



COBB COUNTY COMMUNITY DEVELOPMENT AGENCY

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Director

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TO: Code amendment recipients
FROM: Dana Johnson, Director 
DATE: May 12, 2017
RE: Revised draft code amendments – 2017 draft amendment package III

Attached please find the revised draft amendments to the Cobb County Code for the May 2017 code amendment cycle, known as amendment package III. This package incorporates comments and direction received via the public hearing conducted on April 25, 2017. The modifications from Draft 1 are summarized as follows:

Section 54-101. – Powers and duties of fire marshal, delegation of authority

- (c) The language was altered in order to provide clarity that the rules and procedures that the Fire Marshall may develop only pertaining to enforcing the existing regulations of NFPA 72 and Section 54-101.

The amendments contained in the revised draft amendments to the Cobb County Code for the May 2017 code amendment cycle, known as amendment package III, will be considered by the Board of Commissioners on May 23, 2017 at 7:00 pm. The agenda item will be considered in the Board of Commissioners Meeting Room on the 2nd Floor of 100 Cherokee Street, Marietta, GA 30060.

Hard copies of this memorandum and the revised draft amendments to the Cobb County Code for the May 2017 code amendment cycle, known as amendment package III, will be provided to the Board of Commissioners, County Manager, County Clerk, and the Clerk of the Superior Court.

Thank you.

2017 CODE AMENDMENTS

**OFFICIAL CODE OF COBB COUNTY
PART I. - CHAPTERS 54, 62, AND 122**

Package III
Version 2 - distributed on May 12, 2017

Board of Commissioners Work Session
April 25, 2017 – 1:30 pm

Board of Commissioners Public Hearing Dates
April 25, 2017 – 7:00 pm
May 23, 2017 – 7:00 pm

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PART 1. – OFFICIAL CODE OF COBB COUNTY, GA

CHAPTER 54. FIRE PREVENTION AND PROTECTION

ARTICLE III. FIRE SAFETY STANDARDS

The Official Code of Cobb County, Georgia, is amended by adding Section 54-3, to read as follows:

Sec. 54-3. Penalty for violation of chapter.

- (a) Any person who shall violate any of the provisions of this chapter or fail to comply herewith, or who shall violate or fail to comply with any order made hereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved under this article, or any certificate or permit issued under this chapter, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of commissioners or by a court of competent jurisdiction, within the time fixed therein, shall severally for each such violation and noncompliance, respectively, be guilty of a misdemeanor punishable by a fine not exceeding \$1,000.00, imprisonment in the county jail for a term not exceeding 60 days, or both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- (b) The application of the penalty set out in this section shall not be held to prevent the enforced removal of prohibited conditions.

Secs. 54-32 – ~~54-49~~ 54-50. Reserved

Section 54-50 shall be amended as follows:

~~Sec. 54-50. Penalty for violation of article~~

- ~~(a) Any person who shall violate any of the provisions of this article or fail to comply herewith, or who shall violate or fail to comply with any order made hereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved under this article, or any certificate or permit issued under this article, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of commissioners or by a court of competent jurisdiction, within the time fixed therein, shall severally for each such violation and noncompliance, respectively, be guilty of a misdemeanor punishable by a fine not exceeding \$1,000.00, imprisonment in the county jail for a term not exceeding 60 days, or both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.~~
- ~~(b) The application of the penalty set out in this section shall not be held to prevent the enforced removal of prohibited conditions.~~

Section 54-51 shall be amended as follows:

Sec. 54-51. Life safety certificate of occupancy requirement.

- (a) This Code section shall apply to the state minimum fire safety standards enforced by the fire marshal's office. This Code section shall not apply to separate certificate of occupancy requirements enforced by the building department.

.....

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(k) Construction, reconstruction, substantial renovation, renovation, or addition shall be prohibited without plans approved by the Fire Marshal's Office prior to any work being performed.

ARTICLE V. FIRE PROTECTION SPRINKLER SYSTEM REQUIREMENTS

Section 54-96 shall be amended as follows:

Sec. 54-96. Fire protection system testing and maintenance requirements.

(a) The responsibility for annual testing and maintenance of any fire protection system is the responsibility of the owner of the commercial property. Systems shall be inspected and tested in accordance with NFPA 13, 13R, or 13D, NFPA 25 and the manufacturer's requirements.

...

~~(4) Where fire sprinkler systems activate, regardless of the reason, a fire protection sprinkler contractor, as defined by article IV of this chapter, shall completely restore the system, confirm the system is in service, and provide a written statement to that effect to the Cobb County Fire Marshal's Office.~~

(b) In the event of a fire protection sprinkler system activation, regardless of the reason, the system shall be inspected by a fire protection sprinkler contractor to determine whether the system is in compliance with applicable codes and fully operational. The fire protection sprinkler contractor ~~shall submit acceptable documentation confirming compliance and operability to the fire marshal or his designee shall completely restore the system, confirm the system is in service, and submit a written statement to that effect to the Cobb County Fire Marshal's Office.~~

ARTICLE VI. ALARM SYSTEMS

Section 54-100 shall be amended to read as follows:

Sec. 54-100. Definitions.

...

False alarm means activating an alarm system, otherwise causing an alarm system to be activated, or operating or maintaining an alarm system which is activated at a time when no fire is in progress at a premises, whereby the occupants are signaled and/or public safety officers are dispatched to such premises.

Fire alarm action plan means a plan of action approved by the Cobb County Fire Marshal's Office detailing actions to be taken by trained personnel at a premises in the event of a fire alarm. Only fire alarm systems equipped with a means to verify the cause of the alarm are eligible for approval.

...

Section 54-101 shall be amended to read as follows:

Sec. 54-101. Fire alarm requirements.

...

(f) Electronic Security Association (ESA) National Training School (NTS) Certified Fire alarm Technician (CFAT) Level II shall be an approved equivalent for NICET Certification.

Section 54-102 shall be amended as follows:

Sec. 54-102. Prohibited acts.

(a) With the exception of premises covered by a fire alarm action plan, when 911 has been called requesting fire department response, it shall be unlawful for any person to silence and/or reset an activated fire alarm prior to the arrival of the fire department. No fire alarm shall be silenced or

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reset unless an approved fire alarm action plan is present at the panel. No fire alarm shall be silenced and/or reset unless a means is provided for the responding fire crews to be able to verify the cause of the alarm.

- (b) With the exception of an alarm which can reasonably be ~~determined~~ proven to have been caused or activated by unusually violent conditions of nature or by extraordinary circumstances not reasonably subject to control by the alarm user, it shall be unlawful for any person to cause or allow a false alarm.
- (c) Except where dictated otherwise in writing by the Fire Marshal's Office, it shall be unlawful to perform work on a fire alarm system without written approval from the Fire Marshal's Office.

The Official Code of Cobb County, Georgia, is amended by adding Sections 54-104, to read as follows:

Sec. 54-104. Powers and duties of fire marshal, delegation of authority.

- (a) The fire marshal is charged with the duty and responsibility for enforcement of this article.
- (b) Any authority, power or duty vested in the fire marshal by any provision of this article may be exercised, discharged or performed by any deputy, assistant or other designated individual acting in the fire marshal's name and by his delegated authority.
- (c) The fire marshal may, in his discretion, promulgate such rules and procedural requirements as he deems necessary to enforce the fire alarm regulations contained in NFPA 72 and Sec. 54-101 of this article.
- (d) The fire marshal may prescribe any forms required for the administration of this article.
- (e) In the event of any conflict between this code and the state minimum fire safety standards as adopted by the State of Georgia, the more stringent code shall apply.

CHAPTER 62. – HEALTH AND SANITATION

ARTICLE II. - BOARD OF HEALTH RULES

Chapter 62-33 shall be amended to read as follows:

Sec. 62-33. - Rules and regulations adopted.

The county hereby adopts the following rules and regulations that have been adopted by the county board of health:

- (1) Rules and regulations for on-site sewage management systems, adopted by the board of health ~~August 21, 2014~~ as may be amended from time to time.
- (2) An ordinance concerning nuisances, adopted by the board of health ~~April 1, 1948~~ as may be amended from time to time.
- (3) Regulations concerning trailer parks, adopted by the board of health ~~June 21, 2012~~ as may be amended from time to time.
- (4) Rules and regulations for food service, adopted by the board of health ~~February 21, 2008~~ as may be amended from time to time.
- (5) Rules and regulations for swimming pools, adopted by the board of health ~~October 20, 2011~~ as may be amended from time to time.
- (6) Rules and regulations for tourist accommodations, adopted by the board of health ~~December 19, 2013~~ as may be amended from time to time.
- (7) Rules and regulations for body art, adopted by the board of health ~~August 19, 2010~~ as may be amended from time to time.
- (8) Rules and regulations for hand watering with gray water, adopted by the board of health ~~April 16, 2009~~ as may be amended from time to time.

(9) Rules and regulations for portable sanitation contractors, adopted by the board of health August 21, 2014 as may be amended from time to time.

CHAPTER 122. – UTILITIES

DIVISION 5. GENERAL USE OF PUBLIC WATER AND WASTEWATER FACILITIES

ARTICLE II. WATER AND WASTEWATER SYSTEMS

Sec 122-152 is amended to read as follows:

Sec. 122-152. Water system.

...

(f) *Use of master meters.*

...

~~(3) New single-family residential subdivisions constructed with a water master meter shall have an individual meter installed for each residence. The purchase and installation of the individual meters are the responsibility of the developer. The developer or homeowners association shall be solely responsible for the operation, maintenance, repair, and replacement of water facilities on the user side of the master meter. The county shall bill the developer or homeowners association of such subdivisions for water and wastewater service based on the master meter readings. The developer or homeowners association may seek reimbursement for water and wastewater usage by residence through an economic allocation methodology which is based on the measured quantity of water used by each unit.~~

(34)For all new multiunit retail and light industrial buildings...

(45)The total amount of the charges to the units or residences under paragraphs (2), ~~(3)~~ and (34) of this subsection shall not exceed the total charges paid ...

(56)The water master meter provided in this section ...