

is in violation of this article or any ordinance, resolution, rule or regulation adopted or promulgated pursuant to this article. The holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

- (4) *Responsibility.* Neither the issuance of the permit nor compliance with the conditions thereof, nor with the provisions of this article, shall relieve any person of any responsibility otherwise imposed by law for damage of persons or property; nor shall the issuance of any permit pursuant to this article serve to impose any liability upon the county, its officers, board members or employees, for injury or damage to persons or property. The permit issued pursuant to this article does not relieve the applicant of the responsibility of complying with any other county ordinance or state law.
- (5) *Special conditions.* A permit issued by the issuing authority shall specify any special conditions under which the land disturbing permit may be undertaken.
- (6) *Fees.* In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed \$80.00 per acre of land disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to OCGA § 12-7-8(a), half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) and (10) shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

## **Chapter 54 – FIRE PREVENTION AND PROTECTION**

### **ARTICLE III. – FIRE SAFETY STANDARDS**

The Official Code of Cobb County, Georgia, is amended by adding Section 54-51.1, to read as follows:

#### **Section 54-51.1. – Expiration of approval; Inactivity; Renewal; Inspections.**

- (1) Any approvals issued by the Cobb County Fire Marshal shall expire if work is not commenced within 180 days of such issuance or approval, or if a permit is not issued by the respective building official within 90 days of Fire Marshal's approval.
- (2) If approval expires or not issued as described in (1), applicant will be required to reapply for said project under the most current applicable state laws and county ordinances. The project must meet current and locally adopted codes and standards at the time of the reapplication.
- (3) Inactivity – The Fire Marshal approval shall be voided if inspections are not requested within 180 days of the issuance of the building permit. Occupancy of the construction area is prohibited until commissioning is completed.
- (4) Voided approvals – Appeals for voided approvals shall be made in accordance with Article IX if Chapter 54.

- (5) Work Progress Inspection or Review – Meeting with the Cobb County Fire Marshal’s office for a work progress inspection or review before dates listed above is required to avoid expiration of permits or approvals.
- (6) The above shall be effective August 1, 2022.

The Official Code of Cobb County, Georgia, is amended by adding Section 54-51.2, to read as follows:

**Section 54-51.2. – Pre-construction meetings.**

Prior to approval of certain project plans, mandatory pre-construction meetings may be required by the Fire Marshal due to the project’s complexity, size, scope and/or uniqueness. Applicants with demonstrated experience and understanding of the Fire Marshal’s inspection process can be waived.

Section 54-54.2 of the Official Code of Cobb County, Georgia, is amended to read as follows:

**Section 54-54.2. – Operational Permits.**

- (a) Any exposition, special event or parade shall be permitted in accordance with adopted codes and standards.
- (b) Carnivals and fairs shall be permitted in accordance with adopted codes and standards.

Section 54-55 of the Official Code of Cobb County, Georgia, is amended to read as follows:

**Section 54-55. – Enforcement; establishment and duties of bureau of fire prevention; authority of fire marshal; ~~appeals of decisions.~~**

- (a) The state minimum fire safety standards shall be enforced by the fire marshal in the fire department of the county which is hereby established and which shall be operated under the supervision of the chief of the fire department. The fire marshal shall have the duties of the chief of the bureau of fire prevention.
- (b) The chief of the fire department may detail such members of the fire department, or other county employees, as shall from time to time be necessary.
- (c) A report of the bureau of fire prevention shall be made annually and transmitted to the chairman of the board of commissioners. Such report shall contain all proceedings under the adopted codes, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the fire prevention code which, in his judgment, shall be desirable.
- (d) The county fire marshal is hereby authorized to enforce the state minimum fire safety standards of the cities of Acworth, Kennesaw, and Powder Springs, being municipalities within this county, and to conduct fire inspections in accordance therewith; provided however, that citations for violations of such municipal codes shall be returnable to the appropriate courts of such municipalities; provided further, that the county fire marshal shall not enforce such municipal codes unless they are and remain

substantially similar to the county's state minimum fire safety standards, as amended; and provided further, that the county fire marshal shall not enforce such codes in any of such municipalities unless and until the governing authority of such municipality shall have entered into a written contract with the county pursuant to Ga. Const. art. IX, § II, permitting the county fire marshal to enforce such municipal codes and to conduct fire inspections within such municipality; and to this end, the chairman of the board of commissioners is hereby authorized to affix his signature and seal to any such contract, and to do any and all acts necessary to carry out the intent of this subsection.

~~(c) In accordance with Section 109, Appendix A (Section A101) of the 2018 International Fire Code, there is established a fire prevention and protection safety ordinance appeals board. Said board shall be composed of a design professional, fire protection engineering professional, industrial safety professional, general contractor and general industry or business representative. Said appeals board may consider appeals from any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the fire marshal. The appeals board should be provided notice of the decision being appealed; the relief desired; the reason(s) why such relief should be granted and the documents relative to the issues raised in the appeal.~~

Section 54-56 of the Official Code of Cobb County, Georgia, is amended to read as follows:

**Section 54-56. – Definitions in fire prevention code.**

The following definitions shall apply to the International Fire Code adopted in this article:

- (1) Wherever the word "municipality" is used in the International Fire Code, it shall be held to mean the unincorporated areas of the county and the cities of Acworth, Kennesaw, and Powder Springs.
- (2) Wherever the term "corporation counsel" is used in the International Fire Code, it shall be held to mean the attorney for the county.
- (3) Wherever the words "chief of the bureau of fire prevention" are used in the International Fire Code, they shall be held to mean the county fire marshal.
- (4) "Fire code official" shall mean county fire marshal.
- (5) "Authority having jurisdiction" shall mean county fire marshal.
- (6) "Private fire main" shall include all piping and appurtenances on the customer side of the master meter.
- (7) As of August 1, 2022, the term "Fire Code" means the most recent published edition or the edition referenced by State Fire Marshal, NFPA 1 The Fire Code or the International Fire Code. Both shall be adopted and if an administrative challenge or code conflict exists, the conflict shall be resolved by the Fire Marshal.

**ARTICLE V. – FIRE PROTECTION CONTRACTORS**

Section 54-81 of the Official Code of Cobb County, Georgia, is amended to read as follows:

**Section 54-81. – 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:

*Certificate* or *certificate of competency* means the document issued by the commissioner to a certificate holder which authorizes a fire protection sprinkler contractor to engage in the business of installation, repair, alteration, addition, maintenance or inspection of fire protection sprinkler systems or water-spray systems.

*Certificate holder* means an individual who has satisfactorily met the requirements to obtain a certificate from the commissioner, or from the county, and who is the owner, partner or officer of the company or corporation or such employee who performs or supervises the installation, repair, alteration, addition, maintenance or inspection of a fire protection sprinkler system or water-spray system.

*Commissioner* means the state safety fire commissioner.

*County modified system* means any system not required by any other code, which does not comply with NFPA 13, but is approved for use in buildings not required to be sprinklered under the Life Safety Code or the International Building Code.

*Fire marshal* means the county fire marshal.

*Fire protection contractor* means an individual, partnership, corporation, association, limited liability company, limited liability partnership, joint venture or other business entity that supervises, performs, or supervises and performs the installation, repair, alteration, addition, maintenance, or inspection of fire protection systems. Such term does not include local building officials, fire inspectors, or insurance inspectors when acting in their official capacities.

*Fire protection sprinkler contractor* means an individual, partnership, corporation, association, joint venture or other entity operated for profit that supervises or performs the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems or water-spray systems as per NFPA 13, NFPA 13R, NFPA 13D, NFPA 15, NFPA 25, and county modified systems, and who has a valid certificate from the commissioner.

*Fire protection sprinkler system or water-spray system* means an NFPA 13, NFPA 13R, NFPA 13D, or the county modified sprinkler system standard.

*NFPA* means the National Fire Protection Association.

Section 54-84 of the Official Code of Cobb County, Georgia, is amended to read as follows:

**Section 54-84. – Certificate of fitness and ~~D~~emonstration of competency.**

(a) All Fire Protection Contractors shall be in accordance with NFPA 1 and obtain an operational permit issued by the Cobb County Fire Marshal at no charge. The minimum information to obtain such certificate shall be:

- i. Proof of business and insurance;
- ii. Provide training records showing competency for services offered; and

iii. Cobb County Acknowledge waiver.

Contractor List will be maintained and displayed by the Cobb County Fire Marshal.

- (b) Prior to obtaining a sprinkler permit, the applicant shall demonstrate his competence and knowledge of fire protection sprinkler systems or water-spray systems by providing proof of certificate of competency issued by the commissioner.
- (c) No fire protection sprinkler contractor shall permit any person under his employ or control to install, repair, alter, maintain or inspect any fire protection sprinkler system or water-spray system unless such person is under the direct supervision of the fire protection sprinkler contractor.

The above shall be effective August 1, 2022.

The Official Code of Cobb County, Georgia is amended by adding a new article and sections to read as follows:

**ARTICLE IX. FIRE PREVENTION AND PROTECTION SAFETY ORDINANCE BOARD OF APPEALS**

**Sec. 54-119. - Created; membership, terms, appointments and voting.**

- (a) In accordance with Section 109, Appendix A (Section A101) of the 2021 International Fire Code, as amended and adopted from time to time, there is hereby created the Fire Prevention and Protection Safety Ordinance Board of Appeals ("fire code appeals board"), which shall be composed of five (5) voting members.

The board of commissioners shall appoint five members to the fire code appeals board with the full board of commissioners approving the appointments. The membership of the fire code appeals board shall be comprised of persons who are qualified by experience and training to pass on matters pertaining hazards of fire, explosions, hazardous conditions or fire protection systems and shall not be employees of the local jurisdiction.

Of the members appointed to create the initial fire code appeals board, two (2) members shall be appointed for an initial term of only one (1) year, another two (2) members shall be appointed for an initial term of only two (2) years, and the final member shall be appointed for an initial term of only three (3) years. Thereafter, each member appointed shall be appointed for a term of four (4) years.

- (b) Any vacancies on the fire code appeals board shall be filled for the unexpired term in the manner in which original appointments are made. No board member shall be eligible for reappointment earlier than one year following the end of such member's previous term, with the exception of appointments immediately following any initial appointment under this section.
- (c) The fire code appeals board shall annually select one of its members to serve as chairperson. Such selection shall be made by a majority vote of the members of the entire board.
- (d) Members shall be removed from the fire code appeals board prior to the end of their terms. Continued or unreasonable absences of any member from regular meetings of the fire code appeals board shall, upon the discretion of the board of commissioners, render any such member liable to immediate removal from the fire code appeals board.

- (e) The presence of any three members of the fire code appeals board shall constitute a quorum; and all decisions of the board shall require affirmative votes of a majority, but not less than three members shall be required.
- (f) Compensation of members of the fire code appeals board shall be determined by the board of commissioners.
- (g) A member shall not participate on an appeal in which that member has a personal, professional, or financial interest. Such conflict of interest shall be declared by the member who shall refrain from participating in discussions, deliberations, and voting on such appeal. The secretary shall note and record such conflict.

The above shall be effective August 1, 2022.

**Sec. 54-120. - Records and procedure.**

- (a) The fire marshal or his or her designee shall be an ex officio member and shall serve as secretary of the fire code appeals board, but shall not vote on any matter before the board. The secretary shall maintain a detailed record of all its proceedings, which sets forth reasons for the fire code appeals board decisions, the votes of each member participating therein, the absences of members, and any failure of a member to cast a vote, and other matters, as necessary.
- (b) The fire code appeals board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Code, and shall meet at least quarterly or from time to time as needed and at such times as may best serve the needs of the business of the county fire department. In case of a dispute or conflict as to times of meetings, the decision of the chairman of the fire code appeals board shall be final.
- (c) The fire code appeals board shall meet upon notice from the chairperson, within ten (10) days of the filing of an appeal or at regularly scheduled meeting. Said appeals must be filed with the County Clerk received at least ten days prior to the next scheduled meeting date of the fire code appeals board otherwise said appeal shall be heard at a specially called meeting as set by the chairperson of the fire code appeals board.
- (d) All hearings before the fire code appeals board shall be open to the public. The appellant, appellant's representative, the fire marshal or his or her designee and any person whose interests are affected shall be given an opportunity to be heard.

The above shall be effective August 1, 2022.

**Sec. 54-121. - Jurisdiction and appeals.**

- (a) The fire code appeals board shall have the jurisdiction to hear and decide appeals of orders, decisions or determinations made by the fire marshal relative to the application and interpretation of the international fire code as adopted in this chapter (the "fire code"). The fire code appeals board shall

be authorized to hear evidence from appellants and the office of the fire marshal pertaining to the application and intent of the fire code for the purpose of issuing orders pursuant to these provisions.

(b) The fire code appeals board shall have the authority to affirm, modify, or reverse the decision of the fire marshal arising from his or her interpretation of the fire code when a disagreement arises between the fire marshal and an applicant.

(c) Decisions by the fire code appeals board shall be provided in writing to the office of the fire marshal within three (3) days of the hearing and shall be open to the public for inspection. A certified copy of the decision shall be furnished to the appellant or the appellant's representative and to the fire marshal.

(d) The fire marshal must take immediate action in accordance with the decision of the fire codes appeals board.

(e) All decisions of the fire code appeals board are final, and may only be reviewed by certiorari to the superior court of the county. Any person, whether or not a previous party to the appeal may seek review of the decision of the fire code appeals board.

The above shall be effective August 1, 2022.

## **Chapter 78 – LICENSES, PERMITS AND BUSINESSES**

### **ARTICLE I. – IN GENERAL**

Section 78-1 of the Official Code of Cobb County, Georgia, is amended to read as follows:

#### **Sec. 78-1.- Definitions.**

Gross receipts shall not include the following:

a. Sales, use or excise tax.

b. Sales returns, allowances and discounts.

c. Interorganizational sales or transfers between or among the units of a parent-subsiary controlled group of corporations as defined by 26 USC 1563(a)(1), or between or among the units of a brother-sister controlled group of corporations as defined by 26 USC 1563(a)(2), or between or among wholly owned partnerships or other wholly owned entities.

d. Payments made to a subcontractor or an independent agent for services which contributed to the gross receipts in issue.

e. Governmental and foundation grants, charitable contributions or the interest income derived from such funds received by a nonprofit organization which employs salaried practitioners otherwise covered by this chapter, if such funds constitute 80 percent or more of the organization's receipts.

~~f. The first \$25,000.00 annually of gross receipts from the rental of real property which is owned by an entity, a natural person, his spouse, and his minor children collectively.~~