

2022 CODE AMENDMENTS

Official Code of Cobb County Part I. - Chapter 2

Package I

Version I - distributed on August 11, 2022

Board of Commissioners Work Session
August 23, 2022 – 1:30 pm

Board of Commissioners Public Hearing Dates
September 13, 2022 – 9:00 am
September 27, 2022 – 7:00 pm

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



Cobb County...Expect the Best!

Chapter 2 – ADMINISTRATION

ARTICLE III. – CODE ENFORCEMENT

Section 2-103 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 2-103. – Authority

Employees of the code enforcement division have enforcement authority to issue citations for violations of this Code in accordance with section 1-10. Employees of code enforcement shall have citation authority over the following portions of this Code, unless specific authority is given exclusively to another agency or department within a Code section or such exclusivity is otherwise determined by federal or state law or by agreement with another jurisdiction. Personnel from the Cobb County Stormwater Management Division of the Cobb County Water System shall have citation authority for chapter 50, articles IV and V; chapter 58; section 102-92 and section 110-61(f). Personnel from the code enforcement division shall have enforcement authority to issue citations for violations of chapter 50, articles IV and V for the community development agency. Personnel from the environmental compliance division of the Cobb County Water System shall have citation authority over chapter 122, article II, sections 122-181 through 122-193:

- (1) Chapter 2, article V, section 2-180 (film permit);
- (2) Chapter 18, article II (permits required);
- (3) Chapter 18, article III (building code);
- (4) Chapter 18, article IV (electrical code);
- (5) Chapter 18, article V (gas code);
- (6) Chapter 18, article VI (housing code);
- (7) Chapter 18, article VII (mechanical code);
- (8) Chapter 18, article VIII (one- and two-family dwelling code);
- (9) Chapter 18, article IX (plumbing code);
- (10) Chapter 18, article X (swimming pool code and wastewater discharge);
- (11) Chapter 18, article XI (energy code);
- (12) Chapter 18, article XII (excavating and trenching);
- (13) Chapter 18, article XIV (multifamily rental housing inspection program);
- ~~(134)~~ Chapter 26, article II (cemetery preservation);
- ~~(145)~~ Chapter 50, article II (Chattahoochee River corridor tributary protection area);
- ~~(156)~~ Chapter 50, article III (land disturbing activities);
- ~~(167)~~ Chapter 50, article IV (stormwater management);
- ~~(178)~~ Chapter 50, article V (stormwater quality/illicit discharge and illegal connections);
- ~~(189)~~ Chapter 50, article VI (tree preservation and replacement);
- ~~(1920)~~ Chapter 54 (fire prevention and protection);
- ~~(201)~~ Chapter 58, article II (flood damage prevention);
- ~~(212)~~ Chapter 66, article IV, section 66-81 (approval of alterations in historic districts or involving landmarks);
- ~~(223)~~ Chapter 78 (licenses, permits and businesses);
- ~~(234)~~ Chapter 83 (nuisances);
- ~~(245)~~ Chapter 102 (solid waste);
- ~~(256)~~ Chapter 106 (streets, sidewalks and other public places), article II, section 106-10(c) (obstructions on right-of-way);

(~~267~~) Chapter 110 (subdivisions);

(~~278~~) Chapter 122, article II (water and wastewater systems);

(~~289~~) Chapter 134 (zoning);

(~~2930~~) Volumes 1 and 2 of the Cobb County Development Standards, as may be amended from time to time.

2022 CODE AMENDMENTS

Official Code of Cobb County Part I. - Chapter 18

Package I

Version I - distributed on August 11, 2022

Board of Commissioners Work Session
August 23, 2022 – 1:30 pm

Board of Commissioners Public Hearing Dates
September 13, 2022 – 9:00 am
September 27, 2022 – 7:00 pm

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



Cobb County...Expect the Best!

Chapter 18 – BUILDING REGULATIONS

The Official Code of Cobb County, Georgia, is amended by adding Article XIV, to read as follows:

ARTICLE XIV. – MULTIFAMILY RENTAL HOUSING INSPECTION PROGRAM

Section 18-364. – 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:

Certified building inspector means a person inspecting for compliance with the various adopted codes who is a currently licensed/certified design professional (architect or engineer) or holds one of the following current certifications from the International Code Council (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner, or commercial combination inspector.

Code compliance certificate means a certificate, on a form provided by the county, executed by a certified building inspector and the owner and stating compliance with those minimum standards described in the inspection report.

Inspection report means the report attached to the code compliance certificate describing minimum requirements for inspection of each unit.

Lease means any written or oral agreement which sets forth any and all conditions concerning the use and occupancy of multifamily rental dwellings or multifamily rental units.

Multifamily rental dwelling means any multifamily structure, multifamily building, or other facility promised and/or leased to re residential tenant or tenants for uses as a home, residence, or sleeping unit. This definition includes, but is not limited to, multiple-family dwellings, multiple-family apartment units, boardinghouses, rooming houses, group homes, and flats.

Multifamily rental unit means any one area, room, structure, flat, apartment, or facility of a multifamily rental dwelling that is being leased or rented to only one tenant, group of tenants, or family under one lease or under terms of joint and severable liability.

Occupant means all tenants, lessees and persons residing within a multifamily rental dwelling or multifamily rental unit.

Owner means any person, agent, firm, or corporation having a legal or equitable interest in a premises.

Owner-occupied means any part of a structure used as a living quarters by the owner of said structure where other parts of the structure are used as multifamily rental units. Example: two-family dwelling, owner occupies one flat; rooming house, owner occupies one unit.

Premises means any lot or piece of land inclusive of the multifamily rental dwelling or multifamily rental unit.

Section 18-365. – Fee and certificate required.

- (a) Occupation tax. All owners of multi-family rental dwellings or multi-family rental units within the county that receive income for use of four or more such dwellings or units and meet the requirements of O.C.G.A. § 48-13-5 for having a location or office within the county (i) shall be subject to an occupation tax as provided in this policy and (ii) shall provide to the county, prior to receiving an initial occupational tax certificate under this Code, a code compliance certificate covering interior inspections of no less than 25percent of the total multi-family rental units within the apartment complex within the 12-month period immediately preceding the date of the certification. Said code compliance certificate shall be certified by the owner and a certified building inspector that all units inspected are in compliance with those standards contained in the code compliance certificate and inspection report. For the initial year of construction, this section shall not apply to new construction or rehabilitation of a multi-family rental dwelling provided proper permits are obtained from the county.
- (b) Inspection. Upon initial inspection of such dwellings or units, should a certified building inspector determine that further work is necessary to comply with the minimum standards set forth herein, an acceptable plan shall be submitted to the county chief building official outlining the time and scope of work necessary to bring the units into compliance. If such plan is accepted by the county chief building official as reasonable and justified, an extension may be granted for up to one year for completion of repairs and compliance with this article. No extension shall be granted if life safety issues are involved and any such units shall not be leased until brought into compliance with all life safety standards.
- (c) Code Compliance certificate.
 - 1. Interiors. After submission of the initial code compliance certificate, each owner shall submit a code compliance certificate annually, commencing on January 1, 2024, with their business license renewal. Such subsequent code compliance certificates shall cover interior inspections of at least 25 percent of the units, provided all units shall be inspected, at a minimum, every four years. All units inspected shall be listed individually on the code compliance certificate submitted to the county by the certified building inspector.
 - 2. Exteriors. Exterior inspections of buildings and property to show compliance with minimum requirements of the International Property Maintenance Code (IPMC) shall cover 100 percent of the properties common areas, including but not limited to: drainage, sanitation, weeds, exterior walls, paint deterioration, decks, doors, windows, screens, handrails, guardrails, roofs, abandoned vehicles, parking lot maintenance, electrical and plumbing maintenance and graffiti. All common areas of property shall be inspected for compliance, at a minimum, once each year. A compliance report indicating that the condition of the property meets the minimum requirements of the IPMC shall be submitted to the county by the owner as part of the annual code compliance certificate.
- (d) Written record of inspection. Each owner and certified building inspector shall keep a written record of all inspections for each unit including the date of the inspection, items inspected and all violations, if any, observed. Such records shall be presented to the county within ten business days after such request is made in writing to the inspector. Failure to provide such records shall nullify the code compliance certificate for those units.

Section 18-366. – Failure to provide code compliance certificate.

- (a) Failure to provide the code compliance certificate as provided herein shall be a violation of this section and is subject to penalties in accordance with Section 1-10.

- (b) Failure to provide the code compliance certificate shall further, upon a judicial determination, be a condition constituting probable cause for, and may subject said multifamily rental dwelling or multifamily rental units to, inspection by the chief building official or his designee at a fee as determined by the board of commissioners that covers all costs of such inspection by the county. Said inspection by the county, if required, shall be at the sole cost of the owner and failure to pay said cost shall result in a lien being placed on the premises to be collected as provided for the collection of taxes.
- (c) Failure to pay the occupation tax as provided herein shall be in violation of this code and is subject to those penalties set forth herein. Nothing contained in this section shall prevent the county from enforcing the state minimum standard codes as provided in this chapter.

Section 18-367. – Penalty for false certification and false inspection.

- (a) An owner who knowingly participates in furnishing a code compliance certificate to the county which contains a false certification that all multifamily rental dwellings or multifamily rental units inspected are in compliance with those standards contained in the code compliance certificate shall be guilty of a violation of this code for each multifamily rental dwelling or multifamily rental unit for which the certification is shown to be false and can be fined as provided by this code for each violation.
- (b) A certified building inspector who furnishes an inspection report which knowingly contains false information that a multifamily rental dwelling or multifamily rental unit meets the minimum housing standards of the county as shown by the inspection report provided to the county shall be guilty of a violation of this code and the inspector's right to submit inspection reports to the county may be suspended for a stated period of time, up to five years, by resolution of the board of commissioners.

Section 18-368. – Certified building inspector requirements.

All inspectors wishing to submit or participate in the multifamily rental housing inspection program must comply with the following requirements:

- (a) The inspector must be a licensed/certified design professional (architect or engineer) or hold one of the following certifications from the International Code Council (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector.
- (b) The inspector must submit a copy of his or her business license and applicable current license/certification to the county to be placed on an approved certified building inspector list prior to inspecting any multifamily residential dwelling or multifamily residential unit under this program.
- (c) Following completion of any inspection under this program, the inspector must provide an inspection report or a certificate, similar to the inspection report provided by the county, executed by a currently licensed/certified building inspector and stating compliance with those minimum standards described in the inspection report. The inspector must sign and date the report upon completion.

2022 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 54

Package I

Version I - distributed on August 11, 2022

Board of Commissioners Work Session
August 23, 2022 – 1:30 pm

Board of Commissioners Public Hearing Dates
September 13, 2022 – 9:00 am
September 27, 2022 – 7:00 pm

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



Cobb County...Expect the Best!

Chapter 54 – FIRE PREVENTION AND PROTECTION

ARTICLE III. – FIRE SAFETY STANDARDS

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.
- (c) Outdoor social gatherings with projected crowds exceeding one thousand persons shall require a permit from the Fire Marshal's Office. Such permit may require, including but not limited to, EMS services, hydration stations, fire watch, crowd management techniques or messaging upon consideration of fire and life safety factors and in accordance with Section 54-62.
 - a. Crowd calculations shall be estimated at one time, not throughout the event.
 - b. Fees related to cost recovery shall be in accordance with section 54-62.

2022 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 78

Package I

Version I - distributed on August 11, 2022

Board of Commissioners Work Session
August 23, 2022 – 1:30 pm

Board of Commissioners Public Hearing Dates
September 13, 2022 – 9:00 am
September 27, 2022 – 7:00 pm

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



Cobb County...Expect the Best!

Chapter 78 – LICENSES, PERMITS AND BUSINESSES

The Official Code of Cobb County, Georgia, is amended by adding Division 11, to read as follows:

DIVISION 11. – SHORT TERM RENTALS

Section 78-407. – Short-term rentals

(a) Purpose.

1. The purpose of this section is to protect the public health, safety and general welfare of individuals and the community at large; to establish standards for short-term rentals of privately owned residential structures rented to transient occupants, minimize adverse effects of short-term rental uses on surrounding residential neighborhoods, and preserve the character of neighborhoods in which short term rentals occurs.
2. This section is not intended to regulate hotels, motels, inns, boardinghouses, lodging houses, or rooming houses.

(b) Applicability.

1. It shall be unlawful for any owner of any property within the unincorporated areas of Cobb County to rent or operate a short-term rental of residential property contrary to the procedures and regulations established in this section, other provisions of this Code, or any applicable state law.
2. The restrictions and obligations contained in this section shall apply to short-term rental units at all times during which they are marketed and/or used as short-term rental units.
3. The allowance of short-term rental properties pursuant to this section shall not prevent private enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements.

(c) Definitions.

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

Noise ordinance: Those regulations contained in the official code of Cobb County, Georgia, chapter 50, article VII.

Owner: A person or entity that holds legal and/or equitable title to private property, as shown on Cobb County tax records.

Private: Intended for or restricted to the occupants and/or guests of his or her short-term rental property; not for public use.

Property: A residential lot of record on which a short-term rental property is located.

Rental term: The period of time a responsible person rents or leases a short-term rental.

Short-term rental occupant means guests, tourists, lessees, vacationers or any other person or persons who, in exchange for compensation, occupy a dwelling unit for lodging for a period of time not to exceed 30 consecutive days.

Short-term rental property means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days.

Short-term rental agent means a person or agency designated by the owner of a short-term rental property on the short-term rental certificate application. Such person or agency shall be available for and responsive to contact at all times and someone who is customarily present at a location within the county for purposes of transacting business.

Short-term rental certificate means a certificate issued by the business license division to owners or the designated rental agent of short-term rental properties who have submitted the required documentation and met the requirements set forth in this chapter for operation of a short-term rental.

(d) Short-term rental certificate required.

1. A short-term rental certificate is required to be obtained from the business license division for each short-term rental property.
2. No person shall rent, lease or otherwise exchange for compensation all or any portion of a property as short-term rental without first obtaining a short-term rental certificate from the county.
2. A separate short-term rental certificate shall be required for each short-term rental property.
3. The short-term rental certificate may not be transferred, assigned, or used, for any location other than the one for which it is issued.

(e) Application for short-term rental certificate.

1. Applicants for short-term rental certificate shall submit, on an annual basis, an application for a short-term rental certificate to the business license division. The application shall be accompanied by a non-refundable application fee in the amount of \$55.00. Such application shall include:
 - a. The name, address, telephone and email address of the owner(s) of record of the property for which a certificate is sought. If such owner is a corporate entity or similar legal entity, the application shall identify all partners, members, officers and/or directors of any such entity, including personal contact information;
 - b. The address of the property to be used as a short-term rental property;
 - c. The name, address, telephone number and email address of the short-term rental agent, which shall constitute his or her 24-hour contact information;
 - d. The short-term rental agent's sworn acknowledgement that he or she has received a copy of this section, has reviewed it, and understands its requirements;
 - e. The number and location of parking spaces allotted to the premises;
 - f. The short-term rental agent's agreement to use his or her best efforts to assure that use of the premises by short-term rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and
 - g. Any other information that this section requires the owner to provide to the county as part of an application for a short-term rental certificate. The community development agency director, or his or her designee, shall have the authority to request and obtain additional information from the applicant as necessary to achieve the objectives of this section.
2. Attached to and concurrent with the short-term rental certificate application, the owner or short-term rental agent shall provide:
 - a. Proof of the owner's current ownership of the short-term rental property;
 - b. A written certification from the short-term rental agent that he or she agrees to perform the duties subscribed as specified in section; and
3. If the short-term rental agent changes, the property owner shall notify the county within five business days.

(f) Short-term rental agent.

1. The owner of a short-term rental property shall designate a short-term rental agent on his or her application for a short-term rental certificate. An owner may serve as the short-term rental agent. Alternatively, the owner may designate a person or agency as his or her agent.
2. The duties of the short-term rental agent are to:
 - a. Serve as the 24-hour contact and be reasonably available to handle any problems arising from use of the short-term rental property;
 - b. Keep his or her name and emergency contact phone number posted in a readily visible place in the short-term rental property;
 - c. Receive and accept service of any notice of violation related to the use or occupancy of the short-term rental property;
 - d. Monitor the short-term rental property for compliance with this section; and
 - e. List the short-term rental certificate number on each online listing.
3. An owner may change his or her designation of a short-term rental agent temporarily or permanently; however, there shall only be one such agent for a short-term rental property at any given time. To change the designated agent, the owner shall notify the business license division in writing of the new agent's identity, a new written certification from the short-term rental agent that he or she agrees to perform the duties subscribed to her or her as specified in section, and proof that the name and contact information for the new rental agent has been posted in the short-term rental property.

(g) Grant or denial of application.

Review of an application shall be conducted in accordance with due process principles and shall be issued within thirty days of all required information being received. Any false statements or information provided in the application are grounds for denial of the application, citations and/or imposition of penalties.

(h) Standard conditions.

All short-term rental properties established pursuant to this section are subject to the following standard conditions:

1. Short-term rental properties are permitted in all Residential (R) zoning districts.
2. Short-term rental properties shall only be permitted in residential structures with a valid Certificate of Occupancy.
3. Parked vehicles. Off-street automobile parking shall be provided in accordance with Sec. 134-272.
4. Life safety and sanitation.
 - a. Short-term rental occupancy shall be limited to one adult per 390 square feet, as shown on Cobb County tax records.
 - b. Short-term rental properties shall meet all applicable building regulations, as required by Chapter 18.
 - c. Short-term rental properties shall meet all applicable fire prevention and protection regulations, as required by Chapter 54.
 - d. Short-term rental properties shall meet applicable Health and Sanitation regulations, as required by Chapter 62.
5. The short-term rental property must be properly maintained and regularly inspected by the owner or short-term rental agent to ensure continued compliance with applicable zoning, building, health and life safety code provisions.

6. Any advertising of the short-term rental property shall include notification of the maximum occupancy, maximum number of vehicles allowed, and provisions regulating noise. This information should also be posted at the rental property.
7. A legible copy of the short-term rental certificate shall be posted within the unit and include all of the following information:
 - a. The name, address, telephone number and email address of the short-term rental agent;
 - b. The short-term rental unit certificate number;
 - c. The maximum occupancy of the unit; and
 - d. The maximum number of vehicles that may be parked at the unit.

(i) Enforcement

1. Complaints regarding a short-term rental property may be provided in writing to the code enforcement division, which shall include a description of the complaint, the attempts to resolve the complaint, and the complaining party's contact information.
2. Complaints shall result in a notice of the complaint being directed to the short-term rental agent and owner. The short-term rental agent shall be responsible for contacting the short-term rental occupant to correct the problem.
3. If non-compliance with provisions of this section occurs, the code enforcement division shall conduct an investigation whenever there is reason to believe that an owner and/or short-term rental agent has failed to comply with the provisions of this section. Should the investigation support a finding that a violation occurred, the code enforcement division shall issue a written notice of the violation and intention to impose a penalty to the owner and/or short-term rental agent. The written notice may be served either by first class mail, by commercial overnight delivery, by personal service on the owner and/or short-term rental agent, or by any other reasonable means of delivery, including email, and shall specify the facts which, in the opinion of the code enforcement division, constitute grounds for imposition of the penalties.
4. To ensure the continued application of the intent and purpose of this section, the community development agency shall notify the owner of a short-term rental property of all instances in which nuisance behavior of the rental guest or the conduct of his or her short-term rental agent results in a citation for a code violation or other legal infraction.
5. The community development agency shall maintain, in each short-term rental property file, a record of all code violation charges, founded accusations, and convictions occurring at or relating to a short-term rental property.
6. The code enforcement division is also hereby authorized and directed to establish such procedures for issuing citations for violations of this section. The Cobb County Police Department shall also have authority to enforce this section and issue citations.
7. Citations resulting from the enforcement of this section shall be heard by Magistrate Court.

(j) Penalties.

1. The penalties for violations specified in this section shall be as follows:
 - a. For the first violation within any 12-month period, the penalty shall be a fine of \$500.00;
 - b. For a second violation within any 12-month period of the first violation, the penalty shall be a fine of \$750.00;
 - c. When a short-term rental agent has accumulated three violations for a particular property within a 12-month period of the first violation, the county shall revoke any pending

- certificates, the existing certificate for the subject property, and reject all applications for the subject premises for a period of 12 consecutive months.
- d. For any violation that occurs when more than a 12-month period has transpired, it shall start again as a first violation.
2. A short-term rental property that is determined to be operating without the necessary short-term rental certificate shall subject the owner to a penalty of \$500.00. Each day the short term rental is rented for overnight accommodation without a certificate is a separate violation.

(k) Taxes.

The short-term rental property owner shall be responsible for collection of all required hotel/motel taxes, tourism fees, or other state and local fees/taxes relating to the lodging of individuals. These payments shall be paid to the state and county as prescribed by state law and county code. The county may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

Secs. 78--~~407~~408—78-410. - Reserved.

2022 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 83

Package I

Version I - distributed on August 11, 2022

Board of Commissioners Work Session
August 23, 2022 – 1:30 pm

Board of Commissioners Public Hearing Dates
September 13, 2022 – 9:00 am
September 27, 2022 – 7:00 pm

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



Cobb County...Expect the Best!

Chapter 83 – NUISANCES

ARTICLE II. – WEED CONTROL

Section 83-11 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 83-11.- Exemptions.

This section shall not apply to the following described properties:

- (1) county, state or federal property or governmentally mandated easements, buffers, corridors, wetlands, detention ponds, dams, farms, natural or landscape areas, lakes, medians, etc.;
- (2) utility owned rights-of-way unless they are within a platted subdivision; or
- (3) tracts of property (under single ownership) 40,000 square feet or larger unless they are within a platted subdivision;
- (4) tracts of property (under single ownership 40,000 square feet or larger unless buildings or structures are located within 75 feet of the public right-of-way.

Section 83-12 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 83-12.- Prohibited.

It shall be unlawful for the owner of any property to permit weeds to obtain a height exceeding 12 inches unless exempted as described in this section. It shall be unlawful for the owner of any property, that contains an easement for utility right-of-way, lake, pond or other water impoundment, to permit weeds to obtain a height exceeding 12 inches on any portion of the property, unless exempted as described in this section. It shall be unlawful for the owner of any property 40,000 square feet or larger where buildings or structures are located within 75 feet of the public right-of-way to permit weeds to obtain a height exceeding 12 inches on any portion of the property between the building or structure and the right-of-way.

2022 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 90

Package I

Version I - distributed on August 11, 2022

Board of Commissioners Work Session
August 23, 2022 – 1:30 pm

Board of Commissioners Public Hearing Dates
September 13, 2022 – 9:00 am
September 27, 2022 – 7:00 pm

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



Cobb County...Expect the Best!

Chapter 90 – PARKS AND RECREATION

ARTICLE III. – PARK RULES

Division 1.—Generally

Section 90-63 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-63.- Restricted or prohibited uses of park facilities.

- (a) *Pyrotechnics prohibited.* It shall be unlawful for any persons to attempt to or to possess, display, use, set off or ignite any firecracker, fireworks, smoke bombs, rockets, or other pyrotechnics.
- (b) ~~Reserved~~ Smoking in county owned or maintained parks. Smoking or vaping shall be prohibited within the boundaries of any park, sports complex, recreation area or facility owned, leased, or operated by Cobb County, including any open area within such park, sports complex, recreation area or facility. Designated smoking areas may be approved in the sole discretion of the Cobb PARKS Director.
- (c) *Dogs in off-leash areas or dog parks.* An owner or custodian of a dog is not required to have the dog on a leash in a park or portion of a park which has been designated as an "off-leash area" with the following restrictions:
 - (1) No owner or custodian of a dangerous, vicious or guard/protection canine, as defined in section 10-10 of the animal control ordinance, shall permit the canine to be in an off-leash area at any time.
 - (2) No person shall allow an animal other than a canine to enter or remain in an area that has been designated as an "off-leash area."
 - (3) The owner or custodian of a canine in an "off-leash area" shall ensure that such dog is under control at all times.
 - (4) An animal control officer or other officer empowered to act by law may order that a canine be put on a leash and/or order that a canine be removed from an off-leash area at any time.
- (d) *Discharging of firearms in parks.* It shall be unlawful for any person to discharge a firearm in any park or recreation facility except for law enforcement personnel carrying out their duty.
- (e) *Camping prohibited.* It shall be unlawful for any person to camp overnight in any park or recreation facility unless such person has first obtained a permit to camp in the park or recreation facility from the parks director, or the director's authorized assignee, at sites or areas specifically designated by the county for camping within the park or recreation facility and then only in accordance with such rules, regulation and restrictions established by parks department.
- (f) *Use of detection devices prohibited.* It shall be unlawful for any person to use any electronic device for the detection of metals, minerals, artifacts, lost articles, or for treasure hunting in any park or recreation facility without written authorization from the parks director or the director's authorized designee.
- (g) *Improper personal conduct prohibited.* It shall be unlawful for any person to engage in any violent, abusive, lewd, profane, vulgar, wanton, obscene or otherwise disorderly speech or conduct that is or may be disturbing or annoying to other persons, or that could cause injury to other persons while in a park or recreation facility, which conduct may include, but is not limited to loitering, fighting,

throwing or breaking articles, indecent exposure, inappropriate sexual acts, urinating or defecating in public, or public drunkenness.

- (h) *Use or possession of controlled substances prohibited.* No person shall possess or use any drug or any other controlled substance, as defined in the laws of this state, except as permitted by the laws of this state, in any park or recreation facility.
- (i) *Use of e-bikes on trails.* An e-bike is defined as an "electronic assisted bicycle", so long as the e-bike's motor is under 1,000w, has a maximum speed of 20 miles per hour and has operable pedals.

No person shall use a class II e-bike (bicycle equipped with a throttle-actuated motor, that ceases to provide assistance when the e-bike reaches 20 miles per hour) or class III e-bike (bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 28 miles per hour) on any hard surface or soft surface trail in a county park or facility that is managed by parks department.

Class I e-bikes (bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 20 miles per hour) will only be allowed on the Silver Comet Trail, Bob Callan Trail and Noonday Creek Trail.

2022 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 102

Package I

Version I - distributed on August 11, 2022

Board of Commissioners Work Session
August 23, 2022 – 1:30 pm

Board of Commissioners Public Hearing Dates
September 13, 2022 – 9:00 am
September 27, 2022 – 7:00 pm

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



Cobb County...Expect the Best!

Chapter 102 – SOLID WASTE

Chapter 102 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 102-1. Intent and purpose.

The county board of commissioners hereby declares the intent and purpose of this chapter to be such that a uniform and consistent procedure for regulating the storage, collection, transportation, processing, recycling, and disposal of solid waste and recovered materials of all kinds, in the unincorporated areas of the county, is established so as to:

- (1) Protect the public health, safety and welfare by preventing the dissemination of and providing for the removal of inorganic refuse materials laden with bacterial elements, mandatory removal of residential solid waste materials laden with bacterial elements and contaminants detrimental to the general wellbeing of the citizens and environment; and
- (2) To provide for the uniform prohibition throughout the county of any and all littering on public and private property and to curb thereby the desecration of this county's scenic beauty; and
- (3) To protect and enhance the quality of the water, air and overall environment by guarding against any of the degradations thereto which stem from the burial, deposition, burning, dumping, discard or disposal of litter and solid waste in this county.
- (4) It is the further purpose of this chapter to maintain within the county an orderly program for the collection, processing, recycling, transport, and disposal of residential municipal solid waste and recovered materials of all kinds, in order to promote the community welfare, convenience, health, and safety.

(Ord. of 10-22-96)

Sec. 102-2. Enactment authority.

The board of commissioners, under the authority of article 9, section 2, paragraphs I and III of the Constitution of the State of Georgia (1983), as set forth in section 102-1 of this chapter, and O.C.G.A. title 12, chapter 8, article 2 hereby ordains and enacts into law the sections of this chapter.

(Ord. of 10-22-96)

Sec. 102-3. Title.

Articles I, II and III of this chapter shall be known collectively and may be cited as "The Solid Waste and Residential Collection Ordinance of Cobb County, Georgia."

(Ord. of 10-22-96)

Sec. 102-4. Applicability.

This chapter shall apply to the storage, collection, transportation, processing, recycling, and disposal of municipal solid waste and recovered materials in the unincorporated areas of Cobb County as presently or hereafter established. The provisions contained herein prescribe rules and regulations for solid waste and recovered materials collection; provide for the permitting, licensing and regulation of solid waste collection and transportation; prescribe rules and regulations for the transportation of solid waste within and through the county; and prohibit the deposition of litter within the unincorporated areas of the county.

(Ord. of 10-22-96)

Sec. 102-5. Definitions.

- (a) Except as specifically defined herein, all words used in this chapter shall have their customary dictionary definitions.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them as follows except where the context clearly indicates a different meaning:

Words used in the singular shall include the plural and words used in the plural shall include the singular.
Words used in the present tense shall include the future tense.

Agricultural solid waste shall mean all organic waste products generated by farm production operations involving field crops, orchards or animals.

Aircraft shall mean any device used or designated for flight.

Asbestos-containing solid waste shall mean any solid waste containing more than one percent, by weight, of naturally occurring hydrated mineral silicates separable into commercially used fibers, specifically the asbestiform varieties of serpentine, chrysotile, cummingtonite-grunerite, amosite, riebeckite, crocidolite, anthophyllite, tremolite and actinolite, using the method specified in appendix A, subpart F, 40 CFR part 763, section 1.

Authorized recycling agent shall mean any person, organization or entity having verbal or written consent from the owner of recyclable material to separate or collect such materials from designated recovered material collection locations.

The board of commissioners shall mean the board of commissioners of Cobb County, Georgia.

Brush collection container shall mean a solid waste collection container for brush and related large vegetative material which is capable of being covered with a tarp or top during transportation of the brush.

Bulky waste shall mean discarded items that are larger than three feet in any dimension, and/or heavier than 50 pounds in weight, and, therefore, too large to be collected in residential municipal solid waste storage containers or carts, including, but not limited to, items such as mattresses and box springs, indoor/outdoor furniture, swing sets, plastic swimming pools, large toys, bicycles, fish aquariums, and other similar items.

Charitable recycling group shall mean a civic or nonprofit group engaged in the separation or collection of recovered material.

Cobb County or county shall mean Cobb County, a political subdivision of the State of Georgia.

Collect or collection shall mean to remove residential municipal solid waste, residential recovered materials, commercial solid waste, commercial recovered materials, construction or demolition waste or construction or demolition waste recovered materials, for transport to a disposal facility or processing facility, or cause such to be removed.

Collection services shall mean the collection from a residential service unit or from a commercial establishment and any other locations which generate residential municipal solid waste, residential recovered materials, commercial solid waste, commercial recovered materials, construction or demolition waste, or construction or demolition recovered materials including related transportation, transfer, processing and/or disposal.

Collection vehicle shall mean every motorized device in, upon or by which any person or property is or may be transported or drawn for the purposes of performing collection services.

Commercial handbill shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original, or copies of any matter or literature which advertise for sale any merchandise, product, commodity or thing, or direct attention to any business, mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales.

Commercial solid waste shall mean all types of solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial wastes. This term includes solid waste generated by premises having three or more residential dwelling units on a single premises such as apartment buildings, condominiums and mobile home courts. This term does not include residential or industrial wastes.

Commercial solid waste container shall mean any solid waste storage or collection container used for the leakproof and spillproof storage, containment, conveyance or transportation of any commercial solid waste contained therein.

Compactor-type collection vehicle shall mean any truck or vehicle used in the collection, conveyance or transportation of solid waste which has a leakproof, spillproof, self-contained compacting mechanism.

Composting shall mean solid waste handling which consists of the controlled, biological decomposition of organic matter into a stable, odor-free humus.

Contract recovered material collection agent or contractor shall mean a person under contract with, and with direct authorization of, the board of commissioners to separate, collect or transport recovered material from designated recovered material collection locations.

Construction/demolition waste shall mean waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such waste includes but is not limited to asbestos-containing waste, wood, bricks, metal, concrete, wall board, paper cardboard, inert waste landfill material and other nonputrescible waste which has a low potential for groundwater contamination. Such waste is not normally water soluble nor hazardous in nature and does not include any municipal or agricultural solid waste.

Curbside collection shall mean the collection of residential municipal solid waste and residential recovered materials from the designated residential collection location. Containers placed behind any structure such as a fence or wall or placed in a vault below the ground surface are not included in this definition and shall be excluded from curbside service.

Curbside recovered material storage container or curbside container shall mean a container, of less than 100 gallons' capacity, designed and constructed for the safe containment and placement for collection of recovered material from the curb or residential premises consisting of one or two dwelling units.

Curbside recycling shall mean the placement of recovered materials in curbside containers at the designated recovered material collection location at residential premises consisting of one or two dwelling units.

Dead animals shall mean solid waste consisting of animals that have died from any cause except those slaughtered for human consumption.

Director, Department of Sustainability, Waste and Beautification shall mean the director of the Cobb County Department of Sustainability, Waste and Beautification, or his or her successors to these duties, by whatever title designated, or his or her designees.

Designated recovered material collection location shall mean the location or locations where the owner of the recyclable material places such material for the purpose of material recovery and recycling, including curbside and recovered material storage containers.

Designated residential collection location shall mean the location where the residential municipal solid waste storage container or cart, residential recovered materials storage container, and/or any yard trimmings, bulky waste, or white goods are placed within six feet of the curb, paved surface of the public road, closest accessible public right-of-way, or other such location agreed to by the residential service provider, that will provide safe and efficient accessibility to the residential service provider's collection crew and vehicle.

Disposal shall mean dumping or depositing solid waste into or onto a disposal facility.

Disposal facility shall mean any facility or location where the final deposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.

Division of solid waste shall mean the Cobb County Department of Solid Waste, or successor department, by whatever title designated.

Duplex shall mean a building designed exclusively for residential occupancy by two families.

Elective service shall mean collection services offered by a residential service provider, commercial service provider, or C&D waste service provider for an additional charge which is arranged between the service provider and a residential service unit owner, commercial establishment owner, or other responsible party and billed by the service provider.

Front-loading compacting equipment or *front-loader* shall mean a vehicle consisting of a container-lifting mechanism and storage body that loads from the front of the vehicle and compacts, transports and self-unloads material to the rear.

Garbage shall mean municipal solid waste, including putrescible waste, which attends the preparation, use, cooking, dealing, storage or distribution of animal or vegetable matter intended for human consumption, but excluding agricultural solid waste.

Hazardous waste shall mean any solid waste which has been defined as a hazardous waste either by the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 et seq., or in regulations promulgated by the Georgia Board of Natural Resources, chapter 391-3-11.

Industrial solid waste shall mean solid waste generated by manufacturing or industrial processes that is not a hazardous waste as defined either by the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 et seq., or in the regulations promulgated by the Georgia Board of Natural Resources, chapter 391-3-11.

Institutional solid waste shall mean a municipal solid waste generated by educational, health care and research facilities, including but not limited to schools, hospitals, nursing homes, laboratories and similar establishments.

Knuckle-boom equipment shall mean a hydraulically or electronically operated mechanical device designed to lift objects to be collected, loaded and transported from the curb into the body mounted on the collecting vehicle.

Leachate collection system shall mean a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfills.

Landfill shall mean an area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well or compost pile.

Litter means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "waste" as such term is defined in O.C.G.A., § 16-7-51, paragraph 6.

Litter receptacle shall mean a receptacle designed and constructed to receive, collect, store and contain litter in a convenient and spillproof manner.

Manager, department of solid waste shall mean the manager of the Cobb County Department of Solid Waste, or his or her successors to these duties, by whatever title designated, or his or her designees.

Materials recovery facility shall mean a solid waste handling facility that provides for the extraction from solid waste of recoverable material, material suitable for use as fuel or soil amendment, or any combination of such material.

Mobile home shall mean a mobile or manufactured home, receiving residential-type waste collection.

Municipal solid waste shall mean any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and includes solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural or silvicultural operations or industrial processes or operations.

Municipal solid waste disposal facility shall mean any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, including but not limited to municipal solid waste landfills.

Municipal solid waste landfill shall mean a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Newspaper shall mean any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulations, and any newspaper filed and recorded with any recording officer as provided by general law, and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Noncommercial handbill shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, magazine, booklet or any other printed or otherwise reproduced original, or copies of any matter or literature which are not commercial handbills or newspapers as defined herein.

Nuisance shall mean anything which:

(1) Meets that definition of the term as defined by O.C.G.A. § 41-1-1 as now or hereafter amended; or

(2) Occurs during or as a result of the handling or disposal of solid waste to the detriment of the public welfare in that it injures health, offends the senses, obstructs the reasonable and comfortable use of property, or causes inconvenience or discomfort to a community or neighborhood.

Offal waste shall mean waste animal matter (whether of land or marine origin), generated by the processing, preparation or packaging of food or animal matter at butcher shops, slaughterhouses, food processing or packaging plants or rendering or fertilizer plants.

Open-top collection container shall mean a unit whose body is both constructed with sides to confine bulk items collected and transported by the unit and capable of being covered either by a tarp or top.

Overage shall mean the placement of residential municipal solid waste in the residential municipal solid waste storage container or cart such that materials extend beyond the container rim and the lid fails to fully close.

Owner of recovered material shall mean the generator of recovered material or its authorized agent, or the contractor, the recovered material collector, the private recycler, the person having possession of recovered material, or the person to whom the generator has transferred title to the recovered material. The owner shall have transferred title to the material at such time as the same is placed or deposited in any curbside storage container or recovered material collection container for the purpose of recycling.

Park shall mean a park, reservation, playground, beach, recreation center or any other public area in the county which is owned or used by the county and devoted to active or passive recreation.

Person shall mean the State of Georgia or any other state or any agency or institution thereof, any municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association or other entity in Georgia or any other state. This term shall also include any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste activities, or public or private corporation in Georgia or any other state. This term shall also include employees, departments and agencies of the federal government.

Person with a Disability shall mean a residential service unit owner who, as a result of a physical or mental disability, is unable to place his residential municipal solid waste storage container or cart, residential recovered materials storage container, white goods, bulky waste and/or yard trimmings at the designated

residential collection location for collection by the residential service provider, such that he satisfies this article.

Private industry solid waste disposal facility shall mean a disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by the private solid waste generator.

Private premises shall mean any dwelling house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling house, building or other structure.

Private recycler shall mean an individual, corporation, partnership or other private person engaged in the business of handling recovered material, including but not limited to dealers, processors, brokers and consumers of recovered material.

Public health or safety hazard shall mean any operation or activity done by a solid waste collector or not done, but was required to be done by the solid waste collector by federal, state, or local law, which could result in physical damage or injury to the general public or their property.

Public place shall mean any and all streets, rights-of-way, boulevards, alleys or other public ways, and any and all public parks, squares, grounds, buildings, beaches, playgrounds or conservation or recreation areas.

Putrescible waste shall mean waste that is capable of being quickly decomposed by microorganisms at ambient temperature and conditions and usually associated with offensive odors and disease vectors. Examples include, but are not limited to, the following: kitchen waste, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and solid waste contaminated by such waste.

Quadraplex shall mean a building designed exclusively for residential occupancy by four families.

Rear-loading compacting equipment or rear-loader shall mean the body and tailgate assembly of a rear-loading collection vehicle that loads, compacts, transports and unloads material at the rear of the vehicle. These assemblies may include mechanical devices used for lifting and receiving material from stationary storage containers.

Recovered material shall mean that material which has a known use, reuse, or recycling potential, "can be feasibly used, reused or recycled," and has been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation and processing. Such material, once recovered, is not solid waste.

Recovered material collection container shall mean a bulk container, exceeding 100 gallons' capacity, which is exclusively designed, constructed and conveniently placed for the safe, spillproof containment and conveyance of recovered material. This term includes but is not limited to bins, receptacles, drop-off boxes and containers used to collect recovered material from residential premises consisting of three or more dwelling units and all nonresidential areas.

Recovered material collection vehicle shall mean a vehicle upon which equipment is mounted or attached for the purpose of loading, compacting, transporting or unloading recovered materials or recovered material collection containers. This term includes but is not limited to, roll-off, side-loading, rear-loading, or open-top containers, trucks or other similar vehicles while engaged solely in the collection of recovered material.

Recovered material collector shall mean a person engaged exclusively in the business of separating, collecting or transporting recovered material, with or without compensation, from residential, business, industrial, commercial, institutional or other similar pre mises, including persons under contract or agreement with the owner or generator of solid waste or recovered material for collection.

Recovered material storage container shall mean any bulk container, exceeding 100 gallons' capacity, designed, constructed and labeled for the containment and placement of recovered material for collection.

Recovered material handling shall mean the separation, collection, storage, processing, consumption, transportation or reuse or resale of recovered material.

Recovered materials processing facility shall mean a facility engaged solely in the storage, processing, and resale or reuse of recovered materials; however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to solid waste. The term "recovered materials processing facility" shall not include a solid waste handling facility, as defined herein; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Recyclable material shall mean any material which has a known use or reuse and can be feasibly used, reused, or is capable of being reused or returned to use in the form of a raw material or product. Such recyclable material shall have been diverted or removed from the solid waste stream prior to collection of the same.

Recycling shall mean any process by which recyclable material which would otherwise become solid waste is collected, separated or processed and reused or returned to use in the form of raw materials or products.

Residential municipal solid waste shall mean all municipal solid waste originating in residential premises consisting of one or two dwelling units. This term does not include solid waste originating in residential premises consisting of three or more dwelling units which share the use of a solid waste storage container shall mean solid waste generated at a residential service unit, and shall include white goods, bulky waste, and recovered materials.

Residential municipal solid waste collection services shall mean the collection, processing and disposal of residential municipal solid waste by a residential service provider, in accordance with this article.

Residential municipal solid waste storage container or cart shall mean a leakproof container with attached lid and wheels that will allow the manual, automated or semi-automated collection of residential municipal solid waste, meeting the specifications established by the county.

Residential recovered materials shall mean recovered materials generated at a residential service unit.

Residential recovered materials collection service shall mean the collection and processing of residential recovered materials in a single stream.

Residential recovered materials storage container shall mean a container that will allow collection of residential recovered materials meeting specifications established by the county.

Residential service agreement shall mean the agreement that the residential service provider has with the County to perform the physical process of collecting, transporting, processing and disposing of the residential municipal solid waste, residential recovered materials, white goods, bulky waste and/or yard trimmings within unincorporated Cobb County.

Residential service area shall mean one of up to four service zones established by the county for residential solid waste collection and disposal.

Residential service fee shall mean the fee assessed on each residential service unit for collection, transportation, processing and/or disposal of residential municipal solid waste, residential recovered materials, bulky waste, and/or white goods and for the administration of the county's solid waste program.

Residential service provider shall mean a person who has received a service agreement from the county to perform the physical process of collecting, transporting, processing and disposing of the residential

municipal solid waste, residential recovered materials, white goods, bulky waste and/or yard trimmings within unincorporated Cobb County.

Residential service unit shall mean each unit or units within the following categories: single-family dwellings; duplexes or two-unit multifamily dwellings; triplexes or three-unit multifamily dwellings; quadrplexes or four unit attached multifamily dwellings; and mobile homes.

Residential service unit owner shall mean any person, firm, corporation or other entity owning a residential premises in unincorporated Cobb County.

Residential solid waste collection and disposal shall mean the performance of all requirements within the article and applicable laws related to residential municipal solid waste, residential recovered materials, yard trimmings, bulky waste, and white goods, as well as incidental administrative tasks related to the performance of those requirements.

Roll-off shall mean a vehicle equipped with hoist arms, hook, frame cable and/or chain which is used to elevate, support, transport and unload solid waste collection containers or contained material.

Scout shall mean a vehicle with the maximum capacity of eight cubic yards or 216 cubic feet. The "box" of the truck may be configured in any manner so as not to exceed eight cubic yards provided that the dimensions thereof comply with all state and local laws. The scout shall be used to collect solid waste in areas not easily accessible to compactor-type trucks. After collection by a scout vehicle, the solid waste shall be hydraulically or manually emptied into a compactor truck. The scout shall not make direct use of disposal facilities such as landfills or transfer stations. The scout shall be leakproof and covered in such a manner as to prevent waste from falling, leaking or blowing from the vehicle when traveling to or from the compactor truck.

Side-loading compacting equipment or side-loader shall mean the body and compaction assembly of a collection vehicle which loads at the side and unloads at the rear thereof.

Single-family dwelling shall mean a building designed exclusively for residential occupancy by one family.

Solid waste shall mean discarded putrescible and nonputrescible wastes, except water-carried body waste and recovered material, and shall include garbage; rubbish such as paper, cartons, boxes, wood, tree branches, yard trimmings, furniture and appliances, metal, tin cans, glass, crockery or dunnage; ashes; street refuse; dead animals; sewage sludges; animal manures; industrial waste such as waste material generated by industrial operations; residue from solid waste thermal treatment technology; food processing waste; demolition waste; abandoned automobiles; dredging waste; construction waste; and other waste material in a solid or semisolid or liquid state not otherwise defined herein or by O.C.G.A. § 12-8-20 et seq. Such term shall not include any material which is regulated pursuant to the Georgia Water Quality Control Act, O.C.G.A. article 2 of chapter 5 of title 12, or the Georgia Air Quality Control Act of 1978, O.C.G.A. chapter 9 of title 12.

Solid waste collection container shall mean a bulk container, exceeding 100 gallons' capacity, which is designed and constructed for the containment and/or conveyance without spillage of any solid waste contained therein.

Solid waste collection vehicle shall mean any vehicle upon which equipment is mounted or attached for the purpose of loading, compacting, transporting and/or unloading solid waste collection containers. This term includes solid waste transfer trailers, front-loaders, roll-offs, side-loaders, rear-loaders, open-top containers, brush-loaders and knuckle-boom equipment during such time as these vehicles are engaged in the handling or transportation of solid waste.

Solid waste collector or collector shall mean a person permitted by Cobb County to engage in the business of the collection or transportation of solid waste, but excluding a person who collects or transports solid waste from his, her or its own dwelling or residence.

Solid waste handling shall mean the storage, collection, transportation, treatment, utilization, processing or disposal of solid waste, or any combination of such activities.

Solid waste handling facility shall mean any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing or disposal or any combination thereof, of solid waste.

Solid waste storage container shall mean any container designed and constructed for the leakproof and spillproof storage of solid waste, and provided by or to the generator for the containment and placement of solid waste for collection. This term shall include residential metal or plastic containers and plastic bags.

Solid waste thermal treatment technology shall mean any solid waste handling facility, the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste energy.

Transfer station shall mean a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

Triplex shall mean a building designed exclusively for residential occupancy by three families.

Unauthorized collection of recovered material shall mean the removal of recovered material without permission of the owner, its authorized agent or the Cobb County Board of Commissioners.

Vehicle shall mean any engine-powered, mobile device in, upon, or by which any person or property is or may be transported or drawn upon a highway, road, rail or track.

Waste-to-energy shall mean a process of combustion through which occurs the extraction and utilization of energy from municipal solid waste.

Waste-to-energy facility shall mean a solid waste handling facility that provides for the extraction and utilization of energy from municipal solid waste through the process of combustion.

White goods waste shall mean household appliances such as refrigerators, stoves, washers, dryers, water heaters, and other large enameled appliances, which do not contain polychlorinated biphenyl (PCB) or chlorofluorocarbon (CFC) units and have been officially certified to that effect, and in the case of refrigerators and freezers, which have had the doors removed.

Yard trimmings or *yard trash* shall mean leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals and vegetative matter resulting from landscaping development and maintenance, other than mining, agricultural and silvicultural operations.

(Ord. of 10-22-96; Ord. of 6-9-98; Ord. of 12-9-03; Amd. of 7-28-15)

Cross reference(s)—Definitions generally, § 1-2.

State law reference(s)—Similar provisions, O.C.G.A. § 12-8-22.

Sec. 102-9. Individual disposal.

The foregoing provisions of this article do not restrict or prohibit the disposal of solid waste by any individual from his, her or its own dwelling when done so as not to create a nuisance or a menace to health at a permitted disposal facility; however, no individual is exempt from the provisions of this article. (Ord. of 10-22-96)

Sec. 102-10. Individual placement and disposal of yard trimmings.

(a) Effective September 1, 1996, it shall be unlawful to place or mix yard trimmings with municipal solid waste within unincorporated Cobb County.

(b) Yard trimmings shall not be disposed of at any municipal solid waste disposal facility with liners or leachate collection systems or any municipal solid waste landfills which have received a vertical expansion under O.C.G.A. § 12-8-40.2.

(c) Yard trimmings, if not collected, shall be disposed of in the following manners:

- (1) Sorted and stockpiled;
- (2) Chipped;

-
- (3) Composted;
 - (4) Used as mulch;
 - (5) By otherwise beneficially reusing or recycling it to the maximum extent feasible; or
 - (6) At certain types of landfills that are permitted to accept yard trimmings under O.C.G.A. § 12-8-40.2.

(d) Persons violating the provisions of paragraphs (a) and (b) of this section shall be subjected to the penalties outlined in section 102-14 of this chapter.

(e) Notwithstanding the provisions of paragraphs (a) through (d) of this section, individuals may combine municipal solid waste and yard waste which is transported to an authorized composting facility for processing.

(Ord. of 10-22-96)

Editor's note(s)—An amendment of [insert date], deleted § 102-10, which pertained to individual placement and disposal of yard trimmings, and derived from ordinances adopted Oct. 22, 1996.

Sec. 102-11. Disposal at approved sites only.

No person shall dispose of any solid waste within the county at any premises other than their private residence or at the sanitary landfill site or sites as shall be designated and approved by the board of commissioners. through their residential service provider or at a permitted disposal facility.

(Ord. of 10-22-96)

Sec. 102-12. Enforcement.

Unless otherwise specially provided by resolution of the county board of commissioners, the enforcement of this chapter shall be within the jurisdiction of the county's code enforcement personnel, including the solid waste division manager, Director of the department of sustainability, waste and beautification or his/her designees and the stormwater division manager or his/her designees. The enforcement personnel shall have such powers as are reasonably necessary to enforce and give effect to this chapter.

(Ord. of 10-22-96; Ord. of 6-9-98; Amd. of 5-26-09; Amd. of 7-22-14)

Sec. 102-13. Citations.

Any violation of this chapter shall be tried upon citations issued by enforcement personnel pursuant to O.C.G.A. § 15-10-63 and any successor statute. Without limitation, solid waste handlers, collectors or permit holders, their agents, servants, employees or assigns, and such other parties as are responsible for any such violation may be cited for such violation.

(Ord. of 10-22-96)

Sec. 102-14. Violations and penalties.

(a) Any person who violates any section or provision of this chapter shall, after trial and conviction upon a citation issued to the magistrate court of the county, be guilty of a misdemeanor and shall also be fined in an amount not to exceed \$1,000.00 and/or imprisoned for a period not to exceed 60 days for each such violation. If any person is found to be guilty of more than one violation of this chapter in any 12-month period, the following fines are established:

- (1) The amount of the original fine plus \$200.00, not to exceed \$1,000.00 and/or imprisoned for a period not to exceed 60 days for the second violation of this chapter in any 12-month period.
- (2) The amount of the original fine plus \$650.00, not to exceed \$1,000.00 and/or imprisoned for a period not to exceed 60 days for the third violation of this chapter in any 12-month period.
- (3) \$1,000.00 and/or imprisoned for a period not to exceed 60 days for the fourth and each successive violation of this chapter in any 12-month period.

(b) The governing authority may establish by separate resolution the specific administrative penalties for the violation of any provision of this chapter.

(c) Any person, solid waste handler, collector or permit holder who violates any provision of this chapter shall, in addition to the penalties specified herein, be subject to the procedures specified in section 102-59 of this chapter.

(d) All violations, penalties and/or remedies specified in this chapter are cumulative. Pursuance of any one violation, penalty or remedy shall not be deemed an election of remedies and shall not prohibit the simultaneous pursuit of any other applicable violation, penalty or remedy.

(Ord. of 10-22-96; Amd. of 2-23-16)

Sec. 102-15. Prosecutor.

The governing authority of the county may provide by separate resolution that the county attorney shall prosecute all citations issued for violations of the county solid waste ordinance in accordance with O.C.G.A. § 15-10-66 and any successor statute. Until such time as the governing authority shall enact a resolution to this effect, the solicitor of the state court of the county and his assistants shall prosecute all citations issued for violations of the county solid waste ordinance.

(Ord. of 10-22-96)

Sec. 102-16. Change of address.

Any solid waste collector, handler or permit holder who changes addresses or locations shall notify the director of the solid waste sustainability, waste and beautification department in writing of such change and of the new address and address location no later than the date of such change.

(Ord. of 10-22-96)

Sec. 102-17. Severability of provisions.

If any article, section, part, subpart, subsection, paragraph, item, sentence, clause, phrase or word of this chapter is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions or portion of this chapter, which shall remain of full force and effect as if such portions so declared or adjudged invalid or unconstitutional were not originally a part of this chapter. The board of commissioners declares that it would have enacted the remaining provisions or parts of this chapter had it known that such portion hereof would be declared and adjudged invalid or unconstitutional.

(Ord. of 10-22-96)

Sec. 102-18. Time limit for containers at streetside.

(a) A moveable garbage can, bag, box or other such container filled with garbage and municipal solid waste as defined in this section, excluding yard trimmings, shall not be placed or allowed at streetside prior to 6:00 p.m. on the evening prior to the scheduled day of collection; nor shall the container, can, bag, or box remain placed or allowed at streetside after 11:00 p.m. on the regularly scheduled day of collection subject to section (b).

(b) In the event the resident(s) complies with section (a) and the garbage collector fails to collect the items on the regularly scheduled day of collection, the time limits of section (a) shall not apply for that regularly scheduled day of collection. However, in no event shall the moveable garbage can, bag, box or other such container filled with garbage and municipal solid waste, excluding yard trimmings, be left at streetside later than 9:00 p.m. on the third day after the regularly scheduled day of collection which was missed by the garbage collector.

(c) This section is to apply only to waste generated by households and does not apply to containers which cannot be manually moved without the aid of hydraulic or other heavy duty equipment.

(d) Violations of this section shall be referred to the community development code enforcement department for the county. The first violation of this section shall cause a warning to be issued from the community development code enforcement department. The second or any further violations of this section shall cause a citation to be issued to the resident(s) occupying that address.

(Ord. of 6-9-98)

Editor's note(s)—An amendment of [insert date], deleted § 102-18, which pertained to time limit for containers at streetside, and derived from an ordinance adopted June 9, 1998.

Sec. 102-19. Effective date.

This entire chapter shall be effective 15 days from its adoption by the board of commissioners. All chapters or parts of chapters in conflict herewith are repealed.

(Ord. of 10-22-96; Ord. of 6-9-98)

Secs. 102-20—102-50. Reserved.

ARTICLE II. SOLID WASTE COLLECTION¹

Division 1. – Generally; applicable to commercial and residential collection of solid waste.

Sec. 102-51. Compliance with this article required.

No person shall engage in the collection or transportation of solid waste or recovered materials in the unincorporated areas of the county as presently or hereafter established without having first complied with the provisions of this article and all applicable state and federal regulations.

(Ord. of 10-22-96; Ord. of 6-9-98)

Sec. 102-52. Grant or privilege.

Any permit issued pursuant to the provisions of this article shall be a mere grant or privilege to carry on business during the term of such permit subject to all terms and conditions imposed by this article and related laws, applicable provisions of this Code, and other ordinances and resolutions of the county relating to such business.

(Ord. of 10-22-96)

Sec. 102-53 Permit and registration required—Generally.

(a) In addition to a business license or any other permit required by the county, all persons now or hereafter engaged in the primary business of the collection or transportation of solid waste in the unincorporated areas of the county shall annually apply for a solid waste permit to operate such business. The application shall be filed with the business license office, and neither a business license nor a solid waste permit shall be issued by the business license office until the solid waste sustainability, waste and beautification department shall have approved the solid waste permit application in writing.

(b) No person shall engage in the primary business of the collection or transportation of solid waste office until a permit for the same has been issued by the business license office after approval of the solid waste permit application by the solid waste sustainability, waste and beautification department as provided for in subsection (a) hereinabove.

(c) All persons required by this article to obtain a solid waste permit shall submit an application for said permit concurrently with the application submitted for a business license. The fees required for a solid waste permit shall be paid in full by each applicant upon issuance of the solid waste permit as required by section 102-54 herein. Each such permit shall expire one year subsequent to the issuance date of the original permit, at which time the permit holder must submit a new application for a solid waste permit.

(d) Any failure to comply with the requirements of this provision shall constitute a violation of this chapter pursuant to section 102-14.

(Ord. of 10-22-96)

Sec. 102-54. Permit fee schedule.

¹Cross reference(s)—Licenses, permits and businesses, ch. 78.

A permit fee shall be paid to the business license office for the issuance of a solid waste permit as required by this article and shall be as set forth in the solid waste permit fee schedule as approved and adopted by the board of commissioners. A fee schedule shall be on file and available from the clerk of the board of commissioners and the solid waste sustainability, waste and beautification department.

(Ord. of 10-22-96)

Sec. 102-55. Application for permit.

(a) No solid waste permit shall be issued or renewed except upon a written application available from the solid waste sustainability, waste and beautification department in a form specified by the county and setting forth such facts as the county may deem appropriate, including but not limited to the following information:

(1) If the applicant is an individual, partnership or proprietorship, the names and addresses of all persons, partners and owners (including corporations) and their respective percentages of ownership in the prospective collector's business in the county; and

(2) If the applicant is a corporation, the name and addresses of the officers and directors thereof; and

(3) Whether each driver of a motor vehicle employed by applicant possesses a valid Georgia drivers license, and whether this license is of the appropriate class and type to permit such driver to operate the vehicle which has been employed by applicant to operate; and

(4) A current certificate or certificates of insurance as evidence of compliance with the insurance requirements specified in this article; and

(5) The contact person employed by applicant for customer service; and

(6) A verified statement that the applicant, if a corporation, is in good standing in the State of Georgia, and that the applicant, if a corporation organized under the laws of any other state, is licensed to do business in the State of Georgia.

(b) All applications or renewal applications and the information or documentation submitted in connection therewith shall be open to the public inspection to the extent required by the Georgia Open Records Law, O.C.G.A. § 50-18-70 et seq., and shall be kept on file a reasonable length of time at the discretion of the solid waste sustainability, waste and beautification department.

(c) Incomplete applications will be held for 30 days and if still incomplete at that time will be denied. Any solid waste collector who collects or transports solid waste without a valid solid waste permit or having been denied a solid waste permit will be in direct violation of the county solid waste ordinance and subject to penalties as specified in section 102-14.

(Ord. of 10-22-96)

Sec. 102-56. Denial of application for issuance of solid waste permit.

(a) An application for a solid waste permit submitted pursuant to this article may be granted or denied by the solid waste division manager, director of the sustainability, waste and beautification department or his or her designee. Application may be denied only for due cause as defined by subsection

(b) herein. If the application is denied by the solid waste division manager, director of the sustainability, waste and beautification department or his or her designee the applicant may appeal such denial in accordance with section 102-60 of this article to the board of commissioners by filing a written ~~certified~~ appeal with the clerk of the board of commissioners and with director of the ~~water system agency~~ solid waste division manager, director of the sustainability, waste and beautification department. A hearing shall then be set before the board of commissioners and prior written certified notice of such hearing shall be sent to the applicant. This notice shall state the time, place and purpose of such hearing and the reasons for denial of the application. Three business days' written notice shall be deemed reasonable, ~~but shorter or longer periods of notice shall be authorized as the board of commissioners may deem justified by the circumstances.~~ Unless the circumstances otherwise justify, the hearing shall be held within 30 days

after the appeal is filed with the clerk of the board of commissioners and the director of the water system public services agency.

(b) An application for a solid waste permit submitted pursuant to this article may be denied only if one of more of the following circumstances exist:

(1) The applicant has failed to obtain any paper or document necessary to pursue its business as required or as may be required by any officer, official, agency or department of the county, state or the United States under authority of any law, ordinance or resolution of the county, state or United States.

(2) The applicant has supplied false information to the solid waste division manager director of the sustainability, waste and beautification department or his/her designee.

(3) The applicant has failed to pay any permit fee, fees, penalty or interest required under this article or has otherwise failed to comply with any of the provisions contained in this chapter.

(4) The applicant, during the 12-month period preceding the filing of the solid waste application, has engaged in any deceptive business practices as are hereinafter defined in section 102-59 of this article.

(5) The applicant has failed to meet any of the procedural, legal or technical requirements hereinafter enumerated in this article, including but not limited to insurance and equipment requirements.

(6) An applicant has previously declared bankruptcy under one name and subsequently attempts to procure a solid waste collection permit in a new or different name.

(c) No application for a solid waste permit submitted hereunder shall be accepted, processed or approved if the applicant has submitted the same or a similar application for a solid waste permit within the preceding 12-month period and such application has been dismissed, denied or abandoned. No permit shall be granted if the applicant is presently or has been within the 12 months preceding submission of the application in violation of any provision of this article or any other article of this chapter or any other law or ordinance regulating the activities for which such permit is sought.

(Ord. of 10-22-96; Ord. of 6-9-98; Amd. of 5-26-09)

Sec. 102-57. Transferability of permit.

No solid waste permit issued pursuant to this article shall be transferable.

(Ord. of 10-22-96)

Sec. 102-58. Revocation and suspension of solid waste permit—Authorized.

(a) Subject to the provisions of section 102-59 herein, a solid waste permit may be temporarily suspended by the division manager of solid waste director of the sustainability, waste and beautification department or his/her designee for up to 30 days.

(b) For violations of section 102-71 only, a solid waste permit may be temporarily suspended by the division manager of solid waste director of the sustainability, waste and beautification department or his/her designee, the community development agency director, or the director of public safety for up to 30 days.

(c) Only the board of commissioners may suspend a solid waste permit for more than 30 days or permanently revoke any solid waste permit issued pursuant to this article.

(Ord. of 10-22-96; Ord. of 6-9-98; Amd. of 5-26-09; Amd. of 2-23-16)

Sec. 102-59. Same—Procedure; notice; hearing required; "due cause" prerequisite.

(a) No solid waste permit which has been issued or which may hereafter be issued by the county to any person shall be suspended or revoked, except for due cause as hereinafter defined. The solid waste

division manager, director of the sustainability, waste and beautification department or his/her designee may temporarily suspend for up to 30 days a solid waste permit when grounds of "due cause" exist or are reasonably believed to exist by the solid waste division manager, director of the sustainability, waste and beautification department or his/her designee subject to subsection (e) upon three days' written certified notice of the grounds. Temporary suspension by the solid waste division manager, director of the sustainability, waste and beautification department or his/her designee shall not require a hearing prior to the suspension.

(b) The permit holder may either work with the solid waste division manager, director of the sustainability, waste and beautification department or his/her designee to correct the problem or may appeal the temporary suspension to the board of commissioners.

(1) If the violation for which the 30-day temporary suspension has been issued is not a public health or safety hazard as herein defined, the permit holder will be allowed to continue operating while attempting to correct the violation.

(2) If the violation for which the 30-day temporary suspension has been issued is a public health or safety hazard as herein defined, the permit holder will not be allowed to continue operating while attempting to correct the violation.

At the end of the 30-day temporary suspension period if the permit holder fails to correct the problem and does not appeal the suspension to the board of commissioners, the director of the water system public services agency, solid waste division manager, director of the sustainability, waste and beautification department or his/her designee shall bring before the board of commissioners, at the next regularly scheduled commission meeting, a request to permanently revoke the solid waste permit or to suspend the solid waste permit for a period greater than 30 days. Notice to the holder of such permit of the time, place and purpose of such hearing of the charge upon which the hearing shall be held shall be given by prior certified written notice. Three business days written notice shall be deemed reasonable, but a shorter or longer period of notice shall be authorized as the board of commissioners may deem justified by the circumstances.

(c) To appeal the temporary suspension the permit holder must comply with the requirements of section 102-60.

(d) In all hearings before the board of commissioners conducted pursuant to this provision, the following procedures shall apply; and the proceeding shall be as informal as is compatible with due process:

(1) The chairman of the board of commissioners shall read or cause to be read the charges against the permit holder or solid waste collector. The chairman shall then read or cause to read any response filed by the permit holder or collector.

(2) The board of commissioners shall hear the evidence upon which the charges have been filed against the permit holder and shall not consider any additional evidence beyond the scope of these charges. The board may exclude evidence which is purely cumulative in nature.

(3) The order of proof shall be as follows:

a. The county representative shall present evidence in support of the charges.

b. The permit holder shall then present its evidence.

c. The evidence of each party may be supported by the submission of pertinent documents.

d. The board of commissioners shall allow each party to present pertinent rebuttal evidence.

(4) The permit holder and county may each be represented by counsel, and may present, examine, and cross-examine witnesses. Additionally, the board of commissioners may question both parties and all witnesses to obtain any information deemed necessary to evaluate the charges. The standard of review shall be "any evidence."

(e) Due cause for the suspension or revocation of a solid waste permit shall consist of any one or more of the following:

(1) A permit holder commits a deceptive business practice including but not limited to any act or business practice designated as unlawful in the Fair Business Practice Act, O.C.G.A. § 10-1-390 et seq.

(2) Violation of any laws, chapters, or resolutions regulating such business, or violation of regulations made pursuant to authority granted for the purpose of regulating such business.

(3) The permit holder has supplied false information to the manager of the business license division or the solid waste division manager, director of the sustainability, waste and beautification department or their respective designees regardless of when either shall have become aware of the same.

(4) The permit holder has failed to obtain, or has suffered the expiration, suspension, or revocation of any paper or document required hereunder for its business or as may be required for its business by any officer, official, agency, authority, or department of the county, state of the United States.

(5) The permit holder has failed to comply with any of the provisions of this article of this chapter.

(6) The permit holder makes any misrepresentation of fact which is intended to mislead the public or to mislead any party with whom the permit holder deals in pursuance of the permitted business. The term "misrepresentation of fact" as used herein shall embrace not only express misrepresentation but misrepresentation arising by virtue of the permit holder's conduct, including acts and omissions.

(7) Failure by the permit holder to obtain and/or file all pertinent papers regarding insurance as required by this chapter.

(8) The solid waste division, sustainability, waste and beautification department, documents in any given permit year five or more substantiated complaints against and/or violations of this chapter involving a particular solid waste permit holder. The solid waste division, sustainability, waste and beautification department, shall record each such complaint and/or violation in a true and accurate log maintained for this purpose and shall record in connection therewith the name and address of any complainant and the substance or basis of the complaint. Such records shall be made available to the permit holder and shall be deemed a public record.

(9) The permit holder fails or has failed to stop collection activities as directed by the solid waste division manager, director of the sustainability, waste and beautification department or his/her designees in written notification issued pursuant to this section.

(10) The permit holder fails or has failed to pay to the solid waste division, sustainability, waste and beautification department, within 60 days of the due date any fees or fines incurred in pursuance of solid waste collection activities or who does not have an approved payment plan by the director of water the sustainability, waste and beautification department or his/her designee.

(Ord. of 10-22-96; Ord. of 6-9-98; Amd. of 5-26-09)

Sec. 102-60. Appeals.

(a) Any person or entity aggrieved by an action or decision of the director of the water system public services agency or his or her designee or employees may appeal such action or decision to the board of commissioners by filing written notice of appeal with clerk of the board of commissioners and the solid waste division manager, director of the sustainability, waste and beautification department within ten days of the decision or action prompting appeal. The board of commissioners shall hear the appeal within 30 days of the receipt of such notice, unless circumstances otherwise justify, and in connection therewith, shall give three business days' prior written certified notice of the hearing date to all parties, , but shorter or longer periods of notice shall be authorized as the board of commissioners may deem justified by the circumstances. The board of commissioners may affirm, reverse or modify, either wholly or in part, any decision or action from which the appeal was sought by the petitioner.

(b) This provision shall not apply to citations issued pursuant to section 102-14 for violations of this chapter.

(c) Any request to revoke for failure to correct the 30-day suspension violation or request to suspend for the solid waste permit for greater than 30 days brought forth by the director of the water system public services agency or his/her designee shall proceed procedurally according to section (a) of the section as if the permit holder had filed an appeal.

(Ord. of 10-22-96; Ord. of 6-9-98; Amd. of 5-26-09)

Sec. 102-61. Temporary permit for commercial waste collection.

(a) A temporary permit may be issued by the solid waste division sustainability, waste and beautification department for a period not to exceed 15 calendar days from the issuance date thereof. At the conclusion of 15 days, an additional 15-day extension may be granted if justification for such extension is presented to and accepted by the solid waste division manager director of the sustainability, waste and beautification department or his or her designee.

(b) A temporary permit will be issued only in the following circumstances:

(1) The collector is a solid waste permit holder in good standing or has an approved plan by the director of the water system public services agency or his/her designee for correction of any problems; and

(2) The collector can provide adequate proof of the temporary status of its noncompliance with any provision of this article or any article of this chapter; and

(3) The collector must return to complete compliance with all provisions of the solid waste ordinance at the conclusion of the temporary permit period specified at the date of issuance; and

(4) The temporary permit issued pursuant to this section must be posted and visible at all times on any vehicle used by the collector in solid waste collection activities.

(Ord. of 10-22-96; Ord. of 6-9-98; Amd. of 5-26-09)

Sec. 102-62. Insurance.

(a) Any collector with a solid waste permit issued pursuant to this article shall at all times during the permit period obtain, maintain, and pay all premiums for, and file with the solid waste division sustainability, waste and beautification department, certificates of insurance evidencing the types and amounts of insurance specified in the solid waste insurance schedule.

(b) The solid waste insurance schedule shall be as approved, adopted and amended from time to time by the board of commissioners.

(c) The solid waste insurance schedule shall be on file and available in the office of the solid waste division sustainability, waste and beautification department.

(d) All collectors shall comply with any and all federal, state, and local insurance laws, regulations and/or requirements.

(e) All insurance contracts or policies procured so as to obtain the coverage required by the solid waste insurance schedule shall be in a form reasonably satisfactory to the county and shall be issued and maintained by companies authorized to do business in the State of Georgia and reasonably acceptable to the county. All such policies shall require 30 days' written certified notification to all insured parties prior to any cancellation thereof.

(f) All insurance contracts must specify that the vehicles covered by such contracts are for "trash collection."

(g) The collector shall provide the county with annual proof of the insurance required by the solid waste insurance schedule. Any failure to provide such evidence of insurance shall be grounds for denial or revocation of a solid waste permit.

(h) A collector shall notify the solid waste division sustainability, waste and beautification department in writing of any insurance policy changes, renewals and/or cancellation by written certified notice at least 30 days prior to any change, renewal, and/or cancellation.

(i) Any failure to comply with or violation of the provisions contained herein, in addition to any other penalty or course of action which may be sought for such violation, shall be subject to those penalties specified in section 102-14.

(Ord. of 10-22-96; Ord. of 6-9-98; Amd. of 2-25-14)

Sec. 102-63. Indemnity.

(a) A collector shall, at its sole cost and expense, fully indemnify, defend and hold harmless the county, its officers, boards, commissions and employees, from and against any and all claims, suits, actions, liability and judgements obtained by third parties for damage of any kind, including personal injury and/or death, which may be the result of willful, negligent or tortious conduct or operations by such collector arising out of the collection, transportation or disposal of solid waste, whether or not the act or omission complained of is authorized, allowed or prohibited by this article.

(b) The collector shall pay all expenses incurred by the county, in defending from any of the claims or actions specified above, including attorneys fees and other litigation costs.

(Ord. of 10-22-96)

Sec. 102-64. Vehicle requirements.

All persons collecting and disposing of solid waste material for a fee shall comply with the following requirements:

(1) *Solid waste collection vehicles:*

a. *Type and size:* Solid waste collection vehicles shall comply with the regulations and licensing requirements of the Georgia Department of Transportation and with applicable local ordinances specifying weight and size restrictions for any streets or roads traveled to collect solid waste.

b. *Compactor and cover:*

1. Vehicles used for the collection or transportation of solid waste shall be covered compactor-type trucks and shall be enclosed, weather-tight, substantially leakproof, easily cleanable and constructed of durable metal.

2. Vehicles used for the collection or transportation of solid waste shall be covered at all times, except during the loading and unloading thereof, so as to prevent the contents from falling, leaking or blowing out of the vehicle.

c. *Scout or satellite vehicle:* A scout or satellite vehicle shall mean a vehicle with the maximum material capacity of eight cubic yards, or 216 cubic feet. The "box" of the truck may be configured in any manner not to exceed eight cubic yards so long as the dimensions thereof comply with all state and local laws. The scout should be used to collect materials in areas not easily accessible to compactor trucks after which the material shall then be hydraulically or manually emptied into a compactor truck. The scout shall not be allowed to make direct use of disposal facilities such as landfills or transfer stations. The scout shall be leakproof and covered in such a manner as to prevent waste from falling, leaking or blowing from the vehicle when travelling to the compactor truck.

d. *Audible alarm:* Each vehicle used for collection or transportation of solid waste shall have an operating, audible alarm which sounds when any such vehicle backs up or is in reverse.

e. *Emergency lights:* Each compactor vehicle used for the collection or transportation of solid waste shall have an operating, flashing or revolving amber light mounted on top of the vehicle and visible from its rear. All collectors shall comply with any corresponding state or federal laws or regulations.

(2) *Identification:* The following items shall at all times be clearly visible on each and every vehicle used in the collection or transportation of solid waste, including temporary replacement vehicles and scouts:

a. The identity and telephone number of the collector on both sides of the vehicle displayed by letters or characters at least three inches in height;

b. A permit decal placed on the front of the truck.

(3) *Ownership/lease:* Registration of and title to the vehicle(s) shall be in the name of the collector or a leasing agent with a duly authorized power of attorney issued in the name of the collector.

(4) *Exempt equipment:* The following solid waste collection equipment shall be exempt from the vehicle requirements enumerated in subsection (1)b.1. above; however, nothing in this section excludes compliance with all other vehicle requirements specified by this section, article, or chapter:

a. Roll-off equipment (to be used solely for the collection of construction debris and inert material which does not constitute solid waste);

b. Brush collector equipment;

c. Knuckle-boom picker equipment;

d. Open-top equipment (to be used solely for the collection of construction debris and inert material which does not constitute solid waste);

(5) *Penalties:* Any failure to comply with or violation of the provisions contained in this section shall subject the offender to the penalties specified in section 102-14.

(Ord. of 10-22-96)

~~Editor's note(s)—An amendment of [insert date], deleted § 102-64, which pertained to same—procedure; notice; hearing required; "due cause" prerequisite, and derived from an ordinance adopted Oct. 22, 1996.~~

Sec. 102-65. Mandatory offer of recycling service.

(a) All collectors must offer shall provide to their residential customers the option service of having their recyclable materials collected at least once twice a month. Recyclable materials to be collected shall include at a minimum the following items: newspaper and aluminum.

(b) All collectors must offer provide an appropriate container, bags or other type of receptacle for those their residential customers opting for this recycling service. Any and all collector providing such a container, bags or other type of receptacle containers to any their residential customer may not charge a fee for such a container, bags or other type of receptacle containers.

(c) In no event shall any of the recyclable materials collected pursuant to this optional mandatory recycling service be disposed of in any landfill.

(d) Any failure to comply with or violation of the provisions contained in this section shall subject the offender to penalties as specified in section 102-14.

(Ord. of 10-22-96; Amd. of 5-26-09)

~~Editor's note(s)—An amendment of [insert date], deleted § 102-65, which pertained to mandatory offering of recycling services, and derived from an ordinance adopted Oct. 22, 1996.~~

Sec. 102-66. Unauthorized collection of recovered materials.

No person other than the owner of recovered material shall remove any such recovered material which has been separated from solid waste and placed at a designated recovered material collection location for recycling.

(Ord. of 10-22-96)

Sec. 102-67. Mandatory reporting requirements.

(a) *Operators of disposal facilities.* Any operator of a disposal facility in the county must report to the solid waste sustainability, waste and beautification department by July 15 of the following year the annual tonnage of solid waste received at said facility, segregated by point of origin (inside versus outside of the county).

(b) *Penalties.* Any failure to comply with or violation of this provision shall subject the offender to penalties as specified in section 102-14.

(Ord. of 10-22-96; Ord. of 6-9-98; Amd. of 5-26-09)

Sec. 102-68. Exemptions.

- a) Nothing in this chapter shall limit the right of an individual or company to donate, sell or buy recovered materials.
- b) Private recyclers, authorized recycling agents and charitable recycling groups shall be exempt from the provisions of this chapter except section 102-71 to the extent that such exemption does not adversely affect the public health.
- c) Nothing in this article shall be deemed to limit the right of a contract-recovered material collection agent to bring any civil action against any person.
- d) This article shall not apply to any individual, corporation, partnership, or cooperative disposing of livestock feeding facility waste from facilities with a total capacity of up to 1,000 cattle or 5,000 swine. If such individual, corporation, partnership, or cooperative shall provide an approved waste disposal system which is capable of properly disposing of the runoff from a ten-year storm, such individual, corporation, partnership or cooperative shall be further exempt regardless of total per head capacity.
- e) Nothing in this article shall limit the right of any person to use poultry or other animal manure for fertilizer.
- f) Provisions of this article shall not apply to any person not collecting and disposing of residential municipal solid waste, commercial solid waste, or C&D waste for a fee, but who is a holder of a valid solid waste handling permit from the director of the environmental protection division of the state department of natural resources pursuant to Rules of Georgia Department of Natural Resources Environmental Protection Division, chapters 391-3-4-.02 and 391-3-4-.06 for disposal or on-site burial. Such disposal shall be governed by state environmental protection division regulations and by the requirements of the current county development regulations.
- g) Composting by residential service unit owners is expressly permitted pursuant to this article.
- h) A residential service unit owner which holds a vacant structure permit or a boarding-up permit from the county shall be refunded or exempted from any residential service fee for solid waste collection and disposal services during the period of time which the permit is valid. Should such vacant structure permit or boarding-up permit not be renewed, the county shall collect any due and owed residential service fees through any billing process available.
- i) Residential properties with agricultural-residence district zoning may apply for an exemption from the residential service fee, provided the residential service unit owner provides proof that a service agreement with a commercial service provider has been entered into to service the residential municipal solid waste collection needs of the property.
- j) Nothing in this article or in any service agreement shall limit the county's ability to procure additional services necessary to provide for removal, processing, recycling and/or disposal of solid wastes generated as a result of a natural or man-made disaster event.

(Ord. of 10-22-96; Ord. of 3-9-99)

~~Editor's note(s)—An amendment of [insert date], deleted § 102-68, which pertained to exemptions, and derived from an ordinance adopted Oct. 22, 1996.~~

Sec. 102-69. Customer's requirements.

All persons receiving solid waste collection and disposal services from a permitted collector in residential areas shall comply with the following minimum two requirements:

(1) All solid waste must be enclosed in plastic or plastic-lined bags which are or have been tied, except as provided in paragraph (2) of this section.

(2) Yard trimmings, if collected, shall be sorted and separated from all municipal solid waste in order to facilitate collection and ultimate handling in accordance with section 102-70(5) of this chapter.

Nothing in this article shall prohibit persons from disposing of their own solid waste provided that all solid waste is bagged, tied, contained and/or covered when transported for disposal.

(Ord. of 10-22-96)

~~Editor's note(s)—An amendment of [insert date], deleted § 102-69, which pertained to customer's requirements, and derived from an ordinance adopted Oct. 22, 1996.~~

Sec. 102-70. Services required to be performed.

All residential collectors shall comply with the following requirements:

(1) *Collection schedule:* Collectors shall provide residential collection service at least once per week. No undue disturbance shall be created in residential areas during residential collection.

(2) *Collection during holidays:* During a week which includes a legal holiday, collectors shall alternate collection days, if necessary, to ensure that collection service is provided at least once during such a holiday week.

(3) *Notice to customer and county:* Residential collectors shall give written notice of any change in policy or level of service as follows:

a. To the county at least ten days prior to the implementation of any such change, including but not limited to sale of company, termination of business, or change of phone number; and

b. To the customer at least ten days prior to the implementation of any such change, including but not limited to termination of service; change of phone number, and change of rates, but excluding any sale of the company; however, the customer shall be notified of any such sale of the company within 30 days after the occurrence of such sale.

(4) *Disposal of solid waste:* All collectors, including commercial collectors, must dispose of any solid waste in an approved disposal facility permitted and regulated by the state department of natural resources and/or the county.

(5) *Disposal of yard waste:*

a. Effective September 1, 1996, it shall be unlawful within unincorporated Cobb County to dispose of yard trimmings in all municipal solid waste landfills with liners or leachate collection systems; and to dispose of yard trimmings in all municipal solid waste landfills which have received a vertical expansion under O.C.G.A. § 12-8-40.2. Collectors violating this provision shall be subjected to the penalties outlined in section 102-14.

b. All collectors, including commercial collectors, must dispose of yard trimmings, if collected, in the following manners:

1. Sorting and stockpiling; or
2. Chipping; or
3. Composting; or
4. Using as mulch; or

-
5. By otherwise beneficially reusing or recycling it to the maximum extent feasible; or
6. By delivering it to certain types of landfills that are permitted to accept yard trimmings under O.C.G.A. § 12-8-40.2.
- c. Notwithstanding the provisions of paragraphs (1) through (e) of this section, collectors may combine municipal solid waste and yard waste which is transported to an authorized composting facility for processing.
- (6) *Customer service:* Each collector permitted hereunder shall maintain a published telephone number and a responsible person in charge of customer service so as to provide the following to the manager director of the solid waste sustainability, waste and beautification department and to each customer:
- a. A written policy specifying the terms of any and all services to be afforded to or agreements with each customer; and
- b. A customer service system to resolve disputes with or complaints against the collector.
- (Ord. of 10-22-96)

~~Editor's note(s) — An amendment of [insert date], deleted § 102-70, which pertained to services required to be performed, and derived from an ordinance adopted Oct. 22, 1996.~~

Sec. 102-71. Hours of collection and Noise Complaints.

- (a) No person or entity shall engage in the collection, transportation or disposal of any solid waste or recyclables from dumpsters, containers or receptacles of any kind or type between the hours of 11:00 p.m. and 7:00 a.m. except to perform emergency work required to safeguard the immediate health, safety and welfare of the public.
- (b) Every noise complaint received and recorded by the solid waste division sustainability, waste and beautification department, the county police department, the county communications department, the public services agency or the code enforcement division of the community development agency at a specific location shall constitute a violation of this provision and shall result in the issuance of a report to the county police department, the code enforcement division of community development agency or the division manager of the solid waste division director of the sustainability, waste and beautification department or his/her designees or employees for full enforcement of this chapter.
- (c) At such time as any second noise complaint has been received or recorded by the solid waste division sustainability, waste and beautification department, the county police department, the county communications department, the public services agency or the code enforcement division of the community development agency in a 45-day period at a specific location in the county and upon inquiry and investigation the solid waste division sustainability, waste and beautification department, the county police department, or the code enforcement division of the community development agency is able to verify and substantiate the factual basis for such complaint, the solid waste permit holder shall be subject to the penalties detailed in section 102-58 in addition to section 102-14.
- (d) If a partnership, corporation or other business entity controls, directs and/or owns a solid waste collection business, both the person directing the operation of such business, and all partners, directors, officers, shareholders, agents, representatives or employees exercising significant managerial responsibility over any employee or agent whose acts violate the terms of this article or chapter shall, in addition to such employee or agent, be considered to have violated the provisions of this chapter.
- (e) Specifically excluded from the applicability of this section are the dumpsters located at any of the schools in the county.
- (Ord. of 10-22-96; Ord. of 3-9-99; Amd. of 2-23-16)

Sec. 102-72. Excluded services.

(a) Collectors shall not be required to collect, remove or transport materials which exhibit any of the following characteristics:

- (1) Toxic;
- (2) Ignitable;
- (3) Reactive; or
- (4) Corrosive.

(b) Collectors shall not be required to collect, remove or transport dead animals.

(Ord. of 10-22-96)

~~Editor's note(s) — An amendment of [insert date], deleted § 102-72, which pertained to excluded services, and derived from an ordinance adopted Oct. 22, 1996.~~

Sec. 102-73. Commercial containers.

It shall be unlawful for any person to use a privately owned commercial container without prior authorization of the owner. Persons violating this provision shall be subject to the penalties outlined in section 102-14.

(Ord. of 10-22-96)

~~Sec. 102-74. Transportation of solid waste across county lines prohibited. Violations and enforcement.~~

~~No person, solid waste handler, solid waste collector, solid waste permit holder, firm, corporation or business shall transport, pursuant to a contract, garbage, trash, solid waste or refuse across any county boundary line of this county for the purpose of dumping the same within the boundaries of this county, whether or not such material is to be dumped at a publicly or privately owned disposal facility unless permission is first obtained and a written permit is granted by the board of commissioners as required by the O.C.G.A. § 36-1-16.~~

~~(Ord. of 10-22-96)~~

~~(a) This article shall be enforced by any employee or representative designated by the county. Enforcement authority shall include the power to determine compliance with this article, to investigate complaints of violations of this article, and to pursue violations as set forth herein.~~

~~(b) The provisions of this article regarding the disposal or on-site burial of solid waste may be enforced by the state department of natural resources, environmental protection division.~~

~~(c) Nothing in this article shall affect the ability of the county to pursue any remedies against a residential service provider, available under local, state, or federal law.~~

~~(d) Nothing in this article shall affect the ability of the county to pursue the remedies available to it by virtue of its police powers.~~

Sec. 102-75. Penalties.

Any failure to comply with or violation of any provision of this article or any article of this chapter shall subject the offender to penalties as specified in section 102-14.

(Ord. of 10-22-96)

Division 2. – Residential Collection.

Sec. 102-76. Residential curbside collection general provisions

(a) Residential municipal solid waste.

(1) Residential service areas established. The county will established four residential service areas and will maintain service agreements with one or more residential service providers to provide residential solid waste collection and disposal in each area.

(2) Collection services provided by residential service provider.

-
- a. All residential municipal solid waste, including bulky waste, white goods, and residential recovered materials, shall be collected by a residential service provider within the residential service area(s) for which the residential service provider has been issued a service agreement by the county.
 - b. Only one residential service provider may provide residential solid waste collection and disposal services in each residential service area.
 - c. Residential service providers shall provide weekly curbside collection services in accordance with the terms of the service agreement issued by the county to the residential service provider.
- (3) Curbside collection services.
- a. Participation.
 - 1. Residential municipal solid waste shall be collected and disposed of by the residential service provider that has been issued a service agreement by the county for the residential service area in which the residential service unit owner's unit is located.
 - 2. Residential recovered materials shall be collected and disposed of by the residential service provider that has been issued a service agreement by the county for the residential service area in which the residential service unit owner's unit is located.
 - 3. Each residential service unit owner may request collection of yard trimmings directly from the residential service provider that has been issued a service agreement by the county for the residential service area in which the residential service unit owner's unit is located.
 - b. Curbside collection services shall include:
 - 1. Collection of residential municipal solid waste.
 - (i) Residential municipal solid waste shall be collected by the residential service provider in accordance with the service agreement issued by the county for the residential service area in which the residential service unit owner's unit is located.
 - (ii) Residential municipal solid waste shall be placed at the designated residential collection location in a 95-gallon residential municipal solid waste storage container or cart provided by the residential service provider.
 - (iii) Overage is subject to additional charges imposed by the residential service provider.
 - 2. Collection of bulky waste and white goods.
 - (i) Bulky waste and white goods shall be collected by the residential service provider in accordance with the service agreement issued by the county for the residential service area in which the residential service unit owner's unit is located.
 - (ii) It shall be the responsibility of the residential service unit owner to ensure that prior to collection and disposal, white goods are empty of all foods and liquids, and that any CFCs and PCBs have been evacuated and captured by a certified technician in accordance with law, and the doors have been removed from freezers and refrigerators. The residential service provider shall not be required to collect white goods that do not meet these standards.
 - 3. Collection of residential recovered materials.
 - (i) Residential recovered materials shall be collected by the residential service provider in accordance with the service agreement issued by the county for the residential service area in which the residential service unit owner's unit is located.
 - (ii) Residential recovered materials shall be placed in the residential recovered materials storage container or bin at the designated residential collection location for collection by the authorized residential service provider in a timely manner.
 - (iii) The list of acceptable residential recovered materials to be collected shall be published by the county on its website and made available by the residential service provider as directed by the county.

(iv) The list of acceptable materials may be modified upon written request of the residential service providers demonstrating industry and market conditions necessitating the modification and agreement of the solid waste management division director.

(4) Elective services.

a. A residential service unit owner may contract with the designated residential service provider that has been issued a service agreement by the county for the residential service area in which the residential service unit owner's unit is located for additional services for an additional fee to be billed by the residential service provider directly to the residential service unit owner.

b. The residential service provider shall have the right, upon notice to the residential service unit owner, and simultaneous notice to the county, to terminate or suspend all elective services then being provided to a residential service unit owner by the residential service provider, in the event of nonpayment of fees due and owing directly to the residential service provider by the residential service unit owner.

(5) Yard trimmings collection service.

a. Yard trimmings may be composted by a residential service unit owner on the owner's property in accordance with the laws and regulations of the state and the county.

(i) Yard trimmings, if not collected by the residential service provider, shall be disposed of in the following manners:

(1) Sorted and stockpiled;

(2) Chipped;

(3) Composted;

(4) Used as mulch;

(5) By otherwise beneficially reusing or recycling it to the maximum extent feasible; or

(6) Self-hauled to an authorized facility permitted to accept yard trimmings

b. If a residential service unit owner contracts for the yard trimmings collection service by a residential service provider, yard trimmings shall be segregated from the residential municipal solid waste prior to their collection.

c. This section shall not prohibit a residential service unit owner from disposing of yard trimmings through a third party that generated the yard trimmings as a result of its activities or services at the location of the residential service unit.

d. A residential service unit owner may enter into a contract with the residential service provider that has been issued a service agreement by the county for the residential service area in which the residential service unit owner's unit is located for the yard trimmings collection service.

e. To request yard trimmings collection service, the residential service unit owner must contact the designated residential service provider directly.

f. The residential service provider is authorized to charge, bill, and collect from the residential service unit owner a fee for the collection, processing and/or disposal of yard trimmings.

g. The yard trimmings collection service shall be offered at a rate not to exceed the maximum monthly fee defined in the service agreement established with the residential service provider. Residential service units may receive a discount for a yearly subscription.

h. The following provisions shall apply to the placement and collection of yard trimmings:

1. Yard trimmings shall be segregated from residential municipal solid waste.

2. Yard trimmings shall be placed within the designated residential collection location.

3. A residential service unit owner shall not place, or cause, or allow to be placed, yard trimmings within the designated residential collection location for more than seven days.

4. Yard trimmings shall be placed in sturdy paper bags suitable for containing yard trimmings or in a container labeled for yard trimmings, excluding residential municipal solid waste storage containers or carts, residential recovered materials storage containers, and plastic bags; or shall be tied in a bundles weighing not more than 50 pounds each.

5. Yard trimmings are not to exceed four inches in diameter and three feet in length and bundles are not to exceed 50 pounds, except that if yard trimmings greater than four inches in diameter are not placed in a suitable container, then yard trimmings tied in a bundle shall not exceed 50 pounds.

6. The residential service provider is authorized to collect segregated yard trimmings from the residential service unit, together with any residential municipal solid waste in the same collection vehicle for delivery to a lined municipal solid waste landfill operating landfill gas collection systems directed to beneficial uses of landfill gas that promote renewable energy goals such as electrical power generation, industrial end use, or similar beneficial reuse pursuant to O.C.G.A. § 12-8-40.2, (a landfill with gas recovery system as provided by law) as determined by the residential service provider.

(6) Placement of containers and collection hours.

a. Each residential service unit shall place the residential municipal solid waste storage container, bulky waste, white goods, and/or residential recovered materials storage container at the designated residential collection location, for collection by the authorized residential service provider, no earlier than 3:30 p.m. on the day prior to the day scheduled for collection.

b. Except as otherwise allowed by the county, all collection of residential solid waste by each designated residential service provider shall be performed between the hours of 7:00 a.m. and 6:30 p.m. Monday through Friday, or Monday through Saturday during a week which contains a holiday. Residential service providers may work on Saturday to remedy any missed collections or to complete services due to a holiday or other service interruption if approved in advance by the county.

c. Each residential service unit shall remove, or cause to be removed, the residential municipal solid waste storage container or cart, and the residential recovered materials storage container, if applicable, no later than the next day following the scheduled collection day.

d. Residential service providers shall not be required to perform collection services or maintain office hours on designated county holidays.

e. At the point in time when the residential service unit owner places, allows, or causes to be placed, residential municipal solid waste or residential recovered materials at the designated residential collection location, ownership of the residential municipal solid waste and residential recovered materials transfers from the residential service unit owner to the residential service provider, except that ownership of unacceptable wastes shall not transfer to the residential service provider.

(7) Residential service fee.

a. The residential service fee shall be subject to periodic adjustment, as determined by the board of commissioners and as provided in the service agreement issued by the county to the residential service provider for the residential service area in which the residential service unit owner's unit is located. Such adjustments shall be made in accordance with the service agreement issued to the residential service provider and shall not require board action.

b. Each residential service unit owner is required to pay an annual residential service fee to the county for each 12-month service period, or portion thereof, to include in part an amount for administration of this article by the county and an amount for residential solid waste collection and disposal services and the related county solid waste and recovered materials programs. The residential service fee shall be as provided in the service agreement issued by the county to the residential service provider.

c. Residential service unit owners are required to request residential solid waste collection and disposal service and to remit to the county the applicable residential service fee prior to the county's issuance of a certificate of occupancy and initial occupancy of the residential service unit. New residential service unit owners shall initiate residential solid waste collection and disposal services by providing notice to the county or the designated residential service provider that the residential service unit has become occupied. The annual residential service fee will be applied on a pro-rated basis to account for partial year ownership.

d. The residential service fee may be collected by the county through the ad valorem tax statement for each residential service unit in unincorporated Cobb County; or may be billed and collected through an alternative billing and collection process.

(b) Residential service provider service agreements.

(1) Designated residential service providers.

a. All residential municipal solid waste collection and disposal services shall be provided by the residential service provider selected by, and having a service agreement with, the county to provide those services within said residential service area.

b. It shall be a violation of this article for any service provider except the county's designated residential service provider to provide residential municipal solid waste collection and disposal services to any residential service unit in any unincorporated area in the county.

(2) Residential service areas. The unincorporated areas in the county shall be subdivided into no more than four residential service areas. The boundaries of each residential service area shall be described by streets, roads, highways or rights-of-way, and the residential service areas will collectively include all of unincorporated Cobb County. A map of the residential service areas showing the boundaries of each shall be available from the county.

(3) Residential service agreements. The county shall enter into a service agreement for residential municipal solid waste collection and disposal services in order to have one residential service provider providing such service in each residential service area as designated by the county. These agreements are generally referred to herein as "service agreements" or "residential service agreements."

(4) Default by residential service provider. In the event a default is committed by the designated residential service provider for a particular residential service area under the terms of the service agreement which results in termination of the service agreement by the county, the residential service units within the residential service area served by the defaulting residential service provider will be apportioned among the remaining authorized residential service providers in a manner determined by agreement between the county and those remaining authorized residential service providers. The boundaries of the residential service areas following apportionment of the residential service units in a residential service area forfeited by a defaulting service provider shall be specifically described by street, road, highway or right-of-way and a map of the residential service areas resulting from such apportionment shall be created by and be available from the county. The county and the remaining authorized service providers shall make commercially reasonable efforts to complete such apportionment by the date the termination of the service agreement of the defaulting residential service provider becomes effective, so that the affected residential service units previously served by the defaulting residential service provider do not experience a disruption in service.

(5) Minimum requirements.

a. All residential service providers designated by the county to provide residential municipal solid waste collection and disposal services shall meet the minimum requirements for residential service providers in this article.

b. All residential municipal solid waste and residential recovered materials shall be delivered by the designated residential service provider to an authorized waste disposal facility, processing facility, recycling facility, transfer station, or other state authorized handling facility, as determined by the residential service provider. All residential service fees paid by the county to the designated residential service provider shall include the costs of solid waste transportation and disposal and the transportation and processing of residential recovered materials.

(6) Residential service provider performance. The county shall monitor the performance of the designated residential service provider for each residential service area for compliance with all provisions of the respective service agreement and for compliance with the provisions of this article for residential municipal solid waste collection and disposal services and other waste collection and disposal or processing services regulated by this article. The county shall be authorized to deduct from the payments due or to become due to an authorized residential service provider liquidated damages in amounts determined in the service agreement caused by failure of the authorized residential service provider to comply with the duties specified in the service agreement.

(7) Residential service provider selection. In carrying out the purposes of this article, and subject to the provisions and requirements of this article, service agreements for residential municipal solid waste collection and disposal services, including elective services, shall be awarded for each residential service area to a qualified residential service provider selected by the county.

(8) Residential service areas. The residential service provider shall provide residential municipal solid waste collection and disposal services, residential recovered materials collection service, and other waste collection and disposal services as may be elected by the residential service unit owner within the residential service area for which the residential service provider has received a service agreement from the county. Each residential service provider shall be required to provide residential municipal solid waste collection and disposal services and residential recovered material collection services according to the terms of the respective service agreement.

(9) Term of service agreements. Subject to termination by the county, pursuant to the terms of a service agreement, the county may enter into a service agreement for a maximum term of up to ten years.

(10) Reporting requirements. Within 30 days following the close of each calendar quarter ending March 31, June 30, September 30, and December 31 of each year of operation under the service agreements, each residential service provider shall submit to the county reports of operation showing the following information:

a. Tonnage figures showing total solid waste tonnage collected by service type;

b. Tonnage figures showing residential recovered materials collected, and proof of recycling in the form of manifest, bills of sale, or other records showing adequate proof of movement of the material to a recognized, and appropriately permitted recycled facility;

c. If requested by the county, each residential service provider shall provide proof of disposal of residential municipal solid waste at state-approved disposal facilities and the name of each such facility. The residential service provider shall maintain at its place of business books and records showing the names and addresses of all residential service unit owners to whom residential municipal solid waste collection and disposal services and residential recovered materials collection services have been provided. The residential service provider shall submit upon reasonable request of the county to a financial audit by a certified public accountant or auditor employed by the county. Financial information of the residential service provider shall be treated as confidential by the county. The county may request other information from each residential service provider if necessary, to comply with state solid waste reporting requirements, internal measures, data needed to update or formulate an updated plan, or for other purposes.

(11) Non-curbside collection for Persons with a Disability residents.

a. Any resident who is a person with a disability shall be provided non-curbside collection of residential municipal solid waste, residential recovered materials, bulky waste, white goods, and/or yard trimmings provided that the person with a disability:

1. Obtains a physician's certificate certifying such special need; and

2. Provides the physician's certificate to the residential service provider with a copy to the county.

b. Non-curbside collection is available only if all adult persons residing in the residential service unit meet the requirements identified in this section.

c. This section also applies to temporary special needs not to exceed 90 days.

d. Residential service providers may establish reasonable rules for the non-curbside collection of residential municipal solid waste, residential recovered materials, bulky waste, white goods, and/or yard trimmings from a person with a disability who qualify under this article for such service.

(c) Construction or demolition (C&D) waste.

(1) Segregation of C&D waste. C&D waste shall be segregated from residential municipal solid waste.

(2) C&D waste and residential service providers. A residential service provider may collect, process and dispose of C&D waste provided that the residential service provider is authorized as a C&D waste service provider pursuant to this article.

(3) Recovered materials and recycling services. All C&D waste service providers shall offer C&D waste recovered material and recycling services to their customers.

(4) Collection and disposal of C&D waste generated by third party. C&D waste generated at a residential service unit shall be collected and disposed of:

a. By a C&D waste service provider pursuant to a private contract between the C&D waste service provider and the residential service unit owner and in accordance with the laws and regulations of the state; or

b. By a third party (e.g., contractor performing construction, renovation, or demolition services) pursuant to a private contract between the third party and the residential service unit owner either in accordance with:

1. The third party's authorization to operate as a C&D waste service provider pursuant to the terms of this article; or

2. A private contract between the third party and a C&D waste service provider; and

3. The laws and regulations of the state.

Sec. 102-77. Minimum requirements for service providers.

All residential service providers, commercial service providers, and C&D waste service providers and their subcontractors shall, at all times:

(1) Satisfy all requirements and qualifications imposed by the county and this article.

(2) Provide a notarized statement certifying that all drivers have a current commercial driver's license (CDL) and all trucks are registered with the state department of transportation.

(3) At a minimum, apply risk management practices acceptable in the applicable service providers' industry.

(4) Have a current solid waste handling permit from the director of the environmental protection division of the state department of natural resources or any successor agency authorized to issue permits pursuant to O.C.G.A. § 12-8-24.

(5) Each residential service provider shall furnish to the county a performance bond or irrevocable, direct pay letter of credit to be approved by the county conditioned upon the true and faithful performance of the service agreement in an amount satisfactory to the county. Upon the residential

service provider's successful completion of the service agreement to the satisfaction of the county, the county will release the performance bond. In the event of an uncured default by the residential service provider, the county may procure services from other sources and shall hold the residential service provider responsible for any costs to the county to procure the services of a new residential service provider and for the costs to the county for providing the services in the interim period between the default and the procurement of a new residential service provider. The county shall draw on the residential service provider's performance bond or letter of credit as necessary for such new residential service provider and services.

(6) Offer recovered materials and recycling services to their customers.

(7) Maintain during the term of any service agreement with the county to provide residential municipal solid waste collection services, commercial solid waste collection and disposal, or C&D waste collection disposal services (each such person or entity providing such services shall be referred to below as "service provider"), at its own expense, appropriate and adequate insurance policies as required by the county during the collector's time of operation within the county.

Sec. 102-78. Residential solid waste and recovered materials collection and disposal services.

(a) Service agreements to provide residential municipal solid waste and recovered materials collection services.

(1) Any person authorized by the county to provide residential municipal solid waste collection and disposal services and residential recovered materials collection service in unincorporated Cobb County shall meet the requirements and qualifications established by the county and contained in this article.

(2) In order to provide residential municipal solid waste collection and disposal service in unincorporated Cobb County, a person shall be a residential service provider under a service agreement with the county, which may be amended by the parties from time to time. The provider shall not be authorized to provide service unless it consents to and executes the service agreement.

(b) Terms of service agreements to provide residential solid waste collection and disposal service and recovered materials collection services.

(1) The county shall have the right in its discretion to incorporate terms and conditions in its service agreements with residential service provider as it deems appropriate to effect implementation of this article.

(2) The county is authorized to assign any service agreement with a residential service provider to an authority created by the county to administer residential municipal solid waste collection and disposal service and residential recovered materials collection service.

Sec. 102-79. Prohibited acts.

(a) It is prohibited for residential service unit owners to allow the continued, excessive and unsightly accumulation of residential municipal solid waste, residential recovered materials, white goods, bulky items and/or yard trimmings upon the residential service unit owner's or adjacent property or the public thoroughfares bounding upon residential service unit owner's property.

(b) No residential service unit owner shall willingly violate the requirements set forth in this article.

(c) No residential service provider shall willingly violate the requirements applicable to residential service providers set forth in this article.

(d) No person shall willingly violate the requirements set forth in this article.

(e) No residential service provider shall collect solid waste in a manner which will be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals; impair the air quality; impair the quality of the ground or surface waters; impair the quality of the environment; or likely

create other hazards to the public health, safety, or well-being as defined by the Rules of the Georgia Department of Natural Resources Environmental Protection Division, chapter 391-3-4-04.

(f) No residential service provider, or C&D waste service provider shall collect solid waste until all insurance requirements contained in this article have been complied with and until certification from the carrier of such compliance satisfactory to the county as to form and content has been filed with the county.

(g) No solid waste may be disposed of by any person in an open dump, nor may any person cause, suffer, allow or permit open dumping on his property as defined by the Rules of the Georgia Department of Natural Resources Environmental Protection Division, chapter 391-3-4-04.

(h) It shall be a violation of this article to place or cause to be placed for collection by a residential service provider, or C&D waste service provider any acid, explosive material, inflammable liquids or dangerous or corrosive material of any kind.

Sec. 102-80. Forfeiture.

(a) *Material breach.* In addition to all other rights and powers retained by the county under this article or otherwise, the county reserves the right to declare any resulting service agreement from this article forfeited and to terminate the service agreement and all rights and privileges of the residential service provider hereunder in the event of a material breach of the terms and conditions hereof. A material breach by the residential service provider shall include, but shall not be limited to, the following:

(1) *Telephone listings.* A failure to keep and maintain a local telephone listing and office or answering service that is available by phone without long distance charge during regular business hours for service to the public, and which telephone or office shall, at minimum, provide and maintain the following services:

a. Coordinate and provide information concerning deposits, payments and accounts to customers and prospective customers;

b. Respond to customer and prospective customer questions and issues about billings, accounts, deposits and services;

c. Coordinate with the county with respect to private sector and public works projects and issues related to or affecting the residential service provider's operation; and

d. Respond immediately, upon request, to police, fire and other emergency situations in which the public health and safety require action with respect thereto or assistance;

(2) *Failure to provide service.* A failure to materially provide the services provided for in this article;

(3) *Misrepresentation.* Any material misrepresentation of fact in the application for or negotiation of any service agreement resulting from this article; or

(4) *Conviction.* The conviction of any director, officer, employee, or agent of the residential service provider of the offense of bribery or fraud connected with or resulting from the issuance of a service agreement under this article.

(b) *Operation information.* Any material misrepresentation of fact knowingly made to the county with respect to or regarding the residential service provider's operations, management, revenues, services or reports required pursuant to this article shall be grounds for the county to declare any resulting service agreement from this article forfeited and to terminate the service agreement.

(c) *Economic hardship.* The residential service provider shall not be excused by mere economic hardship nor by misfeasance or malfeasance of its directors, officers or employees.

(d) *Forfeiture and proceedings.* Any unwarranted and intentional neglect, failure or refusal of the residential service provider to comply with any material provision of this article or resulting service agreement within 30 days after written notice from the county setting forth the specific provision and

noncompliance, said notice to be mailed to residential service provider at its principal place of business by certified mail, return receipt requested, shall be deemed a breach of this article, and the county, upon notice to the residential service provider and hearing, may, for good cause, declare a service agreement forfeited and exclude the residential service provider from further use of the county streets under this article, and the residential service provider shall thereupon surrender all rights in and under this article and service agreement.

(1) *Proceedings.* In order for the county to declare a forfeiture pursuant to subsections (a) through (d) of this section, the county shall make a written demand that the residential service provider comply with any such provision, rule, order, or determination under or pursuant to this article. If such violation by the residential service provider continues for a period of 30 days following such written demand without written proof that the corrective action has been taken or is being actively and expeditiously pursued, the county board of commissioners may take under consideration the issue of termination of the resulting service agreement issued under this article. The county shall cause to be served upon the residential service provider, at least 20 days prior to the date of such board of commissioners' meeting, a written notice of intent to request such termination and the time and place of the meeting. Notice shall be given of the meeting and issue which the board of commissioners is to consider.

(2) *Hearing.* The board of commissioners shall hear and consider the issue, hear any person interested therein, and shall determine whether or not any violation by the residential service provider has occurred.

(3) *Forfeiture.* If the board of commissioners shall determine that the violation by the residential service provider was the fault of the residential service provider and within its control, the board of commissioners may declare the service agreement forfeited and terminated, or the board of commissioners may grant to the residential service provider a period of time for compliance.

Sec. 102-81. Receivership and bankruptcy.

The county shall have the right to cancel any service agreement resulting from this article 120 days after the appointment of a receiver or trustee to take over and conduct the business of the residential service provider, whether in receivership, reorganization, bankruptcy, other action or preceding, whether voluntary or involuntary, unless such receivership or trusteeship shall have been vacated prior to the expiration of said 120 days, unless:

(1) *Trustee compliance.* Within 120 days after his election or appointment, such receiver trustee shall have fully complied with all the provisions of this article and remedied all defaults thereunder; or

(2) *Trustee agreement.* Such receiver or trustee, within 120 days, shall have executed an agreement, duly approved by the court having jurisdiction, whereby the receiver or trustee assumes and agrees to be bound by each and every provision of this article granted to the residential service provider.

Sec. 102-82. Transfer, sale or conveyance by service provider prohibited; exceptions.

(a) A residential service provider shall not transfer, assign, sell or convey any rights granted under any resulting service agreement issued under this article without the county's prior written approval.

(b) No authorization or right granted by the county to a service provider may be bought, sold, or conveyed to another party without the prior written approval of the county.

(c) This section shall not apply to vehicles, replacements, maintenance, upgrades or modifications of equipment, machinery, containers and buildings by the residential service provider for the purpose of maintaining and continuing its operation within the county.

Sec. 102-83. Foreclosure.

Upon the foreclosure or judicial sale, or the leasing of all or a substantial part of the property and assets of the residential service provider dedicated to and used for the purposes of providing service pursuant

to this article, without the prior approval of the board of commissioners, the board of commissioners may, upon hearing and notice, terminate any service agreement issued under this article.

Sec. 102-84. Scavenging.

No person other than the owner thereof shall interfere with any container placed for the purpose of storing solid waste pending collection, or remove or take any of the contents thereof, or remove any container from the location where the container has been placed by the owner thereof.

Secs. 102-85—102-90. Reserved.

ARTICLE III. LITTER CONTROL²

Sec. 102-91. Purpose and title.

The governing authority is authorized to adopt ordinances for governing and policing of unincorporated areas of the county for the purpose of preserving and protecting the public health, safety, and welfare through the regulation and prevention of litter.

(1) *Objectives.* The objectives of this article are:

- a. Provide for uniform prohibition throughout the county of any and all littering on public or private property; and,
- b. Prevent the desecration of the beauty and quality of life of the county and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.

(2) *Applicability.* This article shall apply to all public and private property within the county.

(3) *Compatibility with other regulations.* This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other article, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(4) *Severability.* If the provisions of any article, section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.

Specifically, the governing authority may provide for the regulation and control of litter, O.C.G.A. § 36-1-20(a). The board of commissioners hereby enacts the following provisions in an effort to regulate and control litter in the unincorporated areas of the county for the purpose of protecting and preserving the public health, safety and welfare of its citizens.

(Ord. of 10-22-96; Ord. of 12-9-03)

Sec. 102-92. Littering public or private property or waters.

It is found and declared that litter on public and private properties within unincorporated Cobb County is a health risk and undesirable in that it provides harborage and a food supply for rodents and insects, lowers property values, and constitutes a public nuisance.

(a) It shall be unlawful for any person or persons to dump, throw or leave litter on any public or private property in the unincorporated areas, unless:

²State enabling legislation reference—Authority to prohibit littering rights-of-way, § 2-38(11).

State law reference(s)—Litter Control Law, O.C.G.A. § 16-7-40 et seq.; littering highways, O.C.G.A. § 40-6-249.

(1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;

(2) The litter is placed into a litter receptacle or container installed on such property in such a manner as to prevent it from being carried and deposited by the elements upon any public or private property.

(b) It shall be unlawful for any person to operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately covered and secured to prevent the dropping or shifting of materials from such load onto the roadway.

(c) Public or private property as used in this section only, shall mean the right-of-way or any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands or forests.

(d) Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

Any person who violates subsection 102-92(a) shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:

(1) If litter is ten pounds in weight or less or 15 cubic feet in volume or less, by a fine as set forth in section 12-14 of this chapter; or

(2) If litter is in excess of ten pounds in weight or 15 cubic feet in volume, notwithstanding the fines set forth in section 102-14 of this chapter, by a fine of \$1,000.00 for each occurrence and each occurrence shall be deemed a separate offense.

(3) In addition to the fines set out in subsections (1) and (2) above, the violator shall reimburse the county for the reasonable cost of removing the litter when the litter is or is ordered removed by the county; and

(4) In the sound discretion of a court in which a conviction is obtained, the violator may be directed to pick up and remove from any public right-of-way for a distance not to exceed one mile any litter the person has deposited thereon by anyone: and/or repair or restore property damaged by such littering prior to the date of execution of sentence; or

In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and,

(5) The court may publish the names of persons convicted of violating this article.

(Ord. of 10-22-96; Ord. of 12-9-03; Amd. of 2-24-15)

Sec. 102-93. Vehicle loads causing litter.

No person shall drive or move any vehicle within the county unless such vehicles are so constructed or loaded as to prevent any load, contents or litter contained therein from being blown or deposited upon any street, alley or other public place. Additionally, no person shall drive or move any loaded truck or vehicle upon any county road with direct ingress and egress to any solid waste disposal facility or site operated by the county unless such vehicle and the load therein is covered by canvas or other material providing complete coverage, properly secured, so as to prevent any load, contents or litter from becoming loose, detached or blown from the vehicle, or from dropping or escaping from the vehicle during the movement thereof.

(Ord. of 10-22-96)

Sec. 102-94. Newspapers distributed without charge.

Newspapers may be distributed without charge to private residential premises so long as upon any request from a person to be removed from the company's distribution list, the name is removed. Any person who distributes a newspaper or any entity that causes a newspaper to be distributed after having received notice from a person to be removed from the distribution list shall be in violation of this article. (Ord. of 10-22-96)

Sec. 102-95. Prima facie evidence: rebuttable presumption.

(a) Whenever litter is thrown, deposited or dumped from any motor vehicle, boat, airplane or other conveyance in violation of this article, it shall be prima facie evidence that the operator of the conveyance has violated this article.

(b) Whenever any litter is dumped, deposited, thrown or left on public or private property in violation of this article is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writings, which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this article.

(Ord. of 10-22-96; Ord. of 12-9-03)

Sec. 102-96. Enforcement.

All law enforcement agencies, officers and officials of this state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this article.

Unless otherwise specially provided by resolution of the board of commissioners, the enforcement of this chapter shall be within the jurisdiction of the county's enforcement personnel, including the manager director of the solid waste sustainability, waste and beautification department or his or her designees or employees and all law and code enforcement personnel who shall have such powers as are reasonably necessary to enforce and give effect to this chapter. Specifically, but not by way of limitation, any violation of this chapter may be tried upon citations issued by enforcement personnel pursuant to O.C.G.A § 15-10-63 and any successor statute.

(Ord. of 10-22-96; Ord. of 12-9-03)

Sec. 102-97. Enforcement of other laws, rules or regulations not limited.

Nothing in this part shall limit the authority of any state or local agency to enforce any other laws, rules, regulations or ordinances relating to litter or waste.

(Ord. of 10-22-96)

Secs. 102-98—102-110. Reserved.

Sec. 102-98. Monitoring and Coordination of litter abatement in Cobb County.

In his or her capacity in their county position within the department of sustainability, waste and beautification, the executive director of Keep Cobb Beautiful, Inc., as created and empowered in Sec. 102-111, is responsible for establishing and administering Cobb County government's efforts and initiatives to abate litter.

Secs. 102-99—102-110. Reserved.

ARTICLE IV. KEEP COBB BEAUTIFUL, INC.³

Sec. 102-111. Created; purpose.

³Cross reference(s)—Boards, commissions and authorities, § 2-191 et seq.

Note(s)—See editor's note at beginning of chapter 102.

For the purpose of assisting the county and the board of commissioners in establishing, promoting, and maintaining a countywide policy for improved environmental and waste management, a commission is hereby created and shall be known as Keep Cobb Beautiful, Inc., referred to in this article as KCB, Inc. or the "commission." The commission shall have only advisory authority in recommending refuse, waste and environmental management policies to the board of commissioners, with the goal that all refuse and clean community activities may follow a common purpose.

(Ord. of 9-25-84, § 1; Mo. of 8-27-85; Code 1977, § 3-2-10(a); Ord. of 4-14-98)

Sec. 102-112. Membership.

(a) The commission shall consist of 21 members (at a minimum-consisting of the following makeup: Commissioner's appointees, city appointees, affiliate appointees, and executive director appointees), all of whom shall serve without remuneration. In the event a new municipality is formed within the county, this number shall increase by that city's one appointee.

(1) Fifteen of the members, who represent the areas of business and industry, communications, community and civic organizations, and educational institutions, shall be appointed by the board of commissioners, three appointments per commissioner.

(2) The remaining six members shall be appointed by the governing body of each of the existing six municipalities in the county and an additional appointee can be appointed by any future new municipality. In each municipality having a Keep America Beautiful System, the municipality's representative may be chosen from its system.

(3) Up to three members, including emeritus, shall be appointed by the current executive director of Keep Cobb Beautiful, Inc. with concurrence of the KCB board.

(b) The qualifications, method of selection, procedure for removal and method of filling vacancies on the commission shall be determined by each respective appointing entity for its respective appointment in collaboration with the executive director.

(Ord. of 9-25-84, § 2; Mo. of 8-27-85; Ord. of 4-26-90; Ord. of 3-9-93; Ord. of 8-10-93; Code 1977, § 3-2-10(b))

Sec. 102-113. Term of appointment.

Each member of the commission appointed by a member of the board of commissioners shall serve concurrently with and at the pleasure of the appointing commissioner's term of office and until a successor is appointed and qualified. If an appointing commissioner is no longer in office due to a general election or a special election in which more than one year remains in that commissioner's term, any member appointed by that commissioner shall be subject to removal with or without cause and without regard to any unexpired term by the newly elected commissioner filling such seat. The newly elected commissioner shall have the right to appoint a new member to the commission under the same requirements as his predecessor as set forth in this section. Upon notification by the chairman of the commission that a member has missed three consecutive commission meetings, the responsible appointing body or commissioner may replace that member in a timely fashion to fill the remainder of the term. No person who holds elective public office shall be eligible to serve as a member during the term of such elective office, and the position of any member shall be deemed vacant upon such member qualifying as a candidate for elective public office. Such vacancy shall be filled for an unexpired term in the manner that original appointments are required to be made.

(Ord. of 9-25-84, § 3; Mo. of 8-27-85; Ord. of 4-26-90; Ord. of 3-9-93; Ord. of 8-10-93; Code 1977, § 3-2-10(c); Ord. of 7-26-05)

Sec. 102-114. Officers; meetings; quorum.

The commission shall hold an organizational meeting to select from its membership a chairman, secretary, and such other officers as provided for in the commission's bylaws. The commission shall also designate

the time and place, in accordance with state law on open meetings of future meetings to be held at regular intervals (at a minimum of one per quarter). For matters concerning bylaws, a quorum shall be 51 percent of the total membership of the commission. On all other matters, action may be taken if approved by a majority of the members attending a called meeting; but in no event shall any action be taken with less than eight members present and voting. In the case of a voting tie, KCB, Inc.'s executive director shall be the deciding vote.

(Ord. of 9-25-84, § 5; Mo. of 8-27-85; Ord. of 4-26-90; Ord. of 8-10-93; Code 1977, § 3-2-10(e))

Sec. 102-115. Bylaws; minutes.

The commission shall adopt its own bylaws and rules of procedure, subject to the approval of the board of commissioners. The secretary of the commission shall take minutes of all meetings of the commission and keep records of all regularly scheduled meetings and other pertinent actions or proceedings.

(Ord. of 9-25-84, § 6; Mo. of 8-27-85; Code 1977, § 3-2-10(f))

Sec. 102-116. Responsibilities.

The commission's responsibilities shall include but not be limited to the following:

- (1) Determine and recommend to the board of commissioners management and program priorities on a countywide basis.
- (2) Review current ordinances and propose to the board of commissioners any changes or additional ordinances felt to be necessary in order to achieve the goals of the commission, with particular emphasis placed on more stringent enforcement.
- (3) Monitor performance from data collected and examined under the Keep America Beautiful, Incorporated, Clean Community System guidelines and make an annual report to the board of commissioners.
- (4) Initiate, plan, direct and coordinate in collaboration with KCB, Inc.'s executive director and internal county staff communitywide efforts to achieve its goals.
- (5) Solicit and accept donations and appropriations of money, services, products, property and facilities for expenditure and use by the commission for the accomplishment of its objectives.
- (6) Carry out other such tasks as the board of commissioners or its designee may designate.

(Ord. of 9-25-84, § 4; Mo. of 8-27-85; Code 1977, § 3-2-10(d))

Sec. 102-117. Financial powers limited.

The commission shall not have the power to financially obligate the county without prior approval of the board of commissioners.

(Ord. of 9-25-84, § 7; Mo. of 8-27-85; Code 1977, § 3-2-10(g))

Sec. 102-118. Annual report.

The commission shall annually provide the board of commissioners with a report of its action and proceedings in connection with each project or undertaking and shall include as part of its report a statement of its receipts and disbursements, from whatever source and to every object, for the preceding 12 months. In addition, the commission shall make more frequent reports, including such information as may from time to time be requested by either the board of commissioners or the county manager, whenever requested to do so. The commission records shall be kept in a manner that will enable it to make such reports and accountings, and they shall be subject to verification and examination by the county auditors.

(Ord. of 9-25-84, § 8; Mo. of 8-27-85; Ord. of 8-10-93; Code 1977, § 3-2-10(h))

Sec. 102-119. Termination of projects.

Any project or undertaking begun by the commission shall be terminated at any time upon a decision of the board of commissioners that the continuation thereof is not in the best interests of the county.

(Ord. of 9-25-84, § 9; Mo. of 8-27-85; Code 1977, § 3-2-10(i))

2022 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 106

Package I

Version I - distributed on August 11, 2022

Board of Commissioners Work Session
August 23, 2022 – 1:30 pm

Board of Commissioners Public Hearing Dates
September 13, 2022 – 9:00 am
September 27, 2022 – 7:00 pm

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



Cobb County...Expect the Best!

Chapter 106 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE III. – SIDEWALKS

DIVISION 1. – GENERALLY

Section 106-98 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 106-98. –Alternative compliance.

The intent of this article is to coordinate the construction of publicly planned and funded sidewalks with the construction of new sidewalks required from developers as a result of new development. To provide alternatives in these such cases, applicants/developers may contribute to a sidewalk development fund a fee in lieu of sidewalk construction.

Section 106-98.1 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 106-98.1. –Cobb County sidewalk development fund developer contributions.

- (a) ~~In accordance with the Cobb County master sidewalk plan, (as may be amended from time to time), Applicants/developers may contribute funds to construct sidewalks (planned and programmed per the Cobb County master sidewalk plan) along arterial, major and minor collector roadways, onto which their projects do not abut/access, but are in the same county commission district as their proposed development. ,unless a~~ If the abutting/access roadway serves as a district commission boundary the developer contribution may be split between the adjoining districts based on a proportional impact calculation. .Any portion of the roadway serving as a boundary shall be eligible for funding. This contribution is considered a fee in lieu of constructing sidewalks along roadways onto which their projects do abut/access.

- (1) *Calculation contribution amounts.* Contribution calculations will be based upon a site specific, project cost calculation of the linear distance that would otherwise be constructed. Alternatively, the developer may submit an estimate for the construction cost to be reviewed and approved by the county department of transportation to be prepared by the applicant and subject to review and approval by the director of the Cobb County department of transportation, or his/her designee.

- (2) Except where specified by site-specific zoning stipulation, the final contribution amounts are subject to review and approval by the director of the Cobb County department of transportation, or his/her designee.

- (b) This article may also refer to other roadway improvements required from developers as a result of new development that must be coordinated with the county. These roadway improvements include but are not limited to the following: traffic signal installation and upgrades, reconstructing roadways to county design standards, constructing auxiliary turn lanes, installation of curb and gutter, and installation of traffic calming measures.

Developer contributions for other roadway improvements are to be based upon a site-specific project cost estimation approved by the county department of transportation. Monetary contributions may be accepted in lieu of construction when Cobb DOT determines that having the public agency manage the improvement installation is in the best interest of the County and the travelling public.

- (c) ~~Fund administration.~~ Contribution management. The ~~Cobb County sidewalk developer development fund contribution~~ will be ~~administered~~ managed by the Cobb County department of transportation. In the case of sidewalk and/or curb and gutter contributions, a bi-annual report shall be submitted to the county manager showing amounts collected, amounts spent, and the sidewalk projects enhanced per these funds. When programming selecting sidewalk projects using these funds, the County department of transportation shall coordinate with the district commissioner. The report will be made available to the board of commissioners upon their request. In the case of other roadway improvements, these funds will be placed in escrow and applied toward the specified project only, as may be detailed in the associated developer agreement between the County and the developer.

2022 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 110

Package I

Version I - distributed on August 11, 2022

Board of Commissioners Work Session
August 23, 2022 – 1:30 pm

Board of Commissioners Public Hearing Dates
September 13, 2022 – 9:00 am
September 27, 2022 – 7:00 pm

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



Cobb County...Expect the Best!

Chapter 110 – SUBDIVISIONS

ARTICLE III. – SUBDIVISION DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

Division 2.—Streets

Section 110-86 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 110-86.- Private Streets.

~~Every subdivided property shall be served from a dedicated public street which shall have been constructed to county specifications and/or shall be maintained by county forces. Any private street that is platted in a subdivision or other residential project, as approved by the board of commissioners, must be noted as such on the plat. All private streets shall be indicated with a blue, post-mounted street sign consistent with county street sign standards.~~

(a). Private streets in new developments.

- 1) Every subdivided property shall be served from a dedicated public street which shall have been constructed to county specifications and/or shall be maintained by County forces.
- 2) Any private street that is platted in a subdivision or other residential project, as approved by the board of commissioners, must be noted as such on the plat.
- 3) All private streets shall be indicated with a blue, post mounted street sign consistent with county street sign standards.
- 4) Private streets must comply with requirements for public streets found within this chapter and all other applicable sections of this Code, and the Cobb County Development Standards. Private streets must be surfaced with the same type of materials that are used by the Cobb County Department of Transportation for the surfacing and resurfacing of public streets or with materials that are as protective as those used by the county to surface and resurface public streets so long as such alternative materials are approved by the director of the Cobb County Department of Transportation.
- 5) In the case of private streets, maintenance of storm sewers shall be the responsibility of a property owners association.
- 6) Access to all private streets by emergency and law enforcement vehicles shall be provided and all private streets shall be constructed to allow access to all emergency vehicles.
- 7) Any development including private streets, whether residential, commercial, institutional, industrial, or office development, must organize and establish a property owners' association prior to recording of the final plat. Membership in the property owners' association must be mandatory for each original and successive purchaser of a lot, building or unit within the development. The property owners' association must be organized so that it has clear legal authority to maintain and exercise control over the private streets and required improvements associated with private streets, including, but not limited to, sidewalks, bikeways, curbs and gutters, traffic signs and markings, associated landscaping and lighting, entry signs, monuments, perimeter walls and fences, entry gates and gatehouses. The declaration of covenants creating the property owners' association must be recorded with the clerk of the county superior court and the recorded declaration of covenants and articles of incorporation creating the property owners' association must provide that all private streets and associated

improvements are owned by the property owners' association or are held in common by the property owners within the development. The streets must be properly maintained and insured with no liability or maintenance responsibilities accruing to the county. The recorded declaration of covenants and articles of association must specifically require the property owners' association repair and maintain each private street in the same manner as similar public streets are maintained by the county and such maintenance and repair must be performed in compliance with all county standards and all applicable provisions of law.

- 8) Prior to any final plat approval, the developer shall submit articles of incorporation, declarations of covenants and bylaws for the property owners' association to the community development agency. Those documents must thereafter be reviewed and approved by the community development director or his designee.
- 9) The declaration of covenants and articles of association must provide for a street maintenance fund the proceeds of which are to be used solely for the purpose of regular maintenance of the streets, whether for resurfacing or a similar purpose. For the purposes of providing further assurance that county funds may not be used for maintenance of private streets, the developer must submit proof of deposit, annually on January 1, of 50 percent of the current estimate of resurfacing costs, as determined by the department of transportation director or his designee, in an interest bearing account on behalf of the property owners' association.
- 10) At the end of the 12-month maintenance period provided for in Sec. 110-55, a developer must provide a maintenance bond or letter of credit, running in favor of the county, renewable annually to cover the cost of maintenance and repair for any private streets within a subdivision. The bond must be for an amount equal to 50 percent of the current estimate of resurfacing costs, as determined by the department of transportation director or his designee. The developer may avoid securing a maintenance bond if they submit proof to the department of transportation that 100 percent of the then-current estimate of resurfacing costs, as determined by the department of transportation director or his designee, has been deposited in an interest-bearing account on behalf of the property owners' association. If the developer chooses this alternative, the declarations of covenants and articles of association must specifically require the property owners' association to continuously maintain 100 percent of the then-current estimate of resurfacing costs of the private streets in this maintenance fund.
- 11) The property owners' association must be empowered to levy assessments against owners within the development for the payment of expenditures made by the association for maintenance of the private streets and other items set forth in this subsection. At least 15 percent of all fees or assessments paid by the property owners must be set aside in the maintenance of private streets fund. Any unpaid assessments will constitute a lien in favor of the property owners' association on the lot, building or unit of the owner.
- 12) Within nine months following approval of the final plat, the county's community development director or his designee must inspect the private streets to ensure compliance with all county standards and all applicable provisions of this Code including, but not limited to, the requirements set forth in law for public streets, curbs, sidewalks, signage and street lighting. The developer must be notified of any deficiencies in writing and such deficiencies must be corrected within 60 days of the

written notice of deficiencies unless the county agrees to an extension of that period in writing.

13) Failure to correct the complete list of deficiencies constitutes a violation of this section and will subject the developer to prosecution for a code violation in the magistrate court. Any person found to have violated this section is subject to a fine of not less than \$500.00 for each violation. Each day that the violation exists is a separate and distinct offense.

14) The community development director or his designee shall deny issuance of certificates of occupancy until all deficiencies have been corrected.

(b). Hazardous private streets.

1) Hazardous private streets shall mean any private street which is open for access for vehicular traffic and which the director of the department of transportation or his designee has determined to contain any or all of the following defects:

- i. A roadway, the surface material of which has loosened, buckled, split, crumbled, eroded or in any other way deteriorated so as to make it unsafe for vehicular traffic or so as to constitute a roadway obstruction to the adequate access by emergency vehicles or public utility vehicles.
- ii. A roadway, the surface of which has become blocked in whole or in part by the deposit of earth or other materials thereon, or by reason of any other cause.
- iii. A roadway, all or any portion of which is likely to collapse due to deterioration, decay, faulty construction, or by reason of the removal or movement of any portion of the ground necessary for the support thereof.

2) It is found and declared that hazardous private streets on properties within unincorporated Cobb County are an endangerment to the public safety as a result of unsafe conditions to those persons residing or working in the vicinity and constitutes a public nuisance.

3) When the director of the department of transportation or his designee determines that any private street is a hazardous private street, as defined above, he shall serve a mandate requiring the correction of the hazardous condition. One copy of the mandate shall be served on each owner of record of the land constituting the private street and upon the owner of each contiguous or adjacent parcel having access on the private street, as shown on Cobb County tax records. Such mandate shall be served either personally or by certified mail. Notice shall be deemed complete and sufficient when personally delivered or mailed. The mandate shall include:

- i. the street address and legal description, sufficient for identification of the parcel or parcels constituting the private street;
- ii. the defects causing the street to be a hazardous private street and their location;
- iii. a statement of work required to be done in order to correct said defects and place the streets in a state of repair that is consistent with county standards.;
- iv. that all repairs shall commence within 60 days following the issuance of the mandate and shall specify a reasonable time in which the work shall be completed. The director of the department of transportation may extend the time for completion for good cause upon written request for such an extension.;

- v. a statement that if the work is not completed within the time stated, the county may elect to remedy the condition and a lien shall be placed on the property for the cost of such repairs;
 - vi. a statement that the record owner of the property may, at any time prior to the date specified in the mandate for the work to commence, make a written appeal to the board of commissioners for the purpose of showing that the cited conditions do not constitute a violation.
- 4) In addition to requiring the repair of a hazardous private street, the director of the department of transportation may order the immediate closing thereof until the repair work has been satisfactorily completed if the director determines that the hazard presents immediate threat to life, limb, health, property safety and general welfare.
 - 5) Any person served with a mandate to repair may, at any time prior to the date specified in the mandate for the work to commence, file a written appeal to the board of commissioners, upon such form as the board shall prescribe, for review of any requirements of said mandate. The filing of such an appeal shall stay all requirements for the mandate until a determination of the matter is rendered by the board. The board shall promptly set a date for the hearing of the appeal and shall at least 10 days prior thereto, give public notice thereof, as well as due notice to the parties in interest. The board shall make such investigations as it deems necessary and shall upon the date set for hearing of the appeal from the order to repair, hear and consider evidence offered by any interested person. Thereafter, but in no event later than 60 days from receipt of the appeal, the board shall make a determination as to whether or not the private street is a hazardous private street within the terms of this chapter, and may affirm, change, or modify any requirements of the repair mandate.
 - 6) Failure to repair any private street as required by the county within the time set by the director of the department of transportation, or within any additional time the director extends for good cause, may cause the private street to be repaired by any means deemed advisable by the board of commissioners.
 - 7) In the event the county repairs the hazardous private street, the costs of repair shall be certified to the director of finance. All certified costs incurred by the county plus an administrative charge to repair a hazardous private street will be a special assessment lien and charge shall be attached to the property upon which the private street is located. Said lien shall be payable with interest at the rate of eight percent per annum from the date of certification until paid. Such lien shall be in favor of the county and may be satisfied at any time by payment thereof, including accrued interest. Notice of such lien shall be filed in the office of the Clerk of the Superior Court and recorded among the public records of Cobb County, Georgia. The county reserves the right to pursue these costs as a personal obligation against the owner of the real property, recoverable by the county in an action before any court of competent jurisdiction.
 - 8) It shall be unlawful for any person to obstruct, impede or interfere with any representative of the county whenever such representative is engaged in the repair of such private street pursuant to the provisions of this chapter or is performing any necessary act preliminary to or incidental to such work.

2022 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 134

Package I

Version I - distributed on August 11, 2022

Board of Commissioners Work Session
August 23, 2022 – 1:30 pm

Board of Commissioners Public Hearing Dates
September 13, 2022 – 9:00 am
September 27, 2022 – 7:00 pm

Planning Commission Public Hearing Date
September 6, 2022 – 9:00 am

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



Cobb County...Expect the Best!

Chapter 134 – ZONING

ARTICLE I. – IN GENERAL

Section 134-1 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-1. – Definitions.

...

Bulk landscape material business means a business that sells unpackaged bulk landscaping materials such as, but not limited to, rock, dirt, mulch, straw, pine straw, sand, stones and the like. Bulk landscape material businesses shall have an approved outdoor display of merchandise permit from community development at all times.

...

Customary home occupation means those occupations, which are customarily performed in a small area of a residence due to the low intensity nature of such uses, subject to the following requirements:

- (1) There shall be no exterior evidence of the home occupation, including but not limited to any type of identifying signs.
- ~~(2) No article, product or service used or sold in connection with such activity shall be other than those normally found on the premises. No merchandise or articles used or sold shall be displayed in such a way as to be visible from outside the structure.~~
- (3) No mechanical equipment shall be used for such occupation except such equipment as is customary for purely household and hobby purposes.
- (4) Such use shall be conducted entirely within the dwelling unit and only persons living in the dwelling unit shall be employed in such occupation.
- (5) No more than 25 percent of the dwelling unit may be used for the operation.
- (6) No materials, equipment or business vehicles may be stored or parked on the premises except that one business vehicle, used exclusively by the resident may be parked in a carport, garage, or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purpose concerning the business of home occupation.
- (7) There shall be no deliveries of supplies for use in the home occupation or pickups of the items produced by the occupant by tractor-trailer or vehicle with over six (6) wheels. ~~commercial carrier. Deliveries to the home occupation shall be made by passenger vehicles, mail carriers, or step vans and must not restrict traffic circulation.~~

...

Farm and garden supply store means a business that sells farming and gardening supplies as a primary use. This use shall include sales of packaged landscaping materials to the general public such as, but not limited to rock, dirt, mulch, straw, pine straw, sand, stone, and the like, as well as plants, trees, and shrubs. ~~This use shall also not include businesses that sell bulk landscaping materials to the general public such as, but not limited to unpackaged rock, dirt, mulch, straw, pine straw, sand, plants, trees, shrubs, stones, and the like. Bulk landscape material businesses shall have an approved outdoor display of merchandise permit from community development at all times.~~

...

Heavy automotive repair establishment means an indoor/outdoor repair establishment for performing automotive and truck repair, including engine and transmission overhauls, subject to the following requirements:

- (1) A maximum of three (3) vehicles per service bay waiting to be repaired shall be stored overnight.
- (2) No outside storage of parts shall be permitted, except in dumpsters or other containers used for storing parts for removal or recycling. All outdoor storage shall be to the rear of the principal structure.
- (3) Outdoor dismantling of engine, transmission, or body shall be prohibited.

...

Light automotive repair establishment means an indoor repair establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing light auto and small truck repair and maintenance within the enclosed service bay(s) (under one ton) such as brakes, oil changes, lubrication, transmission, belts, hoses, inspections, tire mounting and installation and the like. Light automotive repair establishments adjacent to residentially zoned properties shall be required to incorporate noise abatement measures such as, but not limited to, landscaping, fencing, portable noise screen, or other equally effective industry accepted alternative. This amendment shall become effective July 1, 2013. Activities such as battery replacement, light bulb changes, wiper blade replacement, "check engine light" diagnostics, or other minor things done complimentary and the like may be outside of a retail automotive parts store with non-powered hand tools. Additionally, light automotive repairs shall be subject to the following requirements:

- (1) A maximum of three (3) vehicles per service bay waiting to be repaired shall be stored overnight.
- (2) No outside storage of parts shall be permitted, except in dumpsters or other containers used for storing parts for removal or recycling.

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

DIVISION 4. –REZONING AND LAND USE PERMIT APPLICATIONS.

Section 134-121 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-121. – Generally.

- (8) Traffic studies shall be necessary for the following described rezoning applicants and shall be conducted in accordance with the following procedures.
 - (a) The applicant shall prepare an assumptions technical memorandum for approval by the county department of transportation before proceeding with the traffic study when required. The traffic study shall be completed as determined by the Director of the Cobb County Department of Transportation or his/her designee at least thirty (30) days prior to the Planning Commission hearing and the Zoning Division Manager is authorized to continue any case that does not meet this deadline.
 - (b) Any application for a rezoning involving a development expected to generate more than 750 vehicle trips ends during a single day and/or more than 75 vehicle trips during a single hour a request of more than 75 residential dwelling units or 50,000 square feet of nonresidential building space, in single or multiple phases, (exempting redevelopment projects) shall be required to submit a traffic impact study (prepared in accordance with industry accepted standards, including at a minimum, level of service impacts for adjacent roadways and intersections) and a mitigation package to address the cumulative effects from the project's impact. Said applicant shall also be required to coordinate and fund any

~~recommended mitigation measures limited to project related improvements with applicable federal, state and local agencies including the Georgia Regional Transportation Authority and the Atlanta Regional Commission.~~

(c) Any application for a rezoning involving a development expected to generate more than 3,000 vehicle trips during a single day and/or more than 250 vehicle trips during a single hour request of more than 150 residential dwelling units or 100,000 square feet of nonresidential building space, in single or multiple phases, (exempting redevelopment projects) shall be required to submit a traffic impact study (prepared in accordance with industry accepted standards, including at a minimum, level of service impacts for adjacent roadways and intersections), the scope of which shall be determined by the Director of the Cobb County Department of Transportation or his/her designee and shall at a minimum address conditions and impacts resultant from the project within a ten-year scope. The applicant shall also include a mitigation package to address the cumulative effects from the project's impact

Said (d) Rezoning applicants shall also be required to coordinate and fund any recommended mitigation measures identified by Cobb DOT, including through review of the traffic studies required above. These mitigation measures are limited to project related improvements that may also include coordination with applicable federal, state and local agencies including the Georgia Regional Transportation Authority and the Atlanta Regional Commission.

~~These requirements shall not apply to a "development of regional impact", as defined by the Georgia Department of Community Affairs or Georgia Regional Transportation Authority, as may be amended from time to time.~~

ARTICLE III. – ZONING DISTRICTS ESTABLISHED; ZONING MAP

Section 134-162 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 134-162. - ~~General description of zoning districts.~~ Reserved.

The following general descriptions apply to the various zoning districts:

~~(1) R-80 (single-family residential, 80,000-square-foot lot size). The R-80 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-80 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.~~

~~(2) RR (rural residential). The RR district is established to provide locations for large useable areas for limited residential, agricultural, park and open space needs. This district also serves to correlate growth~~

with utility, service and transportation needs until urbanization is warranted. RR uses or residentially compatible institutional and recreational uses should be located within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the RR district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

(3) R-40 (single-family residential, 40,000-square-foot lot size). The R-40 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-40 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

(4) R-30 (single-family residential, 30,000-square-foot lot size). The R-30 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-30 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

(5) R-20 (single-family residential, 20,000-square-foot lot size). The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

(6) R-15 (single-family residential, 15,000-square-foot lot size). The R-15 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When

residentially compatible institutional and recreational uses are developed within the R-15 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

(7) OSC (Open space community overlay). The OSC overlay district is established to encourage the preservation of natural resources within residential development. The overlay district may be overlaid upon the R-80, R-40, R-30, R-20, and R-15 zoning districts. Land and water are protected by limiting land disturbance and decreasing the percentage of impervious surface within the planned community, and by adding flexibility to site plan design. Open space design is intended to result in more efficient use of land, lower development infrastructure costs, and the conservation of land for recreation or aesthetic and environmental enrichment. It is not the intent of this overlay district to increase overall development densities, but to allow for the stipulated densities of the underlying zoning district. However, there is an opportunity to earn an additional ten percent density, not to exceed the recommended densities of the Cobb County Future Land Use Map. It is also the intent of the overlay district to encourage design flexibility and development that is complementary to surrounding existing neighborhoods. Open space community (OSC) plans are approved as site plan specific.

(8) R-12 (single-family residential, 12,000-square-foot lot size). The R-12 district is established to provide locations for single-family detached residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for low and medium density residential categories as defined and shown on the Cobb County Comprehensive Plan. When residentially compatible institutional and recreational uses or residential uses are developed within the R-12 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

(9) RD (residential duplex). The RD district is established to provide locations for the development of affordable single-family detached or attached owner-occupied residential dwelling units, including duplexes. The dwelling units are to be designed so as to be placed on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by common party wall. This residential use is designed to be located within or on the edge of properties delineated for medium density residential categories as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the RD district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

(10) RA-4 (single-family attached/detached residential). The RA-4 district is established to provide locations for the development of single-family detached or attached residential dwelling units including

the combination of duplexes, triplexes and quadruplexes. The dwelling units are to be designed so as to be placed on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall. This residential use is designed to be located within or on the edge of properties delineated for low and medium density residential categories as defined and shown on the Cobb County Comprehensive Plan. When residentially compatible institutional and recreational uses or residential uses are developed within the RA-4 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

(11) *PRD (planned residential development)*. Commencing April 14, 1999, no new applications for rezoning to the PRD planned residential development district will be accepted by the board of commissioners. The PRD district is established to encourage and provide flexible site plan and building arrangements under a unified plan of development rather than a lot-by-lot regulation. The developer benefits from better land utilization and design flexibility. Review of an approval of the development plan by the board of commissioners provides an opportunity to ensure that the development will be in harmony with the character of the neighborhood in which the development is located. The PRD district may be located within any residential category as defined by the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. The PRD district is not intended to encourage greater density of development, but rather to encourage ingenuity and resourcefulness in land planning to ensure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment. PRD development shall be consistent with surrounding development. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

(12) *RA-5 (single-family attached/detached residential)*. The RA-5 district is established to provide locations for the development of affordable single-family detached or attached residential dwelling units, including the combination of duplexes, triplexes and quadruplexes. The dwelling units are to be designed so as to be placed on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall. This residential use is designed to be located within or on the edge of properties delineated for medium density residential categories as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the RA-5 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

(13) *SC (suburban condominium residential district)*. The SC district is established to provide locations for the development of low-maintenance residential condominium dwelling units, including the combination of single-family houses, duplexes, triplexes and quadruplexes. The dwelling units are to be designed so as to be attached by a common party wall. This residential use is designed to be located

within or on the edge of properties delineated for medium and high density residential, neighborhood activity center and community activity center categories as defined and shown on the Cobb County Comprehensive Plan. When residentially compatible institutional and recreational uses or residential uses are developed within the SC district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwelling units and otherwise to implement the stated purpose and intent of this chapter.

(14) RA-6 (single family attached/detached residential). Commencing April 4, 1996, no new applications for rezoning to the RA-6 district will be accepted by the board of commissioners. The RA-6 district is established to provide locations for the development of single-family detached or attached residential dwelling units including the combination of duplexes, triplexes and quadruplexes. The dwelling units are to be designed so as to be placed on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall. This residential use is designed to be located within or on the edge of properties delineated for medium density residential categories center as defined and shown on the Cobb County Comprehensive Plan. When residentially compatible institutional and recreational uses are developed within the RA-6 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

(15) RM-8 (residential multifamily). The RM-8 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are within properties delineated for medium and high density residential and regional activity center categories as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the RM-8 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains and/or wetlands shall be excluded when calculating the overall density of the development.

(16) FST (fee simple townhouse residential). The FST district is established to provide locations for affordable attached residential dwelling units (six, eight or ten units per acre) or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any medium or high density residential categories as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the FST district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains and/or wetlands shall be excluded when calculating the overall density of the development.

(17) RM-12 (residential multifamily). The RM-12 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are within properties delineated for high density residential and regional activity center categories as

defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the RM-12 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains and/or wetlands shall be excluded when calculating the overall density of the development.

(18) RM-16 (multifamily residential). Commencing April 4, 1996, no new applications for rezoning to the RM-16 district will be accepted by the board of commissioners. The RM-16 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are within regional activity center categories as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the RM-16 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

(19) MHP/S (mobile home park/subdivision). The MHP/S district is established to provide for the subdivision of property into individually owned lots on which a trailer or mobile home may be located. Acreage within floodplains and/or wetlands shall be excluded when calculating the overall density of the development.

(20) RDR (recreational outdoor golf driving range). Commencing July 1, 1997, no new applications for rezoning to the RDR district will be accepted by the board of commissioners. The RDR district is established to provide locations for outdoor recreational golf driving ranges. The RDR district could be located within any category except industrial as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When located within or adjacent to residential properties, the permitted facility within an RDR district should have minimal effect on the neighborhood by utilizing as much natural open space as possible, and installing and allowing for adequate buffering for the facility and parking areas, as well as consideration for public safety, as required by this district. It is not the intention of this district to promote ancillary retail sales as the primary use of the property.

(21) MHP (mobile home park). The MHP district is established to provide for rental of individual pads or lots for the placement of mobile homes or trailers. Acreage within floodplains and/or wetlands shall be excluded when calculating the overall density of the development.

(22) RSL (residential senior living facilities). The RSL district is established to provide locations for the development of residential living facilities, both assisted and independent, for tenants age 55 and older which shall not be established as a precedent for any other residential or nonresidential district. This residential use is designed to be located within properties delineated as a regional activity center, community activity center or neighborhood activity center as defined and shown on the Cobb County Comprehensive Plan. This residential use is also designed to function as a cut-off for nonresidential uses within an activity center and a transitional use to residential uses adjoining activity centers.

~~(23) LRO (low-rise office).~~ The LRO district is established to provide locations for low-scale professional offices and other nonretail commercial uses such as offices and nursery schools, which are on properties delineated within or on the edge of a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When located on the edge of a neighborhood activity center node as defined by the comprehensive plan, the LRO district should provide for office uses that are low in intensity to ensure compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

~~(24) CF (future commercial).~~ The CF district was originally established as a zone designated for future commercial use with no immediate right to use or occupy the zone for commercial purposes until an applicant shall have been regularly and properly granted specific zoning for the purposes described in districts NS, PSC, GC, O&I or TS. Under the comprehensive amendment to the zoning ordinance, the board of commissioners resolved that an owner of property currently designated CF, and not developed, shall have until January 17, 1996, within which to commence development pursuant to the previous conditions. Commencing development shall mean applying for a rezoning to an appropriate zoning district, obtaining a building permit, and beginning construction on the development. If such development shall not occur by January 17, 1996, such portion of the undeveloped and unzoned property must be brought in for rezoning to another district which is compatible with the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990, prior to any future development. Additionally, no new applications for CF zoning may be accepted.

~~(25) LRC (limited retail commercial).~~ The LRC district is established to provide locations for specialized or limited low intensity shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan, A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have low intensity retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require purchasing with a minimum of consumer travel. Areas zoned for the LRC district are appropriately located at or adjacent to intersections as opposed to the edge of a neighborhood activity center. The LRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the LRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the LRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

~~(26) NRC (neighborhood retail commercial).~~ The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned

for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

(27) *O&I (office and institutional)*. The O&I district is established to provide locations for nonretail commercial uses such as offices and financial institutions, which are on properties delineated within or on the edge of a community activity center and a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. The office and institutional district is designed primarily to provide for four story and smaller office developments, office uses, motels, hotels, banking and professional offices that complement and provide step down nodal zoning away from more intensive commercial uses and otherwise to implement the stated purpose of this chapter.

(28) *UVC (urban village commercial)*. The UVC district is established to provide locations for planned mixed use development of low intensity, low scale commercial, office and residential uses, not subdivided into customary streets and lots and which will not be subdivided. This is intended to encourage compatible mixed uses within the boundaries of properties delineated within or on the edge of a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. This district is not appropriate for properties delineated as neighborhood activity center as the board of commissioners finds that community activity centers and regional activity centers are the only categories befitting to house urban-oriented uses and their requirements as set forth in this chapter. When located on the edge of a community activity center or regional activity center node as defined by the comprehensive plan, the UVC district should provide for office and retail uses that are low in intensity to ensure compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains and/or wetlands shall be excluded when calculating the overall density of the development.

(29) *PVC (planned village community)*. The PVC district is established to provide locations and encourage flexible site plans and building arrangements under a unified plan of development rather than a lot by-lot regulation for retail commercial and service uses which are designed and oriented to be self-sufficient neighborhoods making up a community. The developer benefits from better land utilization and economy in the provision of roads and utilities and overall site design. Projects developed within the PVC district should be designed to compact unified retail centers within the center of the community. Projects developed within the PVC district should occupy a quadrant of an intersection and only have ingress and egress from a route approved by the department of transportation which is delineated within a community activity center and regional activity center as defined and shown on the Cobb

County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Additionally, the desired quadrant location will provide for planned developments, one-destination shopping and service locations to serve the community, and to minimize traffic congestion.

(30) *CRC (community retail commercial)*. The CRC district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. Projects developed within the CRC district should be done so as compact unified centers. Ideally, projects developed within the CRC district should occupy a quadrant of an intersection, which is delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Additionally, the desired quadrant location will provide for planned developments, one-destination shopping and service locations to serve the community, and to minimize traffic congestion.

(31) *RMR (residential mid-rise)*. Commencing April 4, 1996, no new applications for rezoning to the RMR district will be accepted by the board of commissioners. The RMR district is intended to provide for higher density residential uses (not to exceed 33 DUA) located in areas designated as regional activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

(32) *OMR (office mid-rise)*. The OMR district is established to provide locations for uses such as offices, financial institutions, and accessory retail sales and service uses (four to eight stories) which are on properties delineated within a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

(33) *RHR (residential high-rise)*. Commencing April 4, 1996, no new applications for rezoning to the RHR district will be accepted by the board of commissioners. The RHR district is intended to provide for higher density residential uses (not to exceed 66 DUA) located in areas designated as regional activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

(34) *UC (urban condominium residential)*. The UC district is established to provide locations for the development of high-rise residential condominium dwelling units, including the combination of low and midrise condominium buildings. The dwelling units are to be designed as pedestrian oriented, within close proximity to employment centers. This high-rise residential use is designed to be located within or on the edge of properties delineated for regional activity center categories as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the UC district, they should be designed and built to ensure intensity and density compatibility with adjacent land uses and otherwise to implement the stated purpose and intent of this chapter.

(35) *OHR (office high-rise)*. The OHR district is established to provide locations for uses such as offices, financial institutions, and accessory retail sales and service uses (eight to 24 stories) which are on

properties delineated within a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

(36) *OS (office/service)*. The OS district is established to provide locations for office and business distribution/service facilities, and assembly processes which do not emit noise, vibration, smoke, gas, fumes, odors or radiation and are located entirely within an enclosed building which do not involve manufacturing or fabrication of any products. No principal retail sales are allowed unless specified in this article. These uses are allowed on properties delineated within a RAC category, ICA category or an industrial category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

(37) *NS (neighborhood shopping)*. The NS district is established to provide locations for retail commercial and service uses which are designed and oriented to serve two to four neighborhoods and are located in areas delineated within a community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Commencing January 1, 1991, no new applications for rezoning to the NS district will be accepted by the board of commissioners. Any existing developed NS zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned as NS outside a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building or grading permit for such development shall be deemed to be commencing development.

(38) *PSC (planned shopping center)*. The PSC district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. Projects developed within the PSC zoning district should be done as compact, unified centers. Projects developed within the PSC zoning district should occupy a quadrant of an intersection, with ingress and egress only from a major collector street or state highway, within an area delineated within a community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 22, 1990. Any existing developed PSC zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned PSC outside a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building or grading permit for such development shall be deemed to be commencing development.

(39) *TS (tourist services)*. The TS district is established to provide locations for commercial and service uses which are oriented toward automotive businesses and interstate and state highway travelers. The board of commissioners has determined that TS zoning will only be allowed on properties designated as community activity center, regional activity center, industrial compatible and heavy industrial as

identified in the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. See [section 134-226\(11\)](#) for those uses no longer appropriate.

(40) *GC (general commercial)*. The GC district is established to provide locations for retail commercial and service uses which are oriented toward automotive businesses, are land intensive with a need for major road access and visibility, and are located in areas delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Commencing January 1, 1991, no applications for rezoning to the GC district will be accepted by the board of commissioners for properties located in areas delineated within and shown on the comprehensive plan. This shall only apply to industrial compatible and industrial areas. Any existing GC district, developed or undeveloped, located within an area delineated within an industrial compatible area or industrial area as shown on the comprehensive plan, shall be deemed to be a grandfathered, nonconforming use after January 1, 1991, and subject to those provisions contained in this chapter. Any existing developed GC zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned GC outside of a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building permit or grading permit for such development shall be deemed to be commencing development. Due to the fact that general commercial has been the predominant commercial zoning district since its inception in 1972, the board of commissioners has determined that certain uses previously permitted are no longer appropriate for properties within an area delineated as a community activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. See [section 134-227\(12\)](#) for those uses no longer appropriate.

(41) *RRC (regional retail commercial)*. The RRC district is established to provide locations for intense retail commercial, office or mixed uses which exceed 500,000 net square feet and which are designed and oriented to serve a regional market making up a community. Projects developed within the RRC district should be done so as compact unified centers. Ideally, projects developed within the RRC district should occupy an area adjacent to or having good access to interstate highways, which is delineated within a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Additionally, the board of commissioners requires an applicant seeking an RRC zoning district to participate in the Atlanta Regional Commission's major development area review, as amended from time to time.

(42) *IF (future industrial)*. The IF district was originally established as a zone designated for future industrial use with no immediate right to use or occupy the zone for industrial purposes until an applicant shall have been regularly and properly granted specific zoning for the purposes described for the LI or HI district. Under the comprehensive amendment to the zoning ordinance, the board of commissioners resolved that an owner of property currently designated IF, and not developed, shall have until January 17, 1996, within which to commence development pursuant to the previous

conditions. Commencing development shall mean applying for rezoning to an appropriate zoning district, obtaining a building permit, and beginning construction on the development. If such development shall not occur by January 17, 1996, such portion of the undeveloped and unzoned property must be brought in for rezoning to another district which is compatible with the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990, prior to any future development. Additionally, no new applications for IF zoning shall be accepted.

(43) *LI (light industrial)*. The LI district is established to provide locations for light industrial uses such as low intensity automobile repair and service, animal care facilities, commercial greenhouses, livestock, poultry, business distribution centers, warehouse and storage, and transportation terminals, which are on properties delineated within or on the perimeter of an industrial-compatible or industrial category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When located on the perimeter of an industrial node, the LI district should provide for uses that are low in intensity and scale such as to ensure compatibility with surrounding properties.

(44) *HI (heavy industrial)*. The HI district is established to provide locations for heavy industrial uses such as intensive automobile repair and service, heavy manufacturing, chemical manufacturing and storage, petroleum or petrochemical storage, warehousing and storage, which are on properties delineated within an industrial category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When located on the perimeter of an industrial node, the HI district should provide for uses that are lower in intensity and scale such as to ensure compatibility with surrounding properties.

(Ord. of 12-26-72; Ord. of 12-11-90, § 3-28-4.0; Ord. of 8-13-91; Ord. of 5-12-92; Ord. of 2-22-94; Ord. of 10-25-94; Ord. of 2-28-95; Ord. of 2-27-96; Ord. of 6-24-97 (eff. 7-1-97); Ord. of 6-23-98; Ord. of 3-9-99; Ord. of 4-13-99; Amd. of 2-24-15)

ARTICLE IV. – DISTRICT REGULATIONS

Section 134-191 of the Official Code of Cobb County, Georgia is amended to read as follows:

Section 134-192. – Summary of uses.

This chart is provided for the convenience of the users; however, please consult the Permitted Uses or Special Exception Uses section of the specific zoning district(s) for possible use limitations for specific permitted uses or special exception uses.												
TYPE OF USE	R-80	RR	R-40	R-30	R-20	R-15	R-12	RD	RA-4	RA-5	SC	RSL
Accessory retail sales and services												
Agricultural produce stands		P										
Ambulance services												
Ambulance services, if accessory to hospitals or funeral homes												
Amphitheaters												

Amusement centers													
Ancillary retail sales													
Animal hospitals													
Appliance repair (major)													
Arcades													
Asphalt plants													
Assembly halls													
Assisted living facilities												P	
Athletic and health clubs													
Automobile and truck sales and service facilities													
Automobile storage yards and wrecker services													
Automobile, truck, and trailer lease and rental facilities (principal use)													
Automobile, truck, and trailer lease and rental facilities (accessory use)													
Automotive paint and body repair shops													
Automotive parking lots or garages													
Automotive repair and maintenance facilities													
Automotive salvage and wrecking yards													
Automotive upholstery shops													
Aviation airports (private)													
Banks/financial institutions with drive-in establishments and/or automated transfer machines													
Bed and breakfast homestays	SE	SE	SE	SE	SE	SE	SE						
Billiards and pool halls													
Bio-medical waste transfer and disposal facilities													
Boat sales and service establishments													
Breeding and boarding kennels													
Building materials stores													
<u>Bulk landscape materials business</u>													
Bus stations													
Bus stations for freight													
Car washes													
Cemeteries	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		
Chemical plants or storage facilities													
Churches, chapels, temples, synagogues, and other places of worship	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Clinics													
Clubs or lodges (non-commercial)	P	P	P	P	P	P	P	P	P				
Coliseums, stadiums, and convention centers (privately owned)													
Colleges and universities (private), including but not limited to research and training facilities													
Commercial greenhouses and plant nurseries		P											

Commercial indoor recreation uses												
Commercial outdoor recreation uses												
Commercial produce and agricultural product stands												
Commercial recreation restaurant												
Community fairs	P	P	P	P	P	P	P	P	P	P		
Community retail uses												
Composting plants												
Concrete plants												
Condominiums											P	
Contractors (general, heavy, special)												
Convenience food stores with self-service fuel sales												
Corporate or administrative offices for any permitted uses												
Crematories, human or animal												
Cultural facilities												
Customary home occupations	P	P	P	P	P	P	P	P	P	P	P	
Dairies		P										
Designated recycling collection locations	P	P	P	P	P	P	P	P	P	P	P	
Drive-in theaters												
Dry cleaning plants												
Eating and drinking establishments (including drive-in fast food restaurants)												
Electrical supply stores												
Emissions/inspection stations (No temporary buildings/tents to be utilized after June 30, 1998)												
Executive golf courses	P	P	P	P	P	P	P	P	P	P		
Exterminating facilities (insect and/or rodent)												
Farm and garden supply stores		P										
Farm equipment stores/repair establishments												
Farmers markets (fully enclosed)												
Field crops		P										
Film developing and printing facilities												
Flea markets												
Fraternity and sorority houses/residence halls												
Freight terminals												
Fruit trees, nuts, vegetables	P	P	P	P	P	P	P	P	P	P		
Fuel and ice dealers												
Full service gasoline stations												
Funeral homes												
Golf courses (Par 3)	P	P	P	P	P	P	P	P	P	P		
Golf courses (18-hole regulation; public and private)	P	P	P	P	P	P	P	P	P	P		
Group homes	P	P	P	P	P	P	P	P	P	P		
Halfway houses												
Hazardous waste sites												
Heavy automotive repair establishments												

Heavy manufacturing establishments												
Heavy repair services and trade stores												
Helicopter landing areas												
High-rise apartments												
Hospitals												
Hotels												
Independent living facilities												P
In-home day care	P	P	P	P	P	P	P	P	P	P		
Landfills (private)												
Laundry and dry cleaning pick-up establishments												
Light automotive repair establishments												
Light manufacturing establishments												
Linen and diaper services												
Livestock, non-domestic and wild animals, and poultry	P	P	P	P	P	P	P	P	P	P		
Livestock sales pavilions		P										
Machine shops												
Mausoleums	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		
Medical and dental laboratories, provided that no chemicals are manufactured on site												
Mining operations												
Motels												
Motorcycle, ATV, and three-wheel vehicle sales and service facilities												
Multifamily dwelling units												
Neighborhood retail uses												
Newspaper publishing facilities												
Nightclubs												
Non-automotive repair service establishments												
Non-profit private community center	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		
Non-profit riding stables	P	P	P	P	P	P	P	P	P	P		
Non-profit (seasonal use) fishing lakes	P	P	P	P	P	P	P	P	P	P		
Nursery schools and child day care centers												
Offices not elsewhere classified												
Office service and supply establishments												
Other consumer goods and services												
Other facilities for disposal of the deceased	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		
Other service establishments												
Outdoor commercial racing (motorcycle, automobile, truck, tractor, and motorized vehicles)												
Outdoor golf driving ranges		P										
Overnight travel trailer parks												
Parking for vehicles	P	P	P	P	P	P	P	P	P	P	P	
Pawn shops												
Personal vehicle and equipment sales	P	P	P	P	P	P	P	P	P	P	P	
Petroleum or bulk storage stations												
Photography studios												

Plumbing and/or heating equipment dealers												
Poultry hatcheries		P										
Printing, publishing, and lithography establishments												
Private parks	P	P	P	P	P	P	P	P	P	P	P	
Private schools of general and special education	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		
Pro shops (accessory to driving ranges/golf courses)												
Professional offices												
Radio and television stations												
Radio, television, and other communication towers and antennae	P	P	P	P	P	P	P	P	P	P	P	
Rail stations												
Railroad car classification yards												
Railroad stations for freight												
Recreation grounds other than tennis courts and golf courses	P	P	P	P	P	P	P	P	P	P	P	
Recycling centers												
Research and development centers												
Research testing laboratories												
Residential, agricultural, farm and wood products, and livestock and poultry sales	P	P	P	P	P	P	P	P	P	P		
Rest/personal care/convalescent homes												
Reupholstery and furniture repair establishments												
Rooming and boarding houses												
Sawmills (temporary)												
Self-service laundry facilities												
Self-service storage facilities												
Sexually oriented businesses												
Shelters (homeless)												
Signs and outdoor advertising facilities												
Single-family dwelling units (attached)								P	P	P		
Single-family dwelling units (detached)	P	P	P	P	P	P	P	P	P	P		
Studios and supplies												
Taxi stands and dispatching agencies												
Telephone business offices												
Temporary uses	P	P	P	P	P	P	P	P	P	P		
Theaters												
Tire retreading and recapping facilities												
Townhouse dwelling units (attached)												
Trailer salesrooms and sales lots												
Transportation equipment storage and maintenance facilities												
Truck terminals												
Two-family dwelling units								P				
Utility facilities (private)												

Vending machine sales, service, rental, or repair establishments													
Vocational schools (commercial)													
Warehouse and storage facilities													
Wholesale sales offices													
Wholesale trade and distribution facilities													
Wholesale trade offices in conjunction with office showrooms													
Zoos													

This chart is provided for the convenience of the users; however, please consult the Permitted Uses or Special Exception Uses section of the specific zoning district(s) for possible use limitations for specific permitted uses or special exception uses.										
TYPE OF USE	RA-6	PRD	RM-8	FST	RM-12	RM-16	MHP/S	RDR	MHP	
Accessory retail sales and services										
Agricultural produce stands										
Ambulance services										
Ambulance services, if accessory to hospitals or funeral homes										
Amphitheaters										
Amusement centers										
Ancillary retail sales										
Animal hospitals										
Appliance repair (major)										
Arcades										
Asphalt plants										
Assembly halls										
Athletic and health clubs										
Automobile, truck, and trailer lease and rental facilities (accessory use)										
Automobile, truck, and trailer lease and rental facilities (principal use)										
Automobile and truck sales and service facilities										
Automotive paint and body repair shops										
Automotive parking lots or garages										
Automotive repair and maintenance facilities										
Automotive salvage and wrecking yards										
Automobile storage yards and wrecker services										
Automotive upholstery shops										
Aviation airports (private)										
Banks/financial institutions with drive-in establishments and/or automated transfer machines										
Bed and breakfast homestays										
Billiards and pool halls										
Bio-medical waste transfer and disposal facilities										
Boat sales and service establishments										

Breeding and boarding kennels									
Building materials stores									
<u>Bulk landscape materials business</u>									
Bus stations									
Bus stations for freight									
Car washes									
Cemeteries	SE	SE	SE	SE	SE	SE		SE	
Chemical plants or storage facilities									
Churches, chapels, temples, synagogues, and other places of worship	SE	SE	SE	SE	SE	SE	SE	SE	SE
Clinics									
Clubs or lodges (non-commercial)									
Coliseums, stadiums, and convention centers (privately owned)									
Colleges and universities (private), including but not limited to research and training facilities									
Commercial greenhouses and plant nurseries									
Commercial indoor recreation uses									
Commercial outdoor recreation uses									
Commercial produce and agricultural product stands									
Commercial recreation restaurant									
Community fairs	P	P	P	P	P	P			
Community retail uses									
Composting plants									
Concrete plants									
Condominiums		P	P		P				
Contractors (general, heavy, special)									
Convenience food stores with self-service fuel sales									
Corporate or administrative offices for any permitted uses									
Crematories, human or animal									
Cultural facilities									
Customary home occupations	P	P	P	P	P	P			
Dairies									
Designated recycling collection locations	P	P	P	P	P	P		P	P
Drive-in theaters									
Dry cleaning plants									
Eating and drinking establishments (including drive-in fast food restaurants)									
Electrical supply stores									
Emissions/inspection stations (No temporary buildings/tents to be utilized after June 30, 1998)									
Executive golf courses	P	P	P	P	P	P			
Exterminating facilities (insect and/or rodent)									
Farm and garden supply stores									
Farm equipment stores/repair establishments									

Farmers markets (fully enclosed)									
Field crops									
Film developing and printing facilities									
Flea markets									
Fraternity and sorority houses/residence halls			P		P	P			
Freight terminals									
Fruit trees, nuts, vegetables	P	P	P	P	P	P			
Fuel and ice dealers									
Full service gasoline stations									
Funeral homes									
Golf courses (Par 3)	P	P	P	P	P	P			
Golf courses (18-hole regulation; public and private)	P	P	P	P	P	P			
Group homes	P	P	P	P	P	P			
Halfway houses			P		P	P			
Hazardous waste sites									
Heavy automotive repair establishments									
Heavy manufacturing establishments									
Heavy repair services and trade shops									
Helicopter landing areas									
High-rise apartments									
Hospitals									
Hotels									
In-home day care	P	P	P	P	P	P			
Landfills (private)									
Laundry and dry cleaning pick-up establishments									
Light automotive repair establishments									
Light manufacturing establishments									
Linen and diaper services									
Livestock, non-domestic and wild animals, and poultry	P	P	P	P	P	P			
Livestock sales pavilions									
Machine shops									
Mausoleums	SE	SE	SE	SE	SE	SE		SE	
Medical and dental laboratories, provided that no chemicals are manufactured on site									
Mining operations									
Motels									
Motorcycle, ATV, and three-wheel vehicle sales and service facilities									
Multifamily dwelling units			P		P	P			
Neighborhood retail uses									
Newspaper publishing facilities									
Nightclubs									
Non-automotive repair service establishments									
Non-profit private community center	SE	SE	SE	SE	SE	SE		SE	
Non-profit riding stables	P	P	P	P	P	P			

Non-profit (seasonal use) fishing lakes	P	P	P	P	P	P			
Nursery schools and child day care centers									
Offices not elsewhere classified									
Office service and supply establishments									
Other consumer goods and services									
Other facilities for disposal of the deceased	SE	SE	SE	SE	SE	SE		SE	
Other service establishments									
Outdoor commercial racing (motorcycle, automobile, truck, tractor, and motorized vehicles)									
Outdoor golf driving ranges								P	
Overnight travel trailer parks									
Parking for vehicles	P	P	P	P	P	P	P	P	P
Pawn shops									
Personal vehicle and equipment sales	P	P	P	P	P	P			P
Petroleum or bulk storage stations									
Photography studios									
Plumbing and/or heating equipment dealers									
Poultry hatcheries									
Printing, publishing, and lithography establishments									
Private parks	P	P	P	P	P	P			
Private schools of general and special education	SE	SE	SE	SE	SE	SE		SE	
Pro shops (accessory to driving ranges/golf courses)								P	
Professional offices									
Radio and television stations									
Radio, television, and other communication towers and antennae	P	P	P	P	P	P			
Rail stations									
Railroad car classification yards									
Railroad stations for freight									
Recreation grounds other than tennis courts and golf courses	P	P	P	P	P	P			
Recycling centers									
Research and development centers									
Research testing laboratories									
Residential, agricultural, farm and wood products, and livestock and poultry sales	P								
Rest/personal care/convalescent homes									
Reupholstery and furniture repair establishments									
Rooming and boarding houses									
Sawmills (temporary)									
Self-service laundry facilities									
Self-service storage facilities									
Sexually oriented businesses									
Shelters (homeless)									
Signs and outdoor advertising facilities									

Single-family dwelling units (attached)	P	P		P	P	P			
Single-family dwelling units (detached)	P	P	P		P	P			
Studios and supplies									
Taxi stands and dispatching agencies									
Telephone business offices									
Temporary uses	P	P	P	P	P	P			
Theaters									
Tire retreading and recapping facilities									
Townhouse dwelling units (attached)		P		P					
Trailer salesrooms and sales lots									
Transportation equipment storage and maintenance facilities									
Truck terminals									
Two-family dwelling units		P							
Utility facilities (private)									
Vending machine sales, service, rental, or repair establishments									
Vocational schools (commercial)									
Warehouse and storage facilities									
Wholesale sales offices									
Wholesale trade and distribution facilities									
Wholesale trade offices in conjunction with office showrooms									
Zoos									

This chart is provided for the convenience of the users; however, please consult the Permitted Uses or Special Exception Uses section of the specific zoning district(s) for possible use limitations for specific permitted uses or special exception uses.

TYPE OF USE	LRO	CF	LRC	NRC	OI	UVC	PVC	CRC	RMR	OMR	RHR	UC
Accessory retail sales and services					P					P	P	
Agricultural produce stands												
Ambulance services												
Ambulance services, if accessory to hospitals or funeral homes					P		P	P		P		
Amphitheaters												
Amusement centers								SE				
Ancillary retail sales												
Animal hospitals					P		P	P		P		
Appliance repair (major)												
Arcades								P				
Asphalt plants												
Assembly halls					P		P	P				
Athletic and health clubs								P		P		
Automobile, truck, and trailer lease and rental facilities (accessory use)								P				

Automobile, truck, and trailer lease and rental facilities (principal use)								P				
Automobile and truck sales and service facilities								P				
Automobile and truck sales and service facilities (used or pre-owned separate from a new car dealership)								SLUP/ SE				
Automotive paint and body repair shops								P				
Automotive parking lots or garages					P	P	P	P		P		
Automotive repair and maintenance facilities												
Automotive salvage and wrecking yards												
Automobile storage yards and wrecker service												
Automotive upholstery shops								P				
Aviation airports (private)												
Banks/financial institutions with drive-in establishments and/or automated transfer machines	P		P	P	P	P	P	P		P		
Bed and breakfast homestays												
Billiards and pool halls				P			P	P				
Bio-medical waste transfer and disposal facilities												
Boat sales and service establishments												
Breeding and boarding kennels												
Boarding kennels (indoor)								P				
Building materials stores							P	P				
<u>Bulk landscape materials business</u>												
Bus stations					P		P	P		P		
Bus stations for freight												
Car washes				P			P	P				
Cemeteries	SE		SE	SE	SE	SE	SE	SE	SE	SE	SE	
Chemical plants or storage facilities												

Churches, chapels, temples, synagogues, and other places of worship									SE	SE	SE	
Clinics					P		P	P		P		
Clubs or lodges (non-commercial)					P		P	P		P		
Coliseums, stadiums, and convention centers (privately owned)												
Colleges and universities (private), including but not limited to research and training facilities					P		P	P		P		
Commercial greenhouses and plant nurseries							P	P				
Commercial indoor recreation uses							P	P				
Commercial outdoor recreation uses							P	P				
Commercial produce and agricultural product stands				P		P	P	P				
Commercial recreation restaurant								P				
Community fairs	P		P	P	P	P	P	P	P	P	P	
Community retail uses							P	P				
Concrete plants												
Condominiums									P		P	P
Contractors (general, heavy, special)												
Convenience food stores with self-service fuel sales				P			P	P				
Corporate or administrative offices for any permitted uses							P	P				
Crematories, human or animal												
Cultural facilities	P		P	P		P	P	P				
Customary home occupations									P		P	P
Dairies												
Designated recycling collection locations	P		P	P	P	P	P	P	P	P	P	P
Drive-in theaters												
Dry cleaning plants												
Eating and drinking establishments (including drive-in fast food restaurants)				P			P	P				

Electrical supply stores												
Emissions/inspection stations (No temporary buildings/tents to be utilized after June 30, 1998)				P				P				
Executive golf courses	P			P	P	P	P	P	P	P	P	
Exterminating facilities (insect and/or rodent)							P	P				
Farm and garden supply stores							P	P				
Farm equipment stores/repair establishments												
Farmers markets (fully enclosed)												
Field crops												
Film developing and printing facilities			P	P			P	P				
Flea markets												
Fraternity and sorority houses/residence halls					P		P	P	P		P	
Freight terminals												
Fruit trees, nuts, vegetables									P		P	
Fuel and ice dealers												
Full service gasoline stations				P			P	P				
Funeral homes				P	P			P	P	P		
Golf courses (Par 3)	P			P	P	P	P	P	P	P	P	
Golf courses (18-hole regulation; public and private)	P			P	P	P	P	P	P	P	P	
Group homes	P		P	P	P	P	P	P	P	P	P	
Halfway houses												
Hazardous waste sites												
Heavy automotive repair establishments												
Heavy manufacturing establishments												
Heavy repair service and trade shops												
Helicopter landing areas							P	P				
High-rise apartments									P		P	
Hospitals					P		P	P		P		
Hotels					P		P	P		P		
Hotels (suite)					SLUP/ SE		SLUP/ SE	SLUP/ SE		SLUP/ SE		
In-home day care	P		P	P	P	P	P	P	P	P	P	
Landfills (private)												

Laundry and dry cleaning pick-up establishments			P	P			P	P				
Light automotive repair establishments				P			P	P				
Light manufacturing establishments												
Linen and diaper services												
Livestock, non-domestic and wild animals, and poultry												
Livestock sales pavilions												
Machine shops												
Mausoleums	SE		SE	SE	SE	SE	SE	SE	SE	SE	SE	
Medical and dental laboratories, provided that no chemicals are manufactured on site					P	P	P	P		P		
Mining operations												
Motels					P		P	P		P		
Motorcycle, ATV, and three-wheel vehicle sales and service facilities												
Multifamily dwelling units							P					
Neighborhood retail uses				P		P	P	P				
Newspaper publishing facilities												
Nightclubs												
Non-automotive repair service establishments			P	P			P	P				
Non-profit private community center	SE			SE	SE	SE	SE	SE	SE	SE	SE	
Non-profit riding stables									P		P	
Non-profit (seasonal use) fishing lakes	P		P	P	P	P	P	P	P	P	P	
Nursery schools and child day care centers	P		P	P	P	P	P	P		P		
Offices not elsewhere classified								P		P		
Office service and supply establishments				P		P	P	P				
Other consumer goods and services								P				
Other facilities for disposal of the deceased	SE		SE	SE	SE	SE	SE	SE	SE	SE	SE	
Other service establishments												
Outdoor commercial racing (motorcycle, automobile, truck,												

tractor, and motorized vehicles)												
Outdoor golf driving ranges												
Overnight travel trailer parks												
Parking for vehicles	P		P	P	P	P	P	P	P	P	P	P
Pawn shops												
Personal vehicle and equipment sales									P		P	P
Petroleum or bulk storage stations												
Photography studios							P	P		P		
Plumbing and/or heating equipment dealers												
Poultry hatcheries												
Printing, publishing, and lithography establishments							P	P				
Private parks	P		P	P	P	P	P	P	P	P	P	P
Private schools of general and special education	SE		SE	SE	SE	SE	SE	SE	SE	SE	SE	
Pro shops (accessory to driving ranges/golf courses)											P	
Professional offices	P		P	P	P	P	P	P		P		
Radio and television stations					P		P	P		P		
Radio, television, and other communication towers and antennae	P		P	P	P		P	P	P	P	P	P
Rail stations												
Railroad car classification yards												
Railroad stations for freight												
Recreation grounds other than tennis courts and golf courses								P	P		P	P
Recycling centers												
Research and development centers												
Research testing laboratories												
Residential, agricultural, farm and wood products, and livestock and poultry sales												
Rest/personal care/convalescent homes			P	P	P		P	P		P		

Reupholstery and furniture repair establishments								P				
Rooming and boarding houses					P		P	P				
Sawmills (temporary)												
Self-service laundry facilities				P			P	P				
Self-service storage facilities				*			*	*				
*Effective January 1, 1998, no new applications for a special land use permit for self-service storage facilities (SSSF) are to be accepted by the board of commissioners.												
Shelters (homeless)												
Sexually oriented businesses												
Signs and outdoor advertising facilities												
Single-family dwelling units (attached)						P	P					
Single-family dwelling units (detached)							P					
Studios and supplies							P	P				
Taxi stands and dispatching agencies											P	
Telephone business offices												
Temporary uses	P		P	P	P	P	P	P	P	P	P	
Theaters								P				
Tire retreading and recapping facilities												
Townhouse dwelling units (attached)							P					
Trailer salesrooms and sales lots												
Transportation equipment storage and maintenance facilities												
Truck terminals												
Two-family dwelling units												
Utility facilities (private)												
Vending machine sales, service, rental, or repair establishments												
Vocational schools (commercial)												
Warehouse and storage facilities												
Wholesale sales offices												
Wholesale trade and distribution facilities												

Wholesale trade offices in conjunction with office showrooms										P		
Zoos												

This chart is provided for the convenience of the users; however, please consult the Permitted Uses or Special Exception Uses section of the specific zoning district(s) for possible use limitations for specific permitted uses or special exception uses.

TYPE OF USE	OHR	OS	NS	PSC	TS	GC	RRC	IF	LI	HI
Accessory retail sales and services	P								P	
Agricultural produce stands										
Ambulance services									P	P
Ambulance services, if accessory to hospitals or funeral homes	P		P	P		P	P			P
Amphitheaters					P	P	P			
Amusement centers						SE			SE	SE
Ancillary retail sales										
Animal hospitals			P	P		P	P		P	P
Appliance repair (major)									P	
Arcades				P		P	P			
Asphalt plants										SLUP/ SE
Assembly		P								
Assembly halls					P	P	P		P	P
Athletic and health clubs	P	P	P	P	P	P	P			
Automobile, truck, and trailer lease and rental facilities (accessory use)					P	P			P	P
Automobile, truck, and trailer lease and rental facilities (principal use)					P	P			P	P
Automobile and truck sales and service facilities					P	P	P		P	P
Automobile and truck sales and service facilities (used or pre-owned separate from a new car dealership)						SLUP/ SE	SLUP/ SE		SLUP/ SE	SLUP/ SE
Automotive paint and body repair shops					P	P	P		P	P
Automotive parking lots or garages	P	P	P	P	P	P	P		P	P
Automotive repair and maintenance facilities									P	P
Automotive salvage and wrecking yards										SLUP/ SE
Automobile storage yards and wrecker service						SLUP/ SE				SLUP/ SE
Automotive upholstery shops					P	P	P		P	P

Aviation airports (private)									P	P
Banks/financial institutions with drive-in establishments and/or automated transfer machines	P		P	P	P	P	P			P
Bed and breakfast homestays										
Billiards and pool halls			P	P		P	P			
Bio-medical waste transfer and disposal facilities										SLUP/ SE
Boarding kennels (indoor)				P		P				
Boat sales and service establishments					P	P	P		P	P
Breeding and boarding kennels									P	P
Building materials stores				P		P	P		P	P
<u>Bulk landscape materials business</u>									<u>P</u>	<u>P</u>
Bus stations	P	P	P	P	P	P	P		P	P
Bus stations for freight									P	P
Car washes			P	P	P	P	P		P	P
Cemeteries	SE	SE	SE	SE	SE	SE	SE		SE	SE
Chemical plants or storage facilities										SLUP/ SE
Chipping, grinding or reduction of materials										SLUP
Churches, chapels, temples, synagogues, and other places of worship										
Clinics	P	P	P	P		P	P		P	P
Clubs or lodges (non-commercial)	P	P	P	P	P	P	P		P	P
Coliseums, stadiums, and convention centers (privately owned)						SE	SE			SE
Colleges and universities (private), including but not limited to research and training facilities	P	P	P	P		P	P		P	P
Commercial greenhouses and plant nurseries			P	P		P	P		P	P
Commercial indoor recreation uses				P		P	P			
Commercial outdoor recreation uses				P		P	P			
Commercial produce and agricultural product stands			P	P	P	P	P		P	P
Commercial recreation restaurant			P			P	P			
Community fairs	P	P	P	P	P	P	P		P	P
Community retail uses				P	P	P	P			

Composting facilities										SLUP
Concrete plants										SLUP/ SE
Condominiums										
Contractors (general, heavy, special)									P	P
Contractors (specialized) without heavy equipment						P				
Convenience food stores with self-service fuel sales				P	P	P	P			
Corporate or administrative offices for any permitted uses		P							P	P
Crematories, human or animal						SE			SE	SE
Cultural facilities				P		P	P			
Customary home occupations										
Dairies									P	P
Designated recycling collection locations	P	P	P	P	P	P	P		P	P
Drive-in theaters						SE			SE	SE
Dry cleaning plants									P	P
Eating and drinking establishments (including drive-in fast food restaurants)			P	P	P	P	P			
Electrical supply stores									P	P
Emissions/inspection stations (No temporary buildings/tents to be utilized after June 30, 1998)			P	P	P	P	P		P	P
Executive golf courses	P	P	P	P	P	P	P		P	P
Exterminating facilities (insect and/or rodent)				P		P	P		P	P
Farm and garden supply stores			P	P		P	P		P	
Farm equipment stores/repair establishments						P	P		P	P
Farmers markets (fully enclosed)						P	P		P	
Field crops										
Film developing and printing facilities				P	P	P	P			
Flea markets						SE				
Fraternity and sorority houses/residence halls			P	P		P	P			
Freight terminals									P	P
Fruit trees, nuts, vegetables										
Fuel and ice dealers									P	P
Full service gasoline stations				P	P	P	P		P	P
Funeral homes	P		P	P		P	P		P	

Golf courses (Par 3)	P	P	P	P	P	P	P		P	P
Golf courses (18-hole regulation; public and private)	P	P	P	P	P	P	P		P	P
Group homes	P	P	P	P	P	P	P		P	P
Halfway houses										
Hazardous waste sites										SLUP/SE
Heavy automotive repair establishments									P	P
Heavy manufacturing establishments										SE
Heavy repair service and trade shops										P
Helicopter landing areas		P	P	P	P	P	P		P	P
High-rise apartments										
Hospitals	P		P	P		P	P			
Hotels	P	P	P	P	P	P	P			
Hotels (suite)	SLUP/SE	SLUP/SE	SLUP/SE	SLUP/SE	SLUP/SE	SLUP/SE	SLUP/SE			
In-home day care	P	P	P	P	P	P	P		P	P
Landfills (private)										SLUP/SE
Laundry and dry cleaning pick-up establishments			P	P		P	P		P	P
Light automotive repair establishments				P	P	P	P		P	P
Light manufacturing establishments									P	P
Linen and diaper services									P	P
Livestock, non-domestic and wild animals, and poultry									P	P
Livestock sales pavilions									P	
Machine shops										P
Mausoleums	SE	SE	SE	SE	SE	SE	SE		SE	SE
Medical and dental laboratories, provided that no chemicals are manufactured on site	P	P	P	P		P	P		P	P
Mining operations										SE
Motels	P	P	P	P	P	P	P			
Motorcycle, ATV, and three-wheel vehicle sales and service facilities						P	P		P	
Multifamily dwelling units										
Neighborhood retail uses			P	P		P	P			
Newspaper publishing facilities									P	P
Nightclubs						P	P			

Non-automotive repair service establishments			P	P		P	P		P	P
Non-profit private community center	SE	SE	SE	SE	SE	SE	SE		SE	SE
Non-profit riding stables										
Non-profit (seasonal use) fishing lakes	P	P	P	P	P					
Nursery schools and child day care centers	P		P	P	P	P	P			
Offices not elsewhere classified	P		P	P		P	P			
Office service and supply establishments		P	P	P	P	P	P		P	P
Other consumer goods and services				P		P	P			
Other facilities for disposal of the deceased	SE	SE	SE	SE	SE	SE	SE		SE	SE
Other service establishments				P		P			P	
Outdoor commercial racing (motorcycle, automobile, truck, tractor, and motorized vehicles)										SLUP/SE
Outdoor golf driving ranges		P				P	P		P	P
Overnight travel trailer parks					P					
Parking for vehicles	P	P	P	P	P	P	P		P	P
Pawn shops						P				
Petroleum or bulk storage stations										SLUP/SE
Photography studios	P	P	P	P	P	P	P			
Plumbing and/or heating equipment dealers									P	P
Poultry hatcheries									P	
Printing, publishing, and lithography establishments		P	P	P		P	P		P	P
Private parks		P	P	P	P	P	P			P
Private schools of general and special education	SE	SE	SE	SE	SE	SE	SE		SE	SE
Pro shops (accessory to driving ranges/golf courses)		P	P	P	P	P	P		P	P
Professional offices	P		P	P		P	P			
Radio and television stations	P	P	P	P		P	P		P	P
Radio, television, and other communication towers and antennae	P	P	P	P	P	P	P		P	P
Rail stations									P	P
Railroad car classification yards									P	P
Railroad stations for freight									P	P

Recreation grounds other than tennis courts and golf courses	P	P	P	P	P	P	P		P	P
Recycling centers										SLUP/SE
Research and development centers									P	P
Research testing laboratories									P	P
Residential, agricultural, farm and wood products, and livestock and poultry sales										
Rest/personal care/convalescent homes	P	P	P	P	P	P	P			
Reupholstery and furniture repair establishments				P		P	P		P	P
Rooming and boarding houses		P	P	P	P	P	P			
Sawmills										SLUP
Sawmills (temporary)									P	P
Self-service laundry facilities				P		P	P			
Self-service storage facilities				*		*	*		P	P
*Effective January 1, 1998, no new applications for a special land use permit for self-service storage facilities (SSSF) are to be accepted by the board of commissioners.										
Sexually oriented businesses (*subject to section 78-338)									p*	p*
Shelters (homeless)						P	P		P	P
Signs and outdoor advertising facilities									P	P
Single-family dwelling units (attached)									P	
Single-family dwelling units (detached)										
Studios and supplies		P		P		P	P			
Taxi stands and dispatching agencies	P					P	P		P	P
Telephone business offices									P	
Temporary uses	P	P	P	P	P	P	P		P	P
Theaters			P	P		P	P			
Tire disposal storage (used or discarded)										SLUP
Tire retreading and recapping facilities						P	P			P
Townhouse dwelling units (attached)										
Trade shows/Expositions						SLUP				
Trailer salesrooms and sales lots									P	P
Transportation equipment storage and maintenance facilities									P	P

Trash/garbage handling/hauling disposal										SLUP
Truck stops/refueling stations										SLUP
Truck terminals									P	P
Two-family dwelling units										
Utility facilities (private)									P	P
Vending machine sales, service, rental, or repair establishments						P			P	
Vocational schools (commercial)		P							P	P
Warehouse and storage facilities									P	P
Waste transfer station										SLUP
Wholesale sales offices									P	P
Wholesale trade and distribution facilities		P					P		P	P
Wholesale trade offices in conjunction with office showrooms	P	P					P		P	P
Zoos						P	P			

Section 134-204 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-204.- RM-8 residential multifamily district.

...

(9) Lighting requirements.

a. Any project permitted within the RM-8 district which proposes any outdoor lighting, except individual residential lots or units, must have a county department of transportation approved lighting plan in accordance with the minimum conditions listed in section 134-269.

b. All developments with multifamily units shall be designed with lighting that does not spill over into abutting properties and is the minimum to provide security for residents of multifamily housing developments.

...

(14) Multifamily unit development security. To enhance building/site security, applicants shall coordinate with local law enforcement to develop a security plan in accordance with the standards of crime prevention through environmental design (CPTED). Security plan shall be reviewed and updated annually by the property manager and shall be provided to the county upon request.

...

Section 134-206 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-206.- RM-12 residential multifamily district.

...

(9) Lighting requirements.

a. Any project permitted within the RM-12 district which proposes any outdoor lighting, except individual residential lots or units, must have a county department of transportation approved lighting plan in accordance with the minimum conditions listed in section 134-269.

~~Lighting will be reviewed and approved so that stray light onto adjoining and nearby properties is eliminated or reduced. A lighting plan with light poles, wall packs and building lighting to be approved by the zoning division staff. The lighting plan is to have all lights shown, lumens, wattage of bulbs, and which way the light is shining.~~

b. All developments with multifamily units shall be designed with lighting that does not spill over into abutting properties and is the minimum to provide security for residents of multifamily housing developments.

...

(14) Multifamily unit development security. To enhance building/site security, applicants shall coordinate with local law enforcement to develop a security plan in accordance with the standards of crime prevention through environmental design (CPTED). Security plan shall be reviewed and updated annually by the property manager.

...

Section 134-207 of the Official Code of Cobb County, Georgia, is amended to read as follows:

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

...

(9) Lighting requirements.

a. Any project permitted within the RM-16 district which proposes a lighted facility must have a county department of transportation approved lighting plan in accordance with the minimum conditions listed in section 134-269.

b. All developments with multifamily units shall be designed with lighting that does not spill over into abutting properties and is the minimum to provide security for residents of multifamily housing developments.

...

(14) Multifamily unit development security. To enhance building/site security, applicants shall coordinate with local law enforcement to develop a security plan in accordance with the standards of crime prevention through environmental design (CPTED). Security plan shall be reviewed and updated annually by the property manager.

...

Section 134-217 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-217.- PVC planned village community district.

...

(9) Lighting requirements.

a. Any project permitted within the PVC district which proposes a lighted facility must have a county department of transportation approved lighting plan in accordance with the minimum conditions listed in section 134-269.

b. All developments with multifamily units shall be designed with lighting that does not spill over into abutting properties and is the minimum to provide security for residents of multifamily housing developments.

(15) Multifamily unit development security. To enhance building/site security, applicants shall coordinate with local law enforcement to develop a security plan in accordance with the standards of crime prevention through environmental design (CPTED). Security plan shall be reviewed and updated annually by the property manager.

...

Section 134-219 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-219.- RMR residential mid-rise district.

...

(9) Lighting requirements.

a. Any project permitted within the RMR district which proposes a lighted facility must have a county department of transportation approve lighting plan in accordance with the minimum conditions listed in section 134-269.

b. All developments with multifamily units shall be designed with lighting that does not spill over into abutting properties and is the minimum to provide security for residents of multifamily housing developments.

...

(14) Multifamily unit development security. To enhance building/site security, applicants shall coordinate with local law enforcement to develop a security plan in accordance with the standards of crime prevention through environmental design (CPTED). Security plan shall be reviewed and updated annually by the property manager.

...

Section 134-221 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-221.- RHR residential high-rise district.

...

(9) Lighting requirements.

a. Any project permitted within the RHR district which proposes a lighted facility must have a county department of transportation approved lighting plan in accordance with the minimum conditions set forth in section 134-269.

b. All developments with multifamily units shall be designed with lighting that does not spill over into abutting properties and is the minimum to provide security for residents of multifamily housing developments.

...

(14) Multifamily unit development security. To enhance building/site security, applicants shall coordinate with local law enforcement to develop a security plan in accordance with the standards of crime prevention through environmental design (CPTED). Security plan shall be reviewed and updated annually by the property manager.

...

Section 134-228 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-228.- RRC regional retail commercial district.

...

(9) Lighting requirements.

a. Any project permitted within the RRC district which proposes a lighted facility must have a county department of transportation approved lighting plan in accordance with the minimum conditions listed in section 134-269.

b. All developments with multifamily units shall be designed with lighting that does not spill over into abutting properties and is the minimum to provide security for residents of multifamily housing developments.

...

(14) Multifamily unit development security. To enhance building/site security, applicants shall coordinate with local law enforcement to develop a security plan in accordance with the standards of crime prevention through environmental design (CPTED). Security plan shall be reviewed and updated annually by the property manager.

...

Section 134-230 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-230.- LI light industrial district.

...

(3) *Permitted uses.* Permitted uses are as follows:

Accessory retail sales and services.

Ambulance services.

Animal hospitals.

Appliance repair (major).

Assembly halls.

Automobile, truck and trailer lease or rental facilities (principal or accessory use).

Automotive and truck sales and service.

Automotive paint shops and body repair shops. Such uses shall not be established on lots which are either adjacent to or directly across the street from any residential districts.

Automotive parking lots and garages.

Automotive repair and maintenance facilities.

Automotive upholstery shops.

Aviation airports (private).

Boat sales and service facilities.

Breeding and boarding kennels.

Building materials stores.

Bulk landscape material business

Bus stations.

Bus stations for freight.

Carwashes.

Churches, chapels, temples, synagogues, and other such places of worship.

Clinics.

Clubs or lodges (noncommercial).

Colleges and universities (private), including research and training facilities.

Commercial greenhouses and plant nurseries.

Commercial produce and agricultural product stands.

Community fairs.

Contractors (general, heavy or special).

Corporate or administrative offices.

Dairies.

Designated recycling collection locations.

Dry cleaning plants.

Electrical supply stores.

Emissions and inspection stations. (No temporary buildings/tents to be utilized after June 30, 1998.)

Executive golf courses (see section 134-270).

Exterminators.

Farm and garden supply stores.

Farm equipment stores and repair facilities.
Farmers' markets (fully enclosed).
Film and movie studios.
Freight terminals.
Fuel and ice dealers.
Full service gasoline stations.
Funeral homes.
Golf courses, 18-hole regulation, public and private (see section 134-270).
Golf courses, par 3 (see section 134-270).
Group homes.
Heavy automotive repair services and trade shops.
Helicopter landing areas, provided that the area is fenced.
In-home day care.
Laundry and dry cleaning pickup stations.
Light automotive repair facilities.
Light manufacturing establishments.
Linen and diaper services.
Livestock, nondomestic and wild animals, and poultry.
Livestock sales pavilions.
Medical and dental laboratories (with no limitations except that such uses must have required federal and state permits).
Motorcycle, all-terrain vehicle (ATV) and three-wheel vehicle sales and service facilities.
Newspaper publishing facilities.
Nonautomotive repair service establishments.
Office service and supply establishments.
Other service establishments.
Outdoor golf driving ranges.
Parking for vehicles.
Plumbing and heating equipment dealers.
Poultry hatcheries.
Printing, publishing and lithography establishments.
Pro shops, if accessory to driving ranges or golf courses.
Radio and television stations.
Radio, television and other communication towers and antennas subject to section 134-273.
Rail stations.
Railroad car classification yards.
Railroad stations for freight.
Recreation grounds other than tennis courts and golf courses.
Research and development centers.
Research testing laboratories.
Reupholstery and furniture repair establishments.
Sawmills (temporary).
Self-service storage facilities (subject to section 134-279).
Sexually oriented businesses (subject to section 78-338.)
Shelters (homeless).
Signs and outdoor advertising facilities.
Sports training facilities.

Taxistands and taxi dispatching agencies.
Telephone business offices.
Temporary uses.
Trailer salesrooms and sales lots.
Transportation equipment storage and maintenance facilities.
Truck terminals.
Utility facilities (private).
Vending machine sales, service, rental or repair establishments.
Vocational schools (commercial).
Warehouse and storage facilities.
Wholesale sales offices.
Wholesale trade and distribution facilities.
Wholesale trade offices in conjunction with office showrooms.

...

Section 134-231 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-231.- HI heavy industrial district.

...

(3) *Permitted uses.* Permitted uses are as follows:

Ambulance services.
Ambulance services, if accessory to hospitals or funeral homes.
Animal hospitals.
Assembly halls.
Automobile, truck and trailer lease and rental facilities (principal and accessory uses).
Automotive and truck sales and service facilities.
Automotive paint and body repair shops. Such uses shall not be established upon a lot which is either adjacent to or directly across the street from any residential district.
Automotive parking lots or garages.
Automotive repair and maintenance facilities.
Automotive upholstery shops.
Aviation airports (private).
Banks and financial institutions with drive-in establishments or automated transfer machines.
Boat sales and service.
Breeding and boarding kennels.
Building materials stores.
Bulk landscape materials business
Bus stations.
Bus stations for freight.
Carwashes.
Churches, chapels, temples, synagogues, and other such places of worship.
Clinics.
Clubs or lodges (noncommercial).
Colleges and universities (private), including but not limited to research and training facilities.
Commercial greenhouses and plant nurseries, provided that all goods stored outside shall be stored in a designated area.
Commercial produce and agricultural product stands.
Community fairs.
Contractors (general, heavy or special).

Corporate or administrative offices.
Dairies.
Designated recycling collection locations.
Dry cleaning plants.
Electrical supply stores.
Emissions and inspections stations. (No temporary buildings/tents to be utilized after June 30, 1998.)
Executive golf courses (see section 134-270).
Exterminators.
Farm equipment stores and repair establishments.
Farm and garden supply stores.
Film and movie studios.
Freight terminals.
Fuel and ice dealers.
Full service gasoline stations.
Golf courses, 18-hole regulation, public and private (see section 134-270).
Golf courses, par 3 (see section 134-270).
Group homes.
Heavy automotive repair establishments.
Heavy repair service and trade shops.
Helicopter landing areas.
In-home day care.
Laundry and dry cleaning pickup establishments.
Light automotive repair establishments.
Light manufacturing establishments.
Linen and diaper services.
Livestock, nondomestic and wild animals, and poultry.
Machine shops.
Medical and dental laboratories (with no limitations other than state and federal regulations).
Newspaper publishing facilities.
Nonautomotive repair service establishments.
Office service and supply establishments.
Outdoor golf driving ranges (see section 134-270).
Parking for vehicles.
Plumbing or heating equipment dealers.
Printing, publishing and lithography establishments.
Private parks.
Pro shops, if accessory to driving ranges or golf courses.
Radio and television stations.
Radio, television and other communication towers and antennas, subject to section 134-273.
Rail stations.
Railroad car classification yards.
Railroad stations for freight.
Recreation grounds other than tennis courts and golf courses.
Research and development centers.
Research testing laboratories.
Reupholstery and furniture repair establishments.

Sawmills (temporary).
 Self-service storage facilities (subject to section 134-279).
 Sexually oriented businesses (subject to section 78-338).
 Shelters (homeless).
 Signs and outdoor advertising facilities.
 Sports training facilities.
 Taxistands and taxi dispatching agencies.
 Temporary uses.
 Tire retreading and recapping facilities.
 Trailer salesrooms and sales lots.
 Transportation equipment storage and maintenance facilities.
 Truck terminals.
 Utility facilities (private).
 Vocational schools (commercial).
 Warehouse and storage facilities.
 Wholesale sales offices.
 Wholesale trade and distribution facilities, including packing of wholesale commodities for distribution, subject to the following:

1. Unless in a district in which manufacturing is permitted, no fabricating of goods to be sold shall be permitted.
2. Unless in a district in which heavy manufacturing is permitted, no wholesaling activity shall be permitted which processes the goods handled in a manner that produces liquid or solid waste or noise, odor, fumes or dust which can be detected beyond the walls of the building in which such wholesaling activity is housed.

Wholesale trade offices in conjunction with office showrooms.

...

ARTICLE V. – SUPPLEMENTAL REGULATIONS

Section 134-266 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-266. –~~Setbacks for gasoline~~ pumps and canopies

(a). Setbacks. Within any zoning district which allows for gasoline pumps and canopies (attached or detached) covering the pumps, pumps and canopies shall be set back at least 15 feet from the future right-of-way. Any permanent building, whether or not attached to a canopy, must be located within the required building setbacks. Within any zoning district which allows for freestanding carwashes, canopies that cover any vehicles being washed on site must be permitted (through both the site plan review and structural review process and subject to the landscape enhancement strip provisions contained in section 134-285) as a permanent structure requiring a footing or foundation to which the canopy is structurally attached, capable of supporting a predesigned load withstanding wind and other natural forces as may be further defined in this chapter, including structural calculations as prepared and certified by a professional designer licensed to practice in the State of Georgia and as distinguished from a temporary canopy or tent and the like (temporary canopies or tents are prohibited). When permitted, these canopies must be at least 15 feet from the future right-of-way. Canopies originally constructed to cover gasoline pumps may be utilized as canopies covering vehicles being washed on site, provided that they shall be set back at least 15 feet from

the future right-of-way. Canopies, whether permitted as a permanent structure or preexisting as described above, may not be used for signage purposes.

(b) Service station canopy lighting shall adhere to the following standards:

1. All luminaries shall be mounted on or recessed into the lower surface of service station canopies and shall be fully shielded and utilize flat lenses. Lighting shall be designed and installed to minimize or eliminate stray lighting onto roadways and adjacent residential properties.
2. The total light output of luminaries mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels over the pumps, shall not exceed 50-foot candles.
3. Lights shall not be mounted on the top or sides of a canopy and the sides of a canopy shall not be illuminated.

ARTICLE VI. – SIGNS

DIVISION 1. –GENERALLY.

Section 134-324 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 134-~~324~~. Sign maintenance.

All signs shall be maintained by the sign owner in good condition so as to present a neat and orderly appearance, including but not limited to:

- (a). All sign structures and surfaces shall be protected from the elements and decay by painting or other protective covering or treatment, as appropriate to prohibit decay or rust. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted.
- (b). All sign structures and surfaces shall be kept free from holes, breaks, rust, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent further deterioration.
- (c). Surfaces that have faded or oxidized to an extent that the sign message is no longer displayed as intended shall be repaired or replaced.
- (d). Lettering or other elements of the sign that have become detached or misaligned shall be repaired or replaced.
- (e). Bricks, stones, or other materials on the structural base of a sign that have become detached or misaligned shall be repaired or replaced.
- (f). For illuminated signs, all illumination devices shall be in working order and timely replaced.

Secs. 134-~~324~~5—134-340. – Reserved.