall not be issued.~~

~~Major tourist attraction means a site of 12 acres or more devoted to a single use as an amusement theme attraction, park, convention center, performing arts center, amphitheater, or stadium, or other like attraction that which promotes the tourism interests of in the county.~~

~~Special event means an event or gathering using private or public property, that (a) will draw an estimated two thousand (2,000) number of participants and spectators to a major tourist attraction or (b) will draw participants and spectators to a major tourist attraction with for or has the seating capacity of to accommodate at least two thousand (2,000) people present on any day of the event, and/or (c) will require or and that involve one or more of the following activities:~~

- ~~(1) Closing of a public street;~~
- ~~(2) Blocking or restricting streets, sidewalks, alleys, or other public places, in whole or in part;~~
- ~~(3) Sale or distribution of food or beverages on streets, sidewalks, alleys, or other public places or public property, or on private property pursuant to Section 6-133 or 78-117 to 78-121 where otherwise prohibited by ordinance;~~
- ~~(4) Erection or placement of a tent, utility pole, or other temporary structure on a street, sidewalk, alley, or other public place;~~
- ~~(5) Erection or placement of a stage, bandshell, trailer, van, portable building, grandstand, bleachers, or other apparatus used for entertainment purposes on public property, or on private property where otherwise prohibited by ordinance; or~~
- ~~(6) Erection or placement of temporary signage, banners, or displays of any kind in or over a public right of way; or on private property where otherwise prohibited by ordinance.~~

~~Accessory Special event parking means the provision of special event parking to the public for a fee in a parking area that normally provides required or excess parking for a particular nonresidential establishment other than the project site of a major tourist attraction or where parking is the primary use.~~

~~Accessory Special event parking area means the designated area(s) to be used for accessory special event parking as shown on the parking plan submitted by an applicant pursuant to Section 78-406.4(f)(6).~~

~~Special event parking registration means the submission of required documents to the Business License Manager demonstrating the intent of the owner/operator to provide special event parking for the term of the registration, subject to the provisions of this Division and any additional conditions; and/or the document issued by the Business License Manager as proof of registration.~~

~~Traffic and Pedestrian Safety Management Plan (TPSMP) means a plan for the control and flow of vehicular and traffic in the areas of a special event, as developed and devised by county officials.~~

Section 78-406.3 is amended to read as follows:

**Sec. 78-406.3. Traffic and pedestrian safety management plan responsibilities.**

**(a) County responsibilities.** Public safety officials shall be responsible for developing a Traffic and Pedestrian Safety Management Plan(s) for a special event or series of events. In the performance of these duties, public safety, community development, and transportation officials shall work

1 cooperatively to address traffic management, pedestrian safety and public safety generally relevant  
2 to special events and special event parking.

3 (b) *Registrant responsibilities.* In addition to all other requirements set forth in this division, registrants  
4 must cooperate and comply with any measures required by county officials to effect the Traffic and  
5 Pedestrian Safety Management Plan, including the following:

6 (1) *Altering the flow of traffic on Registrant's property to coincide with the Public Safety Traffic and*  
7 *Pedestrian Management Plan;*

8 (2) *Erecting signage, placing cones, and taking other measures to direct the flow of traffic on the*  
9 *property and/or to limit ingress/egress as directed by county officials;*

10 (3) *Responding or causing a representative or other responsible party to respond to the special*  
11 *event parking site upon request of county officials;*

12 (4) *Implementing other identified life-safety requirements of county officials;*

13 (5) *Obtaining a new registration or updating registration information if there is a change in address,*  
14 *contact information or transfer of possession of property; and*

15 (6) *Complying with all requirements of this division.*

16  
17 Section 78-406.4 is amended to read as follows:

18 **Sec. 78-406.4. *Applicability and Registration requirements for the issuance of an accessory special***  
19 ***event parking owners/operators license.***

20  
21 (a) *Registration required.* No person shall provide special event parking for a fee, including within the  
22 *four-hour period before the scheduled start time of the special event, and the two-hour period after*  
23 *the completion of the special event, without having registered to operate special event parking.*  
24 *Once registered, the operator may provide special event parking during the term of the registration*  
25 *regardless of the type of special event occurring. An accessory special event parking license will be*  
26 *issued only to property with an active nonresidential use as the primary use of the property. An*  
27 *accessory special event parking license will not be issued if primary access to the accessory special*  
28 *event parking area is from public right of way within the limited access zone*

29 (b) *Exemptions.* Governmentally-owned or controlled properties; and onsite parking lots that satisfy  
30 *zoning requirements for major tourist attractions are not required to register. The limited access*  
31 *zone(s) shall be within 1/2 mile (2,640 feet) from the special event.*

32 (c) *Multiple properties.* . A separate registration is required for each property to be used for special  
33 *event parking to ensure that parking impacts may be analyzed and addressed by county officials.*

34 (d) *Nontransferability; new registration required upon transfer of property.* Special event parking  
35 *registration is not transferable. Upon transfer of the possession of the premises used for special*  
36 *event parking, the new owner/operator shall obtain registration for special event parking no later*  
37 *than seven (7) days after acquisition of the property.*

38 (e) *Application Contents & Filing.* All ~~Each~~ applicants for registration for an accessory special event  
39 parking ~~license~~ shall submit a completed application, available through the Community  
40 Development Agency, ~~to the Business License Division of the Community Development Agency at~~  
41 least thirty (30) days prior to the initial special event and any subsequent special events. ~~Only~~  
42 ~~completed applications will be considered.~~ The application must contain the following:

43 (1) The applicant's name, address, phone number, email address, and proof of identity;

44 (2) A description of the primary use of the property, copies of valid occupational tax certificates for  
45 all businesses located on the property, and an affidavit that the primary use, as set forth in the  
46 certificate of occupancy and occupational tax certificates for the property, is an active use at the  
47 property;

- 1 (3) The name of the property owner, address, phone number, e-mail, and evidence of payment of  
2 property taxes;
- 3 (4) Written, notarized statement of consent from property owner for use of the property for  
4 ~~accessory~~ special event parking, if the applicant is not the owner;
- 5 (5) The name, address, phone number, email, and proof of identity of the person responsible for  
6 the operation of the special event parking area, if not the owner or the applicant. The applicant  
7 shall be responsible for providing to the Community Development Director updated contact  
8 information for the person responsible for operations during special events. This contact needs  
9 to be available before and during the special event for consultation with public safety, as  
10 needed;
- 11 (6) A parking plan in compliance with the Cobb County Code and Development Standards  
12 indicating the address and name of the primary use on the property, as shown on the signage  
13 for the primary use, boundaries of the parking area, preservation of parking for the primary use,  
14 ingress and egress locations, the parking layout (no stacking is permitted, parking must be in  
15 existing striped parking spaces), parking sign locations, and the area on the property where  
16 payment will be received;
- 17 (7) If the parking plan includes spaces that have otherwise been leased to any other business,  
18 individual or entity, and such spaces will be utilized for special event parking, the applicant must  
19 present written approval from the other business, individual or entity leasing such spaces.  
20 ~~Evidence of any shared parking arrangements or parking agreements with any other property~~  
21 ~~owner or business.~~
- 22 (8) An impact statement detailing how the applicant's operation will mitigate potential impact on  
23 roadway operations, incorporate safety features for pedestrians and address crime prevention  
24 or any other public safety concerns relevant to this property; and
- 25 (9) A registration fee in an amount as approved by the board of commissioners ~~for all accessory~~  
26 ~~special event parking license.~~
- 27 (f) Completed Applications Required. Only completed applications will be considered. In the event an  
28 incomplete application package is received, Community Development shall notify the applicant who  
29 shall forward the missing information within three (3) business days. Registration is not complete  
30 and the application will not be processed until the completed application package is received by  
31 Community Development.
- 32 (g) The Community Development Agency shall be responsible for coordinating activities with the  
33 appropriate public safety office, department or agency based on the venue.
- 34 (h) Expiration. Special event parking registration is valid for ~~If approved, a license expires one year from~~  
35 ~~the date of issuance and may be renewed only by subsequent application.~~  
36 ~~A license may be denied based on the Community Development Agency's determination that the~~  
37 ~~proposed accessory special event parking would adversely impact traffic management or public~~  
38 ~~safety. If the application for a license is denied, the applicant may appeal that decision as provided in~~  
39 ~~this division. Licenses under this division do not authorize the use of the lots for paid parking other~~  
40 ~~than for special events.~~

41  
42 Section 78-406.5 is amended to read as follows:

43 **Sec. 78-406.5. Revocation Additional operational requirements for special event parking.**

44 To effectuate the purposes of this division, owners/operators of special event parking must comply with  
45 the following operational requirements any time special event parking is provided for the public:

- 46 (a) Operators of special event parking shall comply with all Traffic and Pedestrian Safety Management  
47 Plans, as may be amended from time to time, as dictated by public safety officials. Public safety

1 shall communicate changes as known to the person responsible as designated in Section  
2 78.406.4(f)(5):

- 3 (b) On the day of a special event, a temporary sandwich-board sign must be displayed in the ~~accessory~~  
4 special event parking area near each entrance to the parking area in the location(s) shown on the  
5 parking site plan. The sign copy area must be at least 18 inches high and 24 inches wide (but no  
6 larger than 24 inches by 36 inches) with a maximum height from grade to the top of the sign of four  
7 feet, including a parking symbol, at least 10 inches in height designated by the county, and include  
8 the following wording with the blanks filled in appropriately: "Special Event Parking Lot, License #  
9     , Parking Fee \$     , Registration #     , Operator phone #      -      -     ." The parking fee must  
10 be in a font that is at least 6 inches in height. When the lot is full, a "lot full" sign must be displayed  
11 that is visible from the street, the sign must be turned around to display wording visible from the  
12 street that the parking lot is full. The sign is a traffic management device and a display of registration  
13 license, so no other wording is permitted on the front of the sign. The sign must be of a durable  
14 material, such as plastic, metal, wood, or like material, and must be professionally fabricated and  
15 maintained in good repair. A sign permit is not required for this sign, which may be displayed four  
16 hours prior to the event and must be removed two hours after completion of the special event. The  
17 parking symbol, the wording, and the fee must be visible from the adjacent street. The parking fee  
18 must remain the same throughout the day of the special event unless decreased, and the amount  
19 charged for parking must not exceed the amount stated on the sign. The sign must be visible on the  
20 special event parking area from the time cars are admitted for the special event parking until the  
21 property has been cleaned of litter at the end of the special event.
- 22 (c) The ~~accessory~~ special event parking registration license and parking plan must be available for  
23 immediate on-site inspection by county staff or public safety officials.
- 24 (d) The ~~accessory~~ special event parking area must be paved, striped, and lit in compliance with  
25 standards prescribed by county ordinances and development standards for parking areas. Vehicles  
26 must be parked on approved surfaces and in compliance with the parking plan.
- 27 (e) The ~~accessory~~ special event parking area must be staffed by at least ~~two~~ one attendants,  
28 representative, or other responsible party capable who shall remain on the lot from the time the  
29 operator begins accepting payment for parking until one hour after the end of the event. Said  
30 attendant/representative shall be capable of acting on behalf of the owner/operator in interactions  
31 with county officials. Attendants must be easily identifiable by uniform clothing indicating that they  
32 are employed to provide special event parking. During night time hours, reflective vests shall also  
33 be required to be worn by all attendants. Attendants shall guide vehicles in and out of the parking  
34 area and monitor the special event parking area who must be present on the accessory special event  
35 parking area from the time the operator starts accepting payment on the lot for parking until the lot  
36 is full or the start of the special event, whichever occurs first. A minimum of one attendant must  
37 remain on the lot until one hour after the end of the special event.
- 38 (f) The owner/operator must provide clean up service ~~on parkways, parking spaces, and sidewalks~~ to  
39 remove litter, trash, junk, or other debris found throughout the ~~accessory~~ special event parking  
40 area. ~~The attendants must be easily identifiable by uniform clothing indicating that they are~~  
41 ~~employed to provide accessory special event parking.~~ Clean up service shall be completed within  
42 two hours of after the end of the special event.
- 43 (g) Operators of accessory special event parking shall comply with all traffic management plans for the  
44 major tourist attraction.
- 45 (h) ~~The accessory~~ Special event parking must be operated in compliance with this division and any  
46 conditions set forth on the ~~accessory~~ special event parking registration license or in the Traffic and  
47 Pedestrian Safety Management Plan.

1 (i) Where a public safety issue occurs during the operation of the special event parking lot, the  
2 attendant(s) shall cooperate fully with the public safety agency which shall require such actions as  
3 are in the best interests of the public. Owners/operators shall take reasonable steps necessary to  
4 maintain a safe lot and assist in preventing crime.

5 The county may revoke an accessory special event parking license issued under this division for  
6 violations of any provision in this division if the accessory special event parking at the location adversely  
7 affects traffic management, public safety, or other good cause; for making any material false  
8 representation in an application for an accessory special event parking license; or if the primary use  
9 ceases to operate. In the event of revocation, the procedures for appeal set out in this division apply  
10 commencing with the date of revocation notice is provided to the applicant.  
11

12 Section 78-406.6 is amended to read as follows:

13 **Sec. 78-406.6. Offenses; official right to block access; prosecution.**

14 (a) Prohibited acts. It shall be unlawful to:

- 15 (1) Submit false documents, or otherwise make false statements of a material fact on an application  
16 for registration submitted under this division;  
17 (2) Provide special event parking for any vehicle during a special event in violation of this division;  
18 (3) Violate any other provision of this division.

19 (b) Failure to obtain a registration; right to block access. Special event parking shall not be permitted  
20 unless the owner/operator first registers with the county. Public safety officials may block access  
21 from the public right-of-way to any special event parking area that has not obtained the necessary  
22 registration or may block access to any registered special event parking area that poses an  
23 immediate public safety threat or hazard or if attendants are not available on-site to resolve issues,  
24 in the sole discretion of the public safety official for the best interests of the public.

25 (c) In the prosecution of an offense under this division, it is presumed that the property owner and  
26 applicant for the special event parking registration, and the responsible person named on the  
27 application for the operation of the special event parking area, are jointly and severally responsible  
28 for violations of and compliance with this division in the operation of the special event parking area.  
29

30 **Sec. 78-406.7. Penalties.**

31 A violation of this division shall be punishable as provided in Section 1-10.  
32

33 ~~**Sec. 78-406.6. Procedures for appeal of denial or revocation of an accessory special event parking**~~  
34 ~~**license Revocation.**~~

35 ~~(a) The Community Development director may revoke an accessory special event parking license issued~~  
36 ~~under this division based on any material false representation in an application for an accessory~~  
37 ~~special event parking license; for violation of any provision in this division; if, in the opinion of public~~  
38 ~~safety officials, accessory special event parking operators allow unsafe areas or crimes against~~  
39 ~~persons; if, in the opinion of public safety officials, the operation of the accessory special event~~  
40 ~~parking area adversely affects traffic management or public safety; if the primary use ceases to~~  
41 ~~operate; or other good cause.~~

42 ~~(b) Revocation notice shall be issued in accord with the following:~~

- 43 ~~(1) Prior to the revocation of any accessory special event parking license, the community~~  
44 ~~development director shall provide notice to the applicant detailing the violation(s);~~  
45 ~~(2) The licensee shall have fifteen (15) days to address and correct the violation(s);~~  
46 ~~(3) Failure to correct the violation(s) within the required timeframe and communicate such~~  
47 ~~correction to the community development director shall result in a written notice of revocation~~  
48 ~~being issued to the licensee.~~

1 ~~(c) Any licensee whose license is revoked may, within ten (10) days of the date of written notice, file a~~  
2 ~~written appeal with the community development agency director. The community development~~  
3 ~~director shall schedule an appeal hearing at the next available board of commissioners' meeting~~  
4 ~~which said hearing shall be conducted in accordance with Section 78-406.6.~~

5 ~~(d) Any appeal filed pursuant to this section shall state succinctly the grounds upon which it is asserted~~  
6 ~~that the determination should be modified or reversed and shall be accompanied by copies of the~~  
7 ~~permit application, the written notice of the determination of the county, and any other~~  
8 ~~documents material to the determination.~~

9 **Sec. 78-406.6. Board of commissioners hearing procedures.**

10 ~~The hearing held pursuant to this division shall be as informal as compatible with justice, the hearing~~  
11 ~~shall be expedited and normally shall not exceed 30 minutes in length, and the following procedures~~  
12 ~~shall prevail:~~

13 ~~(a) The reasons for Community Development not issuing a license or an existing license being revoked~~  
14 ~~shall be read. In the case of a revocation, the response from licensee shall also be read.~~

15 ~~(b) The county representative shall present evidence, and then the applicant/licensee shall present his~~  
16 ~~or her evidence with opportunity for each party to present rebuttal evidence, examination and cross~~  
17 ~~examination of witnesses, and questioning by the board of commissioners. No evidence shall be~~  
18 ~~presented which is not relevant to the charges.~~

19 ~~(c) After the hearing under this section the board of commissioners may take any of the following~~  
20 ~~actions: approve, approve with conditions in addition to those required by this division, or deny the~~  
21 ~~issuance of an accessory special event parking license. In the case of revocation hearing, the board~~  
22 ~~of commissioners may take any of the following actions: uphold, modify, or reverse the decision of~~  
23 ~~the community development agency director.~~

24  
25 The Official Code of Cobb County, Georgia, is amended by adding an Article numbered Chapter 78,  
26 Article III, Division 10, Section 78-406.7 to 78-408.9 to read as follows:

27 **Sec. 78-406.7. Appeal of a decision of the board of commissioners.**

28 ~~If a hearing occurred before the board of commissioners, such decision is final unless appeal is made to~~  
29 ~~the superior court of the county. Any aggrieved party may appeal a decision of the board of~~  
30 ~~commissioners by filing a petition for writ of certiorari to the superior court within 30 days of the~~  
31 ~~decision of the board of commissioners. For the purpose of this section, the appeal time shall run from~~  
32 ~~the day the particular vote or action is taken~~

33 **Sec. 78-406.8. Offenses.**

34 ~~(b) It shall be unlawful to:~~

35 ~~(1) Submit false documents, or otherwise make false statements of a material fact on an application~~  
36 ~~for any license submitted under this division;~~

37 ~~(2) Provide special event parking for any vehicle during a special event in violation of this division;~~

38 ~~(3) Violate any other provision of this division.~~

39 ~~(c) Public safety officials may block access from the public right-of-way to any accessory special event~~  
40 ~~parking area that has not obtained the necessary license or to a licensed accessory special event~~  
41 ~~parking area that poses a public safety hazard, in the sole discretion of the public safety officer for~~  
42 ~~the best interests of the public.~~

43 ~~(d) In the prosecution of an offense under this division, it is presumed that the property owner and~~  
44 ~~applicant for the accessory special event parking license, and the responsible person named on the~~  
45 ~~application for the operation of the special event parking area, are jointly and severally responsible~~  
46 ~~for violations of this division and for compliance with this division in the operation of the accessory~~  
47 ~~special event parking area.~~

1  
2 **Sec. 78-406.9. Penalties.**

3 ~~(a) Review by Administrator~~

- 4 ~~(1) Any applicant who is denied an accessory special event parking license, or person whose~~  
5 ~~license is revoked (an "appellant") may, within ten (10) days of the service of notice of such~~  
6 ~~determination, file a written appeal from such determination with the Community~~  
7 ~~Development Agency Director.~~
- 8 ~~(2) The Community Development Agency Director shall have ten (10) days from the date on~~  
9 ~~which the appeal was received in which to provide appellant a written notice that the~~  
10 ~~decision was affirmed, modified, or reversed. The notice to the appellant shall be deemed~~  
11 ~~served upon the appellant when it is personally delivered or when it is sent by regular mail~~  
12 ~~and certified mail by the United States Postal Service, to the name and address set for on~~  
13 ~~the application for permit.~~
- 14 ~~(3) A decision by the Community Development Agency Director adverse to the applicant can be~~  
15 ~~appealed by the applicant for a show cause hearing with the board of commissioners. The~~  
16 ~~applicant will need to file a written appeal within ten (10) days of the service of notice of~~  
17 ~~such determination with the County Clerk or within ten (10) days plus three (3) days for~~  
18 ~~mailing from when the notice is sent to the applicant by regular and certified mail.~~
- 19 ~~(4) In all hearings held pursuant to this section, the proceedings shall be as informal as~~  
20 ~~compatible with justice, the hearing shall be expedited and normally shall not exceed 30~~  
21 ~~minutes in length, and the following procedures shall prevail:~~
- 22 ~~(d) The charges and specifications against the licensee and the response as filed by the~~  
23 ~~licensee shall be read.~~
- 24 ~~(e) The county representative shall present evidence, and then the licensee shall present~~  
25 ~~his evidence, with opportunity for each party to present rebuttal evidence, examination~~  
26 ~~and cross-examination of witnesses, and interrogation by the board of commissioners.~~  
27 ~~No evidence shall be presented which is not relevant to the charges.~~
- 28 ~~(f) After the hearing under this section the board of commissioners shall uphold, modify, or~~  
29 ~~reverse the decision of the Community Development Agency Director.~~
- 30 ~~(5) Any appeals filed pursuant to this division shall state succinctly the grounds upon which it is~~  
31 ~~asserted that the determination should be modified or reversed and shall be accompanied~~  
32 ~~by copies of the permit application, the written notice of the determination of the county,~~  
33 ~~and any other papers or material to the determination.~~

34 ~~(b) Any further judicial review shall be in accordance with law.~~

35 **Sec. 78-406.6. Offenses.**

36 ~~(e) It shall be unlawful to:~~

- 37 ~~(1) Submit false documents, or otherwise makes false statements of a material fact on an~~  
38 ~~application for any license submitted under this division;~~
- 39 ~~(2) Provide special event parking for any vehicle during a special event in violation of this division;~~
- 40 ~~(3) Each vehicle charged a fee for parking on a parking area during a special event in violation of this~~  
41 ~~division constituted a separate offense; and/or~~
- 42 ~~(4) Violate any other provision of this division.~~
- 43 ~~(f) In the prosecution of an offense under this division, it is presumed that:~~
- 44 ~~(1) The property owner, applicant for the accessory special event parking license, and the~~  
45 ~~responsible person named on the application for the operation of the special event parking~~  
46 ~~area, are jointly and severally responsible for parking violations under this division and for~~  
47 ~~compliance with this division in the operation of the accessory special event parking area; and~~

1 ~~(2) All vehicles parked on property during a special event have been charged a fee for parking~~  
2 ~~during the special event.~~

3 ~~**Sec. 78-406.7. Violation.**~~

4 ~~(a) Any person who violates this division is guilty of a misdemeanor.~~

5 ~~(b) Penalties for violations of this division shall be as follows:~~

6 ~~(1) *First conviction.* A fine of not less than \$100.00 nor more than \$1,000.00 and costs and/or~~  
7 ~~imprisonment in the county jail for not more than 60 days or both.~~

8 ~~(2) *Second conviction.* A fine of not less than \$200.00 nor more than \$1,000.00 and costs and/or~~  
9 ~~imprisonment in the county jail for not more than 60 days or both.~~

10 ~~(3) *Third conviction.* A fine of not less than \$500.00 nor more than \$1,000.00 and costs and/or~~  
11 ~~imprisonment in the county jail for not more than 60 days or both.~~

12 ~~(4) *Fourth conviction.* Any person convicted of four or more violations of this article shall be subject~~  
13 ~~to a fine of not less than \$1,000.00 and costs and/or imprisonment in the county jail for not~~  
14 ~~more than 60 days or both. A fourth conviction shall be considered a misdemeanor of a high and~~  
15 ~~aggravated nature.~~

16 ~~(c) Public safety officials may block access from the public right of way to any accessory special event~~  
17 ~~parking area that has not obtained the necessary license or to a licensed accessory special event~~  
18 ~~parking area that poses a public safety hazard, in the sole discretion of the public safety officer.~~

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