

2017 CODE AMENDMENTS

OFFICIAL CODE OF COBB COUNTY

PART I. - CHAPTERS 54, 78, 86, 106, 118, & 126

Package V

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Board of Commissioners Work Session
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PART 1. – OFFICIAL CODE OF COBB COUNTY, GA

Chapter 54. – FIRE PREVENTION AND PROTECTION

ARTICLE VI. – ALARM SYSTEMS

Section 54-102 is amended to read as follows:

Sec. 54-102. - Prohibited acts.

...

(d) When a building or space is occupied, no fire alarm system or portion of a fire alarm system shall be placed in a by-pass mode without an approved fire watch or standby fire personnel in accordance with Section 54-62.

Chapter 78. – LICENSES, PERMITS, AND BUSINESSES

ARTICLE III. – SPECIAL LICENSES AND REGULATORY FEES

DIVISION 1. – Generally

The Official Code of Cobb County, Georgia, is amended by adding Section 78-66, to read as follows:

Sec. 78-66. – Temporary Consumer Fireworks Retail Stands.

(a) Temporary consumer fireworks retail stands must obtain a temporary business license and shall post conspicuously in the place of business a notice stating the times during which the ignition of consumer fireworks is permitted under state law.

(b) Temporary consumer fireworks retail stands in compliance with state law will not be considered “peddlers,” as defined in Sec. 78-81.

Secs. ~~78-66~~77—78-80. - Reserved.

Chapter 86 - OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. - IN GENERAL

Section 86-7 is amended to read as follows:

Sec. 86-7. - Vehicle immobilization devices; definitions.

...

(c) Immobilization of the vehicle of another by use of a boot or other similar device is prohibited in Cobb County, unless the vehicle is booted in accordance with Section 118-158.

Chapter 106. – STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

ARTICLE II. – STREET LIGHTING

DIVISION 1. - GENERALLY

Section 106-26 is amended to read as follows:

Sec. 106-26. - Definitions.

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

...

Canopy lighting means top mounted lighting fixtures and affixed to a canopy, ceiling or overhead structural element to illuminate an expansive area.

Community Improvement District means any one of several districts in Cobb County, Georgia, being bodies corporate and politic, and created and activated pursuant to the Constitution and laws of this State

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as more particularly described in Article II of Chapter 6 of Part II – “State Enabling Legislation” of this Code.

...

LED strip lighting means a ribbon or narrow segment of flexible circuit board with surface mounted light emitting diodes affixed to a structural element and used typically for accent lighting or decorative lighting applications.

...

Small cell communications equipment (“mini cells”) means wireless communications equipment and devices installed on or attached to street light fixtures by wireless communications companies, operators and providers to extend service coverage and increase network capacity.

Street light means: (i) a fixture situated within the street or roadway right of way and comprising part of roadway infrastructure; and (ii) composed of a footing, pole shaft, attached arm and/or luminaire mounted a minimum of twenty-five (25) feet above the ground; and (iii) operated for street or roadway illumination with the attached arm being of sufficient length to provide such illumination of the adjacent street or roadway; provided that in Community Improvement Districts other and various types of lighting fixtures or devices mounted on or affixed to a bridge to illuminate the bridge surface, bridge structure, bridge supports or bridge design elements shall also be considered street lighting for purposes of this Article II and shall include but not be limited to LED strip lighting, canopy lighting, architectural or decorative lighting elements or other similar types of lighting.

DIVISION 2. - STREET LIGHT DISTRICTS

Section 106-48 is amended to read as follows:

Sec. 106-48. - Creation of district—Petition by lot owners; request by CID; new developments.

...

(d) The lot owner requesting creation of the street light district may scan and return the completed petition electronically in pdf format on or before the due date previously established by the department and to an e-mail address to be provided by the department for such purpose; provided that the lot owner shall execute an affidavit provided by the department with the petition form and shall return the executed, notarized affidavit electronically in pdf format with the petition. The department shall not consider the petition unless accompanied by the executed, notarized affidavit. In addition the department shall not review or consider the completed petition until resolution of any discrepancies or irregularities that may be apparent on the face of either the petition or affidavit received electronically in pdf format.

~~(d)~~(e) Notwithstanding any provisions to the contrary set forth in paragraphs (a), (b), and (c) of this section, if a community improvement district ("CID") desires to create a street light district within the boundaries of the CID, a representative of the CID may present such request to the director. The request shall include a copy of a resolution by the CID and certified minutes showing that the CID board of directors or governing body has duly adopted the resolution approving the creation of a street light district and the street light district's boundaries. Upon receipt of the request and the other documents, the department shall determine if the boundaries of the street light district are appropriate. If the boundaries are determined to be appropriate, the street light district will be created upon approval of the board. Should the department identify any street light district or districts currently existing within the proposed boundaries of the CID district, the board may dissolve, merge or reconfigure the same pursuant to section 106-81 to create the CID district.

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~~(e)~~(f) Upon compliance with all provisions of section 106-66(a), a street light district will be created upon approval by the board.

DIVISION 3. - STREET LIGHT DISTRICTS AND LIGHTING FOR NEW SUBDIVISIONS AND OTHER DEVELOPMENTS

...

Secs. 106-69—106-9080. - Reserved.

The Official Code of Cobb County, Georgia, is amended by adding Division 4, Sections 106-81 and 106-82, to read as follows:

DIVISION 4. - ADMINISTRATION

Sec. 106-81. – Dissolution, merger and reconfiguration of districts.

- (a) The department, to promote public safety and the efficient oversight of the street light district program and to safeguard fiscal and administrative resources, may recommend that the board dissolve, merge, divide or reconfigure any existing street light district or districts to create a new, different, larger or smaller district or districts adjacent to or within the same geographical area.
- (b) The board, in its discretion, may act on the department’s recommendation and so merge, combine or divide any one or more existing street light districts to create one or several new or different street light districts by dissolving such existing districts and reconfiguring the boundaries thereof.
- (c) Prior to any action by the board to dissolve and reconfigure the boundaries of an existing street light district, the department shall clearly identify the geographical boundaries of the existing district or districts, those of the new or proposed district or districts and the lots to be situated within each.
- (d) The board, to promote the efficient administrative oversight of the street light district program and upon the department’s recommendation, may move any single lot or lots from an existing street light district to another. The department shall clearly identify such lot or lots and shall identify the boundaries of both the present district and the district into which the department proposes relocation of the subject lot(s).

Sec. 106-82. – Small cell communications equipment; Attachment

- (a) Any company, partnership, association, corporate entity or individual (“cell company”) seeking to attach small cell communications equipment (mini cells) to County owned street lights shall have first executed a “Master Right of Way Agreement for Mini Cell” (“agreement”) with the County and shall, in accordance with the provisions of such agreement, conform and adhere to all procedures and permitting requirements enumerated therein for any proposed attachment.
- (b) Aesthetic considerations will, in part and as articulated in the preamble of the agreement, inform the County’s decision as to any permit requested by a cell company for attachment to County owned decorative or architectural lighting situated within the corporate limits of any community improvement district in the County. The County’s decision will also include a consideration of the financial investment in such decorative infrastructure and the extent to which the proposed mini cell equipment both will detract from the appearance of the decorative lighting and also will diminish the value of the financial investment therein.

Secs. 106-83—106-90. - Reserved.

ARTICLE V. - PEDESTRIAN LIGHTING DISTRICTS

DIVISION 1. - GENERALLY

Section 106-156 is amended to read as follows:

Sec. 106-156. - Definitions.

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

...

Bollard lighting means a type of architectural outdoor lighting fixture comprised of short, upright ground or base mounted units, typically giving off light from the top or the sides, and used to illuminate sidewalks, walkways or steps.

Community Improvement District means any one of several districts in Cobb County, Georgia, being bodies corporate and politic, and created and activated pursuant to the Constitution and laws of this State as more particularly described in Article II of Chapter 6 of Part II – “State Enabling Legislation” of this Code.

Department means the Cobb County Department of Transportation. ~~department of transportation.~~

...

Pedestrian light means: (i) a pedestrian-scale fixture situated within or adjacent to sidewalks, trails and/or pathways; and (ii) composed of a footing, pole shaft and luminaire, which may or may not be attached to an arm extending from the pole, and mounted a minimum of fifteen (15) feet above the ground; and (iii) operated for pedestrian safety and for sidewalk, trail or pathway illumination; provided that in Community Improvement Districts other and various types of pedestrian lighting fixtures or devices mounted on or affixed to a bridge for pedestrian safety and for the illumination of the bridge surface, sidewalk, walkways or steps shall also be considered pedestrian lighting for purposes of this Article V and shall include but not be limited to hand rail lighting, bollard lighting, low mounted step lighting or other similar types of lighting.

...

Small cell communications equipment (“mini cells”) means wireless communications equipment and devices installed on or attached to pedestrian light fixtures by wireless communications companies, operators and providers to extend service coverage and increase network capacity.

DIVISION 2. – PEDESTRIAN LIGHTING DISTRICTS

Section 106-162 is amended to read as follows:

Sec. 106-162. - Creation of district—Petition by lot owners.

...

(c) The lot owner requesting creation of the pedestrian light district may scan and return the completed petition electronically in pdf format on or before the due date previously established by the department and to an e-mail address to be provided by the department for such purpose; provided that the lot owner shall execute an affidavit provided by the department with the petition form and shall return the executed, notarized affidavit electronically in pdf format with the petition. The department shall not consider the petition unless accompanied by the executed, notarized affidavit. In addition the department shall not review or consider the completed petition until resolution of any discrepancies which may be apparent on the face of either the petition or affidavit received electronically in pdf format.

~~(c)(d)~~ Notwithstanding any provisions to the contrary ...

Section 106-168 is amended to read as follows:

Sec. 106-168. - Installation and operation standards adopted; exceptions.

In order to ensure adequate illumination of public rights-of-way and to promote safety and security, the American National Standard Practice for Roadway Lighting of the Illuminating Engineering Society, as approved by the American National Standards Institute (1983), as from time to time amended, is hereby adopted as the standard for the installation and operation of lighting in the unincorporated areas of the county, with the following exceptions:

...

- (2) All fixtures used for the illumination of sidewalks, trails, and pathways shall have a minimum mounting height of 15 feet. Fixtures shall meet utility grade standards. ~~and be installed and maintained by the power company providing power in the area.~~

The Official Code of Cobb County, Georgia, is amended by adding Division 3, Sections 106-169, to read as follows:

DIVISION 3. – ADMINISTRATION

Sec. 106-169 – Small cell communications equipment; Attachment

- (a) Any company, partnership, association, corporate entity or individual (“cell company”) seeking to attach small cell communications equipment (mini cells) to County owned pedestrian lights shall have first executed a “Master Right of Way Agreement for Mini Cell” (“agreement”) with the County and shall, in accordance with the provisions of such agreement, conform and adhere to all procedures and permitting requirements enumerated therein for any proposed attachment.
- (b) Aesthetic considerations will, in part and as articulated in the preamble of the agreement, inform the County’s decision as to any permit requested by a cell company for attachment to County owned decorative or architectural lighting situated within the corporate limits of any community improvement district in the County. The County’s decision will also include a consideration of the financial investment in such decorative infrastructure and the extent to which the proposed mini cell equipment both will detract from the appearance of the decorative lighting and also will diminish the value of the financial investment therein.

Chapter 118. – TRAFFIC AND VEHICLES

ARTICLE IV. – STOPPING, STANDING, AND PARKING

DIVISION 1. - GENERALLY

The Official Code of Cobb County, Georgia, is amended by adding Sections 118-158, to read as follows:

Sec. 118-158. – Parking Meters

- (a) Parking meter zones may be established by the board of commissioners.
- (b) All parking meter zones are Monday through Sunday and shall be in force 24 hours a day.
- (c) Such meters shall provide for maximum time limits and fee as indicated on each meter. The maximum time limit and fee at parking meters may vary from zone to zone. Such time limits and fees shall be determined by the board of commissioners.
- (d) No person shall park any motor vehicle in any area where a parking meter is installed for a longer period of time than has been paid for or the maximum time indicated on the meter.
- (e) When a violation as described in section 118-158(d) occurs, a citation for overtime parking shall be issued and a fine of \$50.00 shall be imposed and/or the vehicle may be booted or towed.
- (f) If the mandatory \$50.00 fine set out in section 118-158(e) is not paid in full within 14 days of the issuance of the citation, the fine shall increase from \$50.00 to \$100.00.

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- (g) If the \$100.00 fine set out in section 118-158(f) is not paid in full within 45 days of the issuance of the citation, the fine shall increase from \$100.00 to \$200.00.
- (h) The violator may appeal the citation through appropriate filing with magistrate court.
- (i) If magistrate court determines violation of section 118-158 occurred, penalties for violations shall be punished as set out by Georgia law under O.C.G.A §15-10-60.
- (j) The county may enter into an agreement with a vendor(s) for revenue collection and enforcement of parking meter zones. Such agreements shall be approved by the board of commissioners.

Secs. 118-~~158~~159—118-165. - Reserved.

Chapter 126. – VEHICLES FOR HIRE

ARTICLE III. – AMBULANCES

Section 126-87 is amended to read as follows:

Sec. 126-87. - Ambulance zones.

For the purposes of this article, the county is hereby classified into ~~five~~ two separate ambulance zones as shown on the ambulance services zone map, ~~as approved by the board of commissioners based on the four fire battalions with the fifth zone being the cities of Marietta and Smyrna. Which is adopted hereby and incorporated in this article by express reference,~~ A copy of the ambulance service zone map ~~which shall~~ will remain on file for public inspection during normal working hours at Cobb County Fire and Emergency Services headquarters and with the County Clerk. Provider zones are regulated by the State of Georgia region III office of emergency medical services (EMS) and their associated zoning plan.

Section 126-88 is amended to read as follows:

Sec. 126-88. - Public calls.

...

- (e) It will be the responsibility of the provider assigned to the affected zone to furnish and dispatch any additional or backup ambulance service ~~facilities~~ that may be required.

Section 126-91 is amended to read as follows:

Sec 126-91. - Private Calls

- (a) Nothing in this article will be construed to prohibit any private person or entity from calling any ambulance service provider of his/her/its choice to provide service to a private location or where the affected person has not been involved in an accident or injury upon the public roadways or streets resulting in the need for services, and/or where the call or incident will not involve investigation, or follow-up services of any county department or agency. ~~Nothing in this article will be construed to prohibit a provider from responding to a private call, as defined in this article, regardless of zone assignments.~~

...

Section 126-92 is amended to read as follows:

Sec 126-92. - Assignment and Alteration of Zones

...

- (b) ~~No~~ Ambulance service provider(s) ~~will be approved for zone assignment unless it shall~~ holds maintain a valid county business license and any required state licenses and permits ~~and complies with all~~ required by applicable state law.

...

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Section 126-93 is amended to read as follows:

Sec. 126-93. - Revocation or suspension of zone assignments - Generally.

- (a) The director of public safety may for due cause, as defined in section 78-45(c) of this Code, make appropriate recommendations to the ~~Cobb County Board of Commissioners~~ to request that the State of Georgia region III office of emergency medical services (EMS) open the ambulance zoning process. Additional factors which may be considered are quality of service provided, response time, costs of services, and/or the supplying of false information to any county department or agency ~~(whether upon public or private calls).~~
- (b) In the event the county wishes to alter the ambulance provider zones or alter the ambulance provider for a zone under this article, the board of commissioners shall make such a request to the State of Georgia region III office of emergency medical services (EMS).