

**MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 20, 2025
6:00 PM**

The Regular Meeting of the Cobb County Board of Commissioners was held at 6:00 p.m., on Thursday, November 20, 2025, at the David Hankerson Building, 100 Cherokee Street, Marietta, Georgia, in the Board of Commissioners Meeting Room. Present and comprising a quorum of the Board were:

Chairwoman Lisa Cupid
Commissioner Erick Allen
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Monique Sheffield

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 6:04 p.m.

PRESENTATIONS

1. **To present a donation to SafePath Children's Advocacy Center as part of Gambrill's Great Pumpkin Contest fundraiser.**

Commissioner Gambrill presented a donation to SafePath Children's Advocacy Center as part of Gambrill's Great Pumpkin Contest fundraiser.

2. **To present certificates of achievement to members of the Walton High School Raiders Volleyball team for winning the state championship.**

Commissioner Birrell presented certificates of achievement to the Walton High School Raiders Volleyball team for winning the 2025 Georgia High School Association Class AAAAAA Volleyball State Championship.

3. **To present a proclamation honoring November as *Native American Heritage Month* in Cobb County.**

Chairwoman Cupid presented a proclamation designating November 2025 as *Native American Heritage Month* in Cobb County.

PUBLIC HEARING

4. **To conduct the second public hearing and approve the proposed amendments to Part I Chapters 2 (Administration), 10 (Animals), 18 (Building Regulations), 22 (Cable and Video Service Providers; State Franchise Holders), 50 (Environment), 54 (Fire Prevention and Protection), 83 (Nuisances), 86 (Offenses and Miscellaneous Provisions), 102 (Solid Waste), 106 (Streets, Sidewalks and Other Public Places), 110 (Subdivisions), 114 (Taxation), and 122 (Utilities).**

Jessica Guinn, Community Development Agency Director, and Judy Jones, Water System Agency Director, presented information regarding the recommended amendments to the Cobb County Code and requested the second public hearing to solicit comments on the proposed amendments to Part I Chapters 2 (Administration), 10 (Animals), 18 (Building Regulations), 22 (Cable and Video Service Providers; State Franchise Holders), 50 (Environment), 54 (Fire Prevention and Protection), 83 (Nuisances), Chapter 86 (Offenses and Miscellaneous Provisions), 102 (Solid Waste), 106 (Streets, Sidewalks and Other Public Places), 110 (Subdivisions), 114 (Taxation), and 122 (Utilities).

Chairwoman Cupid announced Chapter 86 (Offenses and Miscellaneous Provisions) was withdrawn from the proposed amendments.

Chairwoman Cupid opened the Public Hearing and asked those wishing to speak to come forward to address the Board. Following 43 speakers, the Public Hearing was closed.

Motion by Cupid, second by Allen, to **approve** the proposed amendments to Part I Chapters 2 (Administration), 10 (Animals), 18 (Building Regulations), 22 (Cable and Video Service Providers; State Franchise Holders), 50: 258, *Enumeration of prohibited noises*, 54 (Fire Prevention and Protection), 106 (Streets, Sidewalks and Other Public Places), 114 (Taxation), as revised and presented in draft amendment package, Version II, distributed on November 13, 2025.

VOTE: **ADOPTED 5-0**

Motion by Cupid, second by Birrell, to **approve** the proposed amendments to Part I Chapter 102 (Solid Waste) as presented in draft amendment package, Version II, distributed on November 13, 2025, with the following revision:

Section 102-5 (b) Definitions

*" Residential service unit means each unit or units within the following categories: single-family **detached or attached** dwellings; duplexes or two-unit multifamily dwellings; triplexes or three-unit multifamily dwellings; quadraplexes or four-unit attached multifamily dwellings; and mobile homes."*

VOTE: **ADOPTED 5-0**

Motion by Cupid, second by Birrell, to **withdraw** the proposed amendments to Part I Chapter 122 (Utilities) Article II, Section 122-126, *Wastewater lift station*, with the exception to Section 122-126 (a)(3) which is **approved** and becomes Section 122-126 (a)(2), *as revised and presented in draft amendment package, Version II, distributed on November 13, 2025.*

VOTE: **ADOPTED 5-0**

Motion by Cupid, second by Allen, to **approve** the remaining proposed amendments to *Part I Chapter 122 (Utilities) Article II, Water and Wastewater Systems*, *as presented in draft amendment package, Version II, distributed on November 13, 2025.*

VOTE: **ADOPTED 5-0**

Motion by Cupid, second by Allen, to **approve** the proposed amendment related to maintenance of stormwater facilities and nuisances Part 1, Chapter 50 (Environment) Section 50-111, *Maintenance of stormwater facilities (County owned)*, Section 50-112, *Maintenance of stormwater facilities (Privately owned)*, and Part 1, Chapter 83 (Nuisances), *as presented in draft amendment package, Version II, distributed on November 13, 2025.*

VOTE: **ADOPTED 5-0**

Motion by Birrell, second by Cupid, to **approve** the proposed amendments related to not accepting ownership of detention ponds in residential subdivisions in Part I, Chapter 50-130, *Minimum requirements*, and Part I, Chapter 110 (Subdivisions), *as presented in draft amendment package, Version II, distributed on November 13, 2025.*

VOTE: **ADOPTED 5-0**

Motion by Cupid, second by Allen, to **approve** the remaining proposed amendments to Part I, Chapter 50 (Environment), which includes Sections 102, *Purpose and intent*, 106.1 Stormwater management standards, and 110 Stormwater management assessment districts (This is limited to, stormwater management assessment districts and trout streams), *as presented in draft amendment package, Version II, distributed on November 13, 2025.*

VOTE: **ADOPTED 3-2.** Commissioner Birrell and Commissioner Gambrill opposed

Motion by Cupid, second by Allen, to **approve** the proposed amendments to Chapter 122, Article III, Stormwater Management, *as revised and presented in draft amendment package, Version II, distributed on November 13, 2025, with the following revisions:*

Sec. 122-304 - Scope of responsibility.

- (b)(1) *add to the end of the paragraph...except that the county does not maintain open channels outside the public water influence zone, bodies of water with a permanent pool level and/or any associated dam, or any systems or facilities that are located in a development with private streets*
- *add (b)(6). That are located in a recorded drainage easement (in an instrument other than a plat) dedicated to and expressly accepted by the county.*

VOTE: **ADOPTED 3-2.** Commissioner Birrell and Commissioner Gambrill opposed

The approved amendment are attached and made a part of these minutes.

Clerk's Note: Chairwoman Cupid called a brief recess at 10:50 p.m. - 10:56 p.m.

PUBLIC COMMENT

1. Denny Wilson addressed the Board regarding Stormwater.
2. Craig Harfoot addressed the Board regarding Stormwater.
3. Susan Strevens addressed the Board regarding a notice given during the Public Hearing and Stormwater.

MOTION TO ADD NON-AGENDA

Motion by Cupid, second by Allen, to **approve** the addition of the following non-agenda item to be added to Consent. (See Item 16 of these minutes)

- *To request authorization to apply for the U.S. Department of Homeland Security's FIFA Counter-Unmanned Aircraft System (C-UAS) Grant in order to enhance the County's ability to detect, assess, and mitigate unauthorized drone activity associated with the 2026 FIFA World Cup and other large-scale special events*

VOTE: **ADOPTED 5-0**

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Motion by Cupid, second by Birrell, to **approve** the addition of the following non-agenda item to be added to Consent. (See Item 17 of these minutes)

- *To request authorization to apply for the U.S. Department of Homeland Security's FIFA World Cup Grant Program to support public safety and emergency preparedness efforts associated with the 2026 FIFA World Cup.*

VOTE: ADOPTED 5-0

Motion by Cupid, second by Birrell, to **approve** the addition of the following non-agenda item to be added to Consent. (See Item 15 of these minutes)

- *To authorize the application for and acceptance of grant funding under the FY25 Law Enforcement Mental Health and Wellness Act (LEMHWA).*

VOTE: ADOPTED 5-0

Motion by Cupid, second by Allen, to approve the addition of the following non-agenda item to be added to Consent. (See Item 28 of these minutes)

- *To authorize settlement of workers' compensation claim on behalf of Weeclef Louis.*

VOTE: ADOPTED 5-0

CONSENT AGENDA

MOTION: Motion by Cupid, second by Birrell, to **approve** the following items on the Consent Agenda, *as revised, with the following exceptions*; and **authorize** execution of the necessary documents by the appropriate County personnel.

- DOT Item 7 - *Heard as a Regular Item* (See Item 29 of these minutes)
- PARKS Item 10 - *Withdrawn from the Agenda.*
- Economic Development Item 17 - *Withdrawn from the Agenda* (See Item 20 of these minutes)

Water System

5. To approve Supplemental Agreement No. 2 to the agreement with Geosyntec Consultants, Inc. for Glenleigh Park Detention Pond Wall Foundation Failure Repair Design, Program No. SW1994.

To **approve** Supplemental Agreement No. 2 to the agreement with Geosyntec Consultants, Inc., in an amount not to exceed \$10,000.00 with a time extension through December 1, 2026, for Glenleigh Park Detention Pond Wall Foundation Failure Repair Design, Program No. SW1994; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System's CIP Budget as follows:

Increase Encumbrance:

GAE 51005232308	510-500-5758-8225	SW1994-E	\$10,000.00
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Transfer from:

Stormwater Multi-Year Budget

Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	\$10,000.00
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Transfer to:

Glenleigh Park Detention Pond Wall Foundation Failure Repair Design

Engineering - Basic Fees	510-500-5758-8225	SW1994-E	\$10,000.00
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6. To approve Supplemental Agreement No. 2 to the agreement with Geosyntec Consultants, Inc. for Pearl of East Cobb Detention Pond Dam/Wall Failure Repair Design, Program No. SW2193.

To **approve** Supplemental Agreement No. 2 to the agreement with Geosyntec Consultants, Inc. to extend the existing agreement through December 1, 2026, for Pearl of East Cobb Detention Pond Dam/Wall Failure Repair Design, Program No. SW2193; and **authorize** the Chairwoman to execute the necessary documents.

Transportation

7. To authorize rate adjustments for the Street Light District monthly service charges.

This Item was heard as a Regular Item (See item 29 of these minutes).

8. **To approve an Offer Package from the Georgia Department of Transportation to convey County property on Akers Mill Road and Cumberland Boulevard to the State.**

To **approve** an Offer Package from the Georgia Department of Transportation to convey County property on Akers Mill Road and Cumberland Boulevard, located in Land Lot 1012, the 17th District, 2nd Section, Cobb County, Georgia, to the State; and **authorize** the Chairwoman to execute the necessary documents for transfer of title and access rights.

Proceeds for the sale of County property to the Georgia Department of Transportation will be posted as follows:

Revenue Received:	010-015-0145-4944	Sale of Salvage Property	\$134,000.00
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Public Services Agency

PARKS

9. **To approve new Ground Lease Agreements with SBA Steel II, LLC, for existing wireless sites, at two locations under new terms.**

To **approve** the Ground Lease Agreements with SBA Steel II, LLC, for Wireless Sites and Memorandum of Ground Lease Agreements for the leasing of the wireless tower sites at Fullers Park and Noonday Creek Park; and **further authorize** the Chairwoman to execute the Leases; Memoranda of Leases; and any necessary documents.

All lease revenues associated with wireless sites on PARKS property will be posted and appropriated with monthly standard reserve transactions, as follow:

Increase Revenue:	010-105-3200-4870	Rental of Real Estate
Increase Expenditure:	010-105-3200-8818	Standard Restricted Reserve Contingency

10. **Withdrawal request to authorize acceptance of five parcels of land in Cobb County District 4 from Southeast Easlan, LLC and Southeast Fontaine, LLC.**

This Item was withdrawn from the agenda.

11. **To approve a revocable license agreement for the Willow Creek Swim & Tennis Association, Inc., for approximately 0.5 acres of county property next to 1572 Willow Dr. Marietta, Ga.**

To **approve** a revocable license agreement for approximately 0.5 acres of real property to Willow Creek Swim & Tennis Association, Inc.; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Support Services Agency

Procurement Services

12. **To approve revisions to the current *Policy on Procurement and Contract Management*.**

To **approve** revisions to the current *Policy on Procurement and Contract Management*. A copy of the approved revisions to the Policy on Procurement and Contract Management is attached and made a part of these minutes.

13. **To approve revisions to the current *Policy for Procurement of Professional Services*.**

To **approve** revisions to the current *Policy for Procurement of Professional Services*. A copy of the approved revisions to the Policy for Procurement of Professional Services is attached and made a part of these minutes.

Public Safety Agency

Police Department

14. **To authorize the transfer of funding within the Grant Fund to the Police Department's General Fund reserves.**

To **authorize** the transfer of funding within the Grant Fund to the Police Department's General Fund reserves; **authorize** the corresponding budget and accounting transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Decrease Expenditure:	270-130-L012-6256	Personal Protective Equipment	\$ 49.69
Decrease Expenditure:	270-130-L012-8024	Land Improvements	\$ 2,294.55
Decrease Expenditure:	270-130-L012-8820	Undesignated Contingency	\$ 3,333.25
Decrease Expenditure:	270-130-L012-8852	Reserves	\$82,029.00
Increase Expenditure:	270-130-L012-6594	Interfund Expense	\$87,706.49
Increase Revenue:	010-130-2100-4960	Interfund Revenue	\$87,706.49
Increase Expenditure:	010-130-2100-8852	Reserves	\$87,706.49

15. To authorize the application for and acceptance of grant funding under the FY25 Law Enforcement Mental Health and Wellness Act (LEMHWA).

To **authorize** the application for and acceptance of grant funding in the amount of \$199,330.00 under the FY25 Law Enforcement Mental Health and Wellness Act (LEMHWA); **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue	270-130-F101-4429	US Dept of Justice	\$199,330.00
Increase Expenditure	270-130-F101-6601	Other Miscellaneous Expenses	\$199,330.00

Emergency Management

16. To request authorization to apply for the U.S. Department of Homeland Security's FIFA Counter-Unmanned Aircraft System (C-UAS) Grant in order to enhance the County's ability to detect, assess, and mitigate unauthorized drone activity associated with the 2026 FIFA World Cup and other large-scale special events.

To **authorize** the application of the Counter Unmanned Aircraft Systems (C-UAS) Grant Program and the FIFA World Cup Grant Program between \$7,500,000.00 and an amount not to exceed \$12,000,000.00 for the purpose of technology, equipment and training; and **further authorize** the Chairwoman to execute the necessary documents.

The funding breakdown for this item is currently under review and will be provided once finalized.

17. To request authorization to apply for the U.S. Department of Homeland Security's FIFA World Cup Grant Program to support public safety and emergency preparedness efforts associated with the 2026 FIFA World Cup.

To authorize the application of the FIFA World Cup Grant Program in the amount of \$1,600,000.00; and **further authorize** the Chairwoman to execute any necessary documents.

Community Development

18. **To approve the deletion of two vacant, Grade 107, Code Enforcement Officer positions within the Code Enforcement Division and the creation of one, Grade 113, Planner III position within the Planning Division of the Community Development Agency.**

To **approve** the deletion of two vacant, Grade 107, Code Enforcement Officer positions (3071021 & 3071022), within the Code Enforcement Division, and the creation of one, Grade 113, Planner III position (2037xxx) within the Planning Division; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Decrease Expenditure:	010-030-0350-6012	Salaries	\$63,814.44
Decrease Expenditure:	010-030-0350-6032	Disability	\$ 229.73
Decrease Expenditure:	010-030-0350-6034	FICA	\$ 4,881.80
Decrease Expenditure:	010-030-0350-6036	Medical	\$27,768.80
Decrease Expenditure:	010-030-0350-6038	Life	\$ 255.26
Decrease Expenditure:	010-030-0350-6044	Retirement	\$17,606.40
Decrease Expenditure:	010-030-0350-6045	Defined Contribution	\$ 2,552.58
Decrease Expenditure:	010-030-0350-6052	Workers Comp	\$ 837.25
Decrease Expenditure:	010-030-0350-6054	Dental	\$ 431.34
Increase Expenditure:	010-030-0345-6012	Salaries	\$63,814.44
Increase Expenditure:	010-030-0345-6032	Disability	\$ 229.73
Increase Expenditure:	010-030-0345-6034	FICA	\$ 4,881.80
Increase Expenditure:	010-030-0345-6036	Medical	\$27,768.80
Increase Expenditure:	010-030-0345-6038	Life	\$ 255.26
Increase Expenditure:	010-030-0345-6044	Retirement	\$17,606.40
Increase Expenditure:	010-030-0345-6045	Defined Contribution	\$ 2,552.58
Increase Expenditure:	010-030-0345-6052	Workers Comp	\$ 837.25
Increase Expenditure:	010-030-0345-6054	Dental	\$ 431.34

19. **To approve an annexation Notice of Non-Objection with Stipulations per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of a tract of land that totals 5.76 acres located at the southside of Flint Hill Road, west of Sanders Road.**

To **approve** an annexation Notice of Non-Objection with Stipulation per HB 489 Intergovernmental Agreement and HB 2 regarding a petition for the annexation of 5.76 acres located in Land Lot 911, 19th District, 2nd Section, at the Southside of Flint Hill Road, West of Sanders Road into the City of Powder Springs. A copy of the Non Objection letter is attached and made a part of these minutes.

Economic Development

20. Withdrawal of request to approve an Economic Incentive Commitment Agreement with Home Depot.

This Item was withdrawn from the agenda.

Finance

21. To ratify previous Board actions that authorized the collection and appropriation of various County standard reserves for FY2026 and authorize the carry forward of all unspent FY2025 standard, state mandated, and designated reserve funds into FY2026.

To **ratify** previous actions that authorize the collection and appropriation of various County standard reserves for FY2026; **authorize** the carry forward of all unspent FY2025 standard reserve funds into FY2026; and **further authorize** all corresponding budget transactions.

Designated revenue for current year funds will be appropriated as received.

Designated and unspent revenue in the prior fiscal year budget will be appropriated in the new fiscal year, including any potential subsequent final year-end close-out adjustments.

22. To adopt a resolution adopting all budget amendments set forth in agenda items on this date.

To **adopt** a resolution adopting all budget amendments set forth in agenda items on this date. A copy of said resolution is attached and made a part of these minutes.

CDBG

23. To authorize the acceptance and expenditure of Fiscal Year 2026 program income from the Community Development Block Grant, HOME Partnerships Investment Act, and the Neighborhood Stabilization Program and to establish the necessary funding lines.

To **authorize** the acceptance and expenditure of Fiscal Year 2026 program income for the Community Development Block Grant, HOME Partnerships Investment Act and the Neighborhood Stabilization Program; establish the necessary funding lines; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

CobbWorks

24. To authorize the acceptance of Adult Program grant award from the Technical College System of Georgia (TCSG) to CobbWorks, Inc.

To **authorize** the Adult Program grant award in the amount of \$468,840.00 from the Technical College System of Georgia for CobbWorks, Inc., the local Workforce Development Board, to provide training and employment services to adults; **authorize** corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue:	276-120-26AA-4430	\$ 46,884.00
Increase Revenue:	276-120-26AP-4430	\$421,956.00
Increase Expenditure:	276-120-26AA-WF26AA-A-vary	\$ 46,884.00
Increase Expenditure:	276-120-26AP-WF26AP-P-vary	\$421,956.00

25. To authorize the acceptance of a Dislocated Worker Program grant award from the Technical College System of Georgia (TCSG) to CobbWorks, Inc.

To **authorize** the Dislocated Worker Program grant award in the amount of \$825,264.00 from the Technical College System of Georgia for CobbWorks, Inc., the local Workforce Development Board, to provide training and employment services to Dislocated Workers; **authorize** corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Increase Revenue:	276-120-26DA-4430	\$ 82,526.00
Increase Revenue:	276-120-26DP-4430	\$742,738.00
Increase Expenditure:	276-120-26DA-WF26DA-A-vary	\$ 82,526.00
Increase Expenditure:	276-120-26DA-WF26DP-P-vary	\$742,738.00

County Manager

26. To approve the 2026 Legislative Agenda.

To approve the 2026 Legislative Agenda. A copy of the approved Legislative Agenda is attached and made a part of these minutes.

County Clerk

27. To approve minutes.

To approve the minutes from the following meetings:

- November 10, 2025 - Agenda Work Session
- November 12, 2025 - BOC Regular Meeting

HUMAN RESOURCES

28. To authorize settlement of workers' compensation claim on behalf of Weeclef Louis.

To **authorize** settlement of the Workers' Compensation claim 2024-0074556 for Weeclef Louis in the total amount of \$45,000.00, pursuant to the direction and within the terms discussed in Executive Session on November 19, 2025; and **further authorize** the Chief Human Resources Officer and the Workers' Compensation Administrator to execute the necessary settlement documents.

Funding is available in the Workers' Compensation Claims fund.

CONSENT VOTE: **ADOPTED 5-0**, Commissioner Birrell opposed to Item 15 (See item 18 of these minutes).

REGULAR AGENDA

29. To authorize rate adjustments for the Street Light District monthly service charges.

Motion by Cupid, second by Birrell, to **authorize** rate adjustments for the Street Light District monthly service charges, effective January 1, 2026. A copy of the Street light rate adjustments is attached and made a part of these minutes.

VOTE: **ADOPTED 5-0**

Water System

30. **To establish the Stormwater Service Fee, approve the Cobb County Water System's "Schedule of Rates, Charges, and Fees" to become effective June 1, 2026, and approve establishment of single-year and multi-year stormwater enterprise funds.**

Motion by Cupid, second by Allen, to **establish** the Stormwater Service Fee: **approve** the Cobb County Water System's "Schedule of Rates, Charges, and Fees" to become effective June 1, 2026, and **approve** establishment of single-year and multi-year stormwater enterprise funds. A copy of the approved Schedule of Rates, Charges, and Fees is attached and made a part of these minutes.

VOTE: **ADOPTED 3-2**, Commissioner Birrell and Commissioner Gambrill opposed

31. **To approve the Stormwater Credit Manual to be administered by the Cobb County Water System, which shall be effective June 1, 2026.**

Motion by Cupid, second by Sheffield, to **approve** the Stormwater Credit Manual to be administered by the Cobb County Water System to be effective June 1, 2026. A copy of the approved schedule manual is attached and made a part of these minutes.

VOTE: **ADOPTED 3-2**, Commissioner Birrell and Commissioner Gambrill opposed

Transportation

32. **To rescind approval of a contract with Advanced Road Construction, LLC, and approve a contract with the second-lowest bidder, Advanced Sports Construction, LLC, for 2026 Resurfacing - Americans with Disabilities Act Ramp Upgrades (West), Project No. B2928, Cobb DOT Contract No. 002464.**

Motion by Gambrill, second by Sheffield, to **rescind** approval of a contract with Advanced Road Construction, LLC, in an amount not to exceed \$283,825.00, for 2026 Resurfacing - Americans with Disabilities Act Ramp Upgrades (West), Project No. B2928, Cobb DOT Contract No. 002464; **approve** a contract with the second-lowest bidder Advanced Sports Construction, LLC, in an amount not to exceed \$301,900.00, for said project; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

To rescind approval of a contract with Advanced Road Construction, LLC, and approve a contract with the second-lowest bidder, Advanced Sports Construction, LLC, for 2026 Resurfacing - Americans with Disabilities Act Ramp Upgrades (West), Project No. B2928, Cobb DOT Contract No. 002464.(CONT.)

Rescind contract award to Advanced Road Construction, LLC in the 2022 SPLOST Transportation Improvements Program Fund, as follows:

Decommit Encumbrance

GAE 34808262529: 348-050-B290-B290-8762-B2928-C Turnkey Construction \$278,825.00

Available for contract award to Advanced Sports Construction, LLC in the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Available:	348-050-B290-B290-8762-B2928-C	Turnkey Construction	\$278,825.00
Transfer from:	348-050-B290-B290-8005-B2928-C	Preliminary Estimate	\$ 18,075.00
Transfer to:	348-050-B290-B290-8762-B2928-C	Turnkey Construction	\$ 18,075.00

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Roadway Resurfacing.

2026 Resurfacing - ADA Ramp Upgrades (West) is an eligible project/program under the Roadway Resurfacing Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 12). SPLOST funds will be used for resurfacing activities, including milling, patching, leveling, and resurfacing of various roadways throughout the county.

SPLOST Component Summary as of November 3, 2025: Roadway Resurfacing

Budget:	\$229,993,950.39	Encumbered/Expended:	\$175,486,624.76
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Rescind contract award to Advanced Road Construction, LLC in the Water System DOT Projects – Relocate Lines Adopted CIP Budget, as follows:

Decommit Encumbrance

GAE 51008262529: 510-500-5756-8260-W5128-C Construction \$5,000.00

Available for contract award to Advanced Sports Construction, LLC in the Water System DOT Projects – Relocate Lines Adopted CIP Budget, as follows:

Available:	510-500-5756-8260-W5128-C	Construction	\$5,000.00
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VOTE: **ADOPTED 5-0**

33. **To rescind approval of a contract with Advanced Road Construction, LLC, and approve a contract with the second-lowest bidder, D&H Construction Company, Inc., for drainage system repairs on North Elizabeth Lane, Project No. B22169, Cobb DOT Contract No. 002317.**

Motion by Allen, second by Gambrill, to **rescind** approval of a contract with Advanced Road Construction, LLC, in an amount not to exceed \$138,871.00, for drainage system repairs on North Elizabeth Lane, Project No. B22169, Cobb DOT Contract No. 002317; **approve** a contract with the second-lowest bidder, D&H Construction Company, Inc., in an amount not to exceed \$155,054.25, for said project; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Rescind contract award to Advanced Road Construction, LLC in the 2022 SPLOST Transportation Improvements Program Fund, as follows:

Decommit Encumbrance

GAE 34810142547: 348-050-B220-B220-8762-B22169-C Turnkey Construction \$88,871.00

Available for contract award to D&H Construction Company, Inc., in the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Available:	348-050-B220-B220-8762-B22169-C	Turnkey Construction	\$88,871.00
Transfer from:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	\$16,183.25
Transfer to:	348-050-B220-B220-8762-B22169-C	Turnkey Construction	\$16,183.25

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Drainage System.

North Elizabeth Lane is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14). SPLOST funding for drainage system improvements will provide for the repair and replacement of existing drainage facilities within the county right-of-way.

SPLOST Component Summary as of November 3, 2025: Drainage System

Budget:	\$40,296,492.43	Encumbered/Expended:	\$23,015,328.61
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Rescind contract award to Advanced Road Construction, LLC in the Water System DOT Projects - Relocate Lines Adopted CIP Budget, as follows:

Decommit Encumbrance

GAE 51010142547: 510-500-5756-6496-W5130-C Drainage R&M Svc. \$50,000.00

Available for contract award to D&H Construction Company, Inc., in the Water System DOT Projects – Relocate Lines Adopted CIP Budget, as follows:

Available:	510-500-5756-6496-W5130-C	Drainage R&M Svc.	\$50,000.00
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VOTE: ADOPTED 5-0

34. **To adopt a resolution authorizing the submission of a Local Maintenance and Improvement Grant Program application for FY26 to the Georgia Department of Transportation for the resurfacing of County-maintained roads, Project No. B2926.**

Motion by Cupid, second by Birrell, to **adopt** a resolution authorizing the submission of a Local Maintenance and Improvement Grant Program application for FY26 to the Georgia Department of Transportation for the resurfacing of County-maintained roads, Project No. B2926; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

Appropriate receipt of revenue to the 2022 SPLOST Transportation Improvements Program Fund from the GDOT LMIG Program, as follows:

Increase Revenue:	348-050-B290-B290-4466-B2926-C GDOT Revenue	\$7,420,390.68
Increase Expenditure:	348-050-B290-B290-8761-B2926-C Preliminary Estimate	\$7,420,390.68

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Roadway Resurfacing.

Resurfacing Contract 2026-4 Countywide Thoroughfares (LMIG) is an eligible project/program under the Transportation – Roadway Resurfacing Component of the 2022 SPLOST Transportation Improvements (Cobb County 2022 SPLOST Renewal, pp. 1, 12). SPLOST funds will be used for resurfacing activities including milling, patching, leveling and resurfacing of various roadways throughout the County.

2022 SPLOST Component Summary as of November 3, 2025: Roadway Resurfacing

Budget:	\$229,993,950.39	Encumbered/Expended:	\$175,486,624.76
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VOTE: **ADOPTED 5-0**

35. **To approve a Utility Relocation Agreement with Georgia Power Company for preliminary engineering and relocation of facilities on Holly Springs Road at Sandy Plains Road, Project No. B2313, Cobb DOT Contract No. 002482.**

Motion by Birrell, second by Sheffield, to **approve** a Utility Relocation Agreement with Georgia Power Company, in an amount not to exceed \$96,068.00, for preliminary engineering and relocation of facilities on Holly Springs Road at Sandy Plains Road, Project No. B2313, Cobb DOT Contract No. 002482; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	348-050-B230-B230-8005-B2313-C	Preliminary Estimate	\$96,068.00
Transfer to:	348-050-B230-B230-8786-B2313-U	Utility Relocation	\$96,068.00

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Operational and Safety Improvements.

Holly Springs Road at Sandy Plains Road is an eligible project/program under the Operational and Safety Improvements Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 15). SPLOST funds will be used to make operational and safety improvements at intersections and corridors throughout the county.

SPLOST Project Summary as of November 3, 2025: Holly Springs Road at Sandy Plains Road

Budget:	\$1,000,000.00	Expended:	\$287.60
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VOTE: **ADOPTED 5-0**

36. **To approve a Utility Relocation Agreement with Georgia Power Company for preliminary engineering and relocation of facilities on Pete Shaw Road Sidewalk, Project No. B2732, Cobb DOT Contract No. 002468.**

Motion by Birrell, second by Sheffield, to **approve** a Utility Relocation Agreement with Georgia Power Company, in an amount not to exceed \$38,597.00, for preliminary engineering and relocation of facilities on Pete Shaw Road Sidewalk, Project No. B2732, Cobb DOT Contract No. 002468; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	348-050-B270-B270-8005-B2732-C	Preliminary Estimate	\$38,597.00
Transfer to:	348-050-B270-B270-8786-B2732-U	Utility Relocation	\$38,597.00

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Sidewalk Improvements.

Pete Shaw Road Sidewalk is an eligible project/program under the Sidewalk Improvements Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 16). SPLOST funding for sidewalk improvements will provide construction of sidewalks and other pedestrian improvements, including pedestrian bridges, along roadways in the vicinity of schools, activity centers, multimodal facilities, and other congested areas.

SPLOST Project Summary as of November 3, 2025: Pete Shaw Road Sidewalk

Budget:	\$3,055,742.25	Expended:	\$624,812.48
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VOTE: **ADOPTED 5-0**

37. **To approve Supplemental Agreement No. 2 to the Consultant Services Agreement with CALYX Engineers and Consultants, d/b/a NV5 Engineers and Consultants, Inc., for additional engineering services of Old 41 Highway, Phase 2, Project No. X2609, Cobb DOT Contract No. 001436.**

Motion by Gambrell, second by Allen, to **approve** Supplemental Agreement No. 2 to the Consultant Services Agreement with CALYX Engineers and Consultants, d/b/a NV5 Engineers and Consultants, Inc., in an amount not to exceed \$600,684.38, for additional engineering services of Old 41 Highway, Phase 2, Project No. X2609, Cobb DOT Contract No. 001436; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	347-050-X260-X260-8005-X2609-C	Preliminary Estimate	\$600,684.38
Transfer to:	347-050-X260-X260-8722-X2609-E	Engineering	\$600,684.38

Increase Encumbrance

GAE 34703261935:	347-050-X260-X260-8722-X2609-E	Engineering	\$600,684.38
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The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Roadway Improvements.

Old 41 Highway is an eligible project/program under the Safety and Operational Improvements – Roadway Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 19). Old 41 Highway improvements include conversion of existing intersections to roundabouts or the relocation of White Road to align with Kennesaw Avenue.

SPLOST Project Summary as of November 3, 2025: Old 41 Highway

Budget:	\$7,839,999.50	Expended:	\$1,908,326.65
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VOTE: **ADOPTED 5-0**

38. **To authorize procurement of traffic signal controllers and central processing units for Traffic Signal Timing - SCATS Controllers, Project No. B2562, utilizing available State Contracts.**

Motion by Cupid, second by Birrell, to **authorize** procurement of traffic signal controllers and central processing units, in an amount not to exceed \$98,000.00, utilizing available State Contracts for Traffic Signal Timing – SCATS Controllers, Project No. B2562; and **further authorize** the corresponding budget transaction.

Available in the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	348-050-B250-B250-8005-B2560-A	Preliminary Estimate	\$98,000.00
Transfer to:	348-050-B250-B250-6198-B2562-O	Traffic Control Supplies	\$98,000.00

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Traffic Management, Transportation Technology, and Planning.

Traffic Signal Timing – SCATS Controllers is an approved project/program under the Traffic Management, Transportation Technology, and Planning Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 18). SPLOST funding for Traffic Management, Transportation Technology, and Planning will be used to replace and upgrade the county's traffic signal infrastructure, install traffic signals at locations that satisfy traffic signal warrant(s) as established in the current version of the Manual on Uniform Traffic Control Devices, optimize the operation of the traffic system, improve the county's transportation technology systems, and develop long/short-term planning strategies.

SPLOST Project Summary as of November 3, 2025: Traffic Signal Timing – SCATS Controllers

Budget:	\$852,650.00	Expended:	\$777,150.00
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Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget:	\$950,650.00
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VOTE: ADOPTED 5-0

PUBLIC COMMENT

1. J.T. Jackson addressed the Board regarding Transit.

APPOINTMENTS

39. **To announce the appointment of Taniesha Whorton to the Transit System Advisory Board.**

Commissioner Allen **announced** the appointment of Taniesha Whorton to the Transit System Advisory Board for a concurrent term to expire on December 31, 2028. This appointment will fill a vacant post.

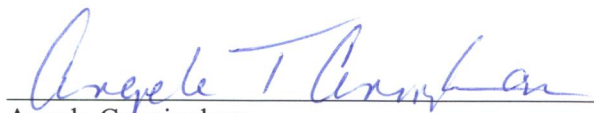
40. **To approve the appointment of Lisa Castleberry to the Cemetery Preservation Commission.**

Motion by Cupid, second by Allen, to **approve** the appointment of Lisa Castleberry to the Cemetery Preservation Commission for a term balance to expire on December 31, 2028. This appointment will replace David Blinkhorn.

VOTE: **ADOPTED 5-0**

ADJOURNMENT

The meeting was adjourned at 11:43 p.m.


Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 2

Package I

Version I - distributed on October 3, 2025

Version II – distributed on November 13, 2025

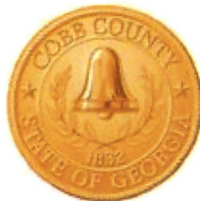
Adopted November 20, 2025

Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

November 20, 2025 – 6:00 p.m.

Cobb County Community Development
P.O. Box 649
Marietta, GA 30061
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Chapter 2 – ADMINISTRATION

ARTICLE IV. – FINANCE

Division 2. - Purchases

Section 2-141 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 2-141. – Advertising for bids; bid openings.

For all purchases ~~which require bidding~~ exceeding the formal sealed bid limit, as defined by Cobb County ordinance or resolution and as may be amended from time to time, advertisements ~~for formal sealed bids~~ shall be first published in the official organ of the county and/or by Internet for two consecutive weeks prior to the week of bid opening. Regular bid openings shall be conducted by the county purchasing procurement services department ~~manager~~ director or his designee at 2:00 p.m. on the second and fourth Thursdays of each month at the offices of the purchasing procurement services department or other designated location. Special bid openings may be conducted at other times as special circumstances may warrant in the opinion of the purchasing procurement services department ~~manager~~ director. Immediately after opening all bids, the purchasing procurement services department ~~manager~~ director or his designee shall record and certify each and every bid or proposal. The date, time and place of bid opening shall be included in the specifications or invitations to bid and in the published advertisement therefor.

The requirements outlined in this section shall not apply to:

- (1) Purchases made when an emergency exists that will not permit a delay.
- (2) Certain services as identified in the county's policy for the procurement of professional services.
- (2) Lease of real property.
- (3) Purchases made through government or cooperative purchasing agreements.
- (4) Purchases of secondhand or surplus goods.
- (5) When, after a good faith review, the procurement services director determines that the good or service is available from only one source or competition is inadequate given the number of sources.

Nothing contained herein shall alter state law advertisement, bidding, or procurement requirements, or obligations as may be imposed by the board of commissioners.

(Mo. of 7-13-65, No. XV; Res. of 4-25-78; Mo. of 1-9-79; Mo. of 3-9-82; Mo. of 6-28-83; Ord. of 1-26-88; Res. of 4-10-90; ~~Code 1977, § 3-12-11~~; Ord. of 7-27-04).

State enabling legislation reference—Purchases, § 2-34(18).

State law reference(s)—Bids required for public works projects, O.C.G.A. § 36-10-2.2

Section 2-142 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 2-142. – Formal sealed bid limit; Purchases exceeding \$50,000.00 formal sealed bid limit made by the procurement services department.

(a) ~~The following policy and procedures with respect to certain purchases exceeding \$50,000.00 shall be construed and interpreted as, and have the effect of, the exercise of the authority of the board of commissioners to make these specific purchases. The formal sealed bid limit is defined as the purchase of goods or services expected to cost more than \$250,000.~~

(b) The adoption of the budget containing line item expenditures for purchases normally made through the county purchasing department shall be approved by the board of commissioners for the purchase of those line items by the purchasing department without further action of the board of commissioners, subject to and upon compliance with the following provisions: Purchases exceeding the formal sealed bid limit made by the procurement services department shall be construed and interpreted as, and have the effect of, the exercise of the authority of the board of commissioners without further action, subject to and upon compliance with the following provisions:

(1) The items goods or services to be purchased must be items included as line items in the approved budget approved by the board of commissioners and the purchase must be within the approved budgeted amount.

(2) There must be full compliance with all requirements with regard to advertisement and bidding prior to any such purchase.

(3) The purchase must be within the budgeted amount which has been approved.

(4) The purchase must be made from the lowest responsive and responsible bidder or the proposer determined to be most qualified based upon criteria set forth in a request for proposal.

(c) The procedure outlined in subsection (b) of this section shall not apply to purchases which are not normally made through the county ~~purchasing~~ procurement services department, nor shall it affect the county manager's authority to make purchases under ~~\$50,000.00~~ the formal sealed bid limit.

~~(d) The procedure outlined in subsection (b) of this section shall not apply to or supercede the county's policy for the procurement of professional services, which present policy as amended from time to time shall remain in full force and effect.~~

~~(e)~~ (d) The policy and procedure described in this section is not intended to restrict the county budget management personnel's prior approved authority to make transfers within the budget, except that any proposed transfer relating to capital expenditures over ~~\$50,000.00~~ the formal sealed bid limit not originally included in the annual budget shall be first approved by the board of commissioners before the procedure described in this section will apply.

(Res. of 2-27-90; ~~Code 1977, § 3-12-11.1~~; Ord. of 7-8-97; Ord. of 7-27-04; Amd. of 2-24-09)

State enabling legislation reference— County Manager § 2-33; Purchases, § 2-34.

State law reference(s)—Bids required for road and public works projects, O.C.G.A. §§ 32-4-60 et seq. and 36-10-2.2; Progress payments to be made to contractors on periodic basis, O.C.G.A. § 13-10-80; Limitations on authority to negotiate contracts O.C.G.A. § 32-4-63; Use of consultants, O.C.G.A. § 36-80-28; Use of multiplier effect on purchases over \$100,000, O.C.G.A. § 36-84-1; Lumber in construction projects, 50-5-63; Partnership for Public Facilities and Infrastructure, O.C.G.A. § 50-5C-1; Guaranteed Energy Savings Performance Contracting Act, O.C.G.A. § 50-37-1 et seq.; Georgia Security and Immigration Compliance, O.C.G.A. § 13-10-90 et seq.; Liquidated damages in construction projects, O.C.G.A. § 13-10-70; Georgia Local Government Public Works Construction Law, O.C.G.A. §§ 36-91-1, et seq.; Unsolicited Proposals for Public Projects, O.C.G.A. §§ 50-5C-1 – 50-5C-10; Terms and conditions under which counties

or municipalities may enter into multiyear lease, purchase, or lease purchase contracts, O.C.G.A. § 36-60-13; Certain purchases prohibited, O.C.G.A. § 36-60-14; Contracts to be in writing and entered on minutes O.C.G.A. § 36-60-1.

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 10

Package I

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Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

November 20, 2025 – 6:00 p.m.

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Chapter 10 – ANIMALS

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

DIVISION 2. – ANIMAL SERVICE BOARD

Section 10-51 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 10-51. - Membership.

- (a) The Cobb County Animal Services Board shall consist of the following: One member of the Atlanta Humane Society of Cobb County board of directors or its designee (post 1); three interested citizens who have interest in domestic animals (posts 2, 3, 4); two veterinarians, at least one of whom shall be a member of the Cobb County Veterinary Medical Society (posts 5, 6); and one citizen chosen by the Chairman or Chairwoman of the Board of Commissioners (post 7). Members of the Animal Services Board shall adopt procedures and policies to govern potential conflicts of interest arising from the responsibilities and duties of their positions.

....

DIVISION 3 – ANIMAL IMPOUNDMENT, REDEMPTION AND ADOPTION

Section 10-67 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 10-67. – Period of impoundment or confinement.

- (a) All periods specified in this section shall be deemed to commence at 12:01 a.m. of the day following the day the time of impoundment or confinement.
- (b) Other than those dogs confiscated under sections 10-13(c), 10-97, or 10-121.7, all impounded animals shall be kept at the animal shelter for a period of not less than five working days unless redeemed within such period.
- (c) Notwithstanding the provisions of paragraph (b), the CCAS Director is authorized to reduce the period of confinement or impoundment to not less than three working days unless redeemed within such period during:
 - (i) a State of Emergency, as declared by the Board of Commissioners, or
 - (ii) periods of CCAS shelter overcrowding.

For the purposes of this paragraph, overcrowding shall mean when, in the judgment of the Director, the number of animals within the CCAS shelter pose a risk to the health, safety, or welfare of the animals themselves, CCAS staff, or both. The Director's determination as to overcrowding shall be based on factors such as available kennel space, staffing levels, animal well-being indicators, and disease control considerations.

- (d) Wildlife or wild animals as defined by this chapter which have been captured by or come to be in the custody of CCAS shall not be deemed impounded and need not be retained for any minimum

length of time. Wildlife and wild animals received by CCAS will be disposed of in accordance with federal and state guidelines.

- (e) Any animal which is voluntarily surrendered to CCAS shall be deemed permanently relinquished to CCAS and may be immediately adopted, destroyed or otherwise disposed of as though it had been impounded.

ARTICLE V. – MISCELLANEOUS OFFENSES

Section 10-135 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 10-135. – Selling/giving away of animals; use of animals as prizes.

~~Selling or giving away animals in front of or on private property or public property, other than the animal owner's property, without the owner's permission, is prohibited. A licensed rescue group, licensed animal shelter, licensed veterinarian, licensed pet dealer, or licensed humane society which has all required governmental licenses, registrations and has obtained permission from the owner of the business or property, may sell or give away animals on private or public property, including but not limited to: retail stores, businesses, flea markets, yard sales and CCAS property.~~

(a) For purposes of this Code section, the term:

(1) 'Consideration' means anything of value, including, but not limited to, cash, credit, electronic payment, services, or any type of property or interest in property. A transaction shall be deemed to be 'for consideration' if it occurs in connection with any payment of consideration or other commercial transaction, including, but not limited to, a sale, adoption, rehoming, lease, trade, exchange, swap, or barter transaction.

(2) 'Transfer' means a transaction in which for consideration a dog, cat, or domestic rabbit, or any interest in any such animal, is exchanged, offered to be exchanged, or advertised for a commercial purpose.

(b) It shall be unlawful for any person to engage in the transfer of any dog, cat, or domestic rabbit at any roadside, public right of way, parkway, median, public or commercial parking lot or sidewalk, park, recreation area, fair, flea market, or a similar transient market or outdoor location, regardless of whether such activity is otherwise authorized by any person or entity.

(c) This Code section shall not apply to:

(1) The transfer of any dog, cat, or domestic rabbit by a person or entity that has and produces upon request, whether in paper, electronic, or other form, a valid animal shelter license issued by the State;

(2) Any transfer that takes place at a residence or inside of a veterinarian's office or other business establishment;

(3) The transfer of any dog, cat, or domestic rabbit by a paid entrant as part of an event or show sanctioned by a national breed club or association, 4-H program, or similar agricultural exhibition; or

(4) The prearranged transfer between a dog, cat, or domestic rabbit seller and a specific purchaser that takes place at a police department, sheriff's office, or other similar law enforcement facility during daylight hours, unless otherwise prohibited.

(d) A CCAS animal services officer is authorized to enforce the provisions of this Code section and to impound any animal subject to a transfer in violation of this Code section.

(e) A person found guilty of violating this Code section shall be subject to a fine not to exceed:

(1) For the first offense, \$100.00;

(2) For the second offense, \$250.00; and

(3) For a third or subsequent offense, \$500.00.

(f) Each violation of this article shall constitute a separate offense.

State Law Reference – Unlawful transfer of certain domestic animals O.C.G.A. § 4-11-10.1

(Ord. of 9-23-80, § 21; Ord. of 6-11-85; Ord. of 10-24-89; Ord. of 5-24-05; Amd. of 10-24-23)

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 18

Package I

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Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

November 20, 2025 – 6:00 p.m.

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Chapter 18—BUILDING REGULATIONS

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

DIVISION 1. – GENERALLY

The Official Code of Cobb County, Georgia, is amended by adding a section numbered Section 18-28 to read as follows:

Sec. 18-28. - ~~Reserved~~. Authorization for Technical Assistance in Building Code Compliance

- (a) Purpose. This section will establish procedures for obtaining and managing technical assistance to evaluate compliance with the Code and to determine the acceptability of technologies, processes, facilities, materials and uses related to building design, operation and compliance inspections conducted by the Development and Inspections Division.

- (b) 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:

Technical Assistance shall mean the support and guidance provided by professionals to local governments, building professionals, and citizens regarding the state's construction codes.

Georgia Design Professional shall mean individuals registered or licensed to practice specific design professions such as architecture, engineering, or landscape architecture. These professionals are regulated by the State Professional Licensing Boards Division.

Third Party Services shall mean any approved person or entity registered and licensed as design professionals within the state of Georgia.

- (c) Authority of the Chief Building Official

- (1) When necessary due to the complexity of the project, the Chief Building Official is authorized to charge a fee to the applicant for the cost of engineering analyses, technical opinions, reports, or other determinations of code compliance as deemed necessary for the design operation or use of any building or premises subject to inspection or permitting by the Development and Inspections Division.
- (2) Any such report determined necessary shall be prepared by a qualified professional selected by the Chief Building Official as determined by the expertise necessary for the project. The Building Official may enter into retainer agreements to fix scopes of service and hourly compensation rates for technical assistance providers with the approval of the County Manager if under the formal sealed bid limit. Agreements above the formal sealed bid limit must follow standard procurement processes.
- (3) Upon receipt of the required report or analysis, the Chief Building Official shall review it and decide whether the proposed design, occupancy, process, or approach complies with the minimum intent of the applicable Building Code and referenced standards. A written

determination shall be made to the applicant or owner; a record of the decision will be noted in the department's records.

- (d) Engagement and Direction of Technical Assistance. Any person, firm, or company engaged to provide technical assistance shall operate under the direction of the county through the Chief Building Official regarding the scope of work and reporting requirements.
- (e) Fee Collection and Use. The need for technical assistance shall be determined at time of application submission. The costs incurred for technical assistance shall be collected as part of the permit fee. Funds collected for technical assistance from the applicant shall be deposited into the Development and Inspections Division's Professional Services Account to pay the third-party service invoices as incurred.

Secs. 18-289—18-35. - Reserved.

ARTICLE X. – SWIMMING POOLS AND WASTEWATER DISCHARGES

The Official Code of Cobb County, Georgia, is amended by adding a section numbered Section 18-301.1 to read as follows:

Sec. 18-301.1. – Swimming Pool Contractor

- (a) Definitions.

Pool Builder shall mean any person/entity applying for a permit to build a pool.

General Contractors License shall mean a state of Georgia certified general contractor's license.

Approved Pool Builder Certification shall mean a certification approved by the Chief Building Official in lieu of a general contractors license.

- (b) Cobb County shall require all pool contractors to obtain a general contractor's license or an approved pool builder certification in order to be issued a pool permit.
- (c) No person or entity shall commence construction of a pool or spa, as defined by the International Swimming Pool and Spa Code, without first obtaining a valid Cobb County permit. Pool Builders wishing to obtain a permit must hold a valid general contractor's license from the state of Georgia or a pool builder certification as approved by the Chief Building Official.
- (d) The Chief Building Official, or its designee, shall hold the authority to approve or deny pool builder certifications.
- (e) An Applicant for a pool permit shall submit all necessary documentation, including a copy of a valid state of Georgia general contractor's license or approved pool builder certification, as well as a copy of a valid business license upon submittal.

ARTICLE XIII. - DEVELOPMENT BLASTING

Section 18-361 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 18-361. - Blasting permit issuance; standard permit conditions.

...

- (d) *Standard conditions.* The following provisions constitute the standard conditions applicable to development blasting permits:
- (1) County staff has the right to enter upon the property and complete all necessary inspections related to the blasting activity or in response to complaints resulting from the blasting activity.
 - (2) Hours of blasting activity: 10:00 a.m. through 4:00 p.m., Monday through Friday. No weekends, no state holidays, and no federal holidays.
 - (3) The permit is issued to the user identified in the application and allows the blaster identified in the application to conduct the blasting activity. If the blaster identified in the application changes subsequent to the application submittal or after the permit is issued, then the user must notify the County as to the name, address, contact information and registration requirements of the replacement blaster prior to detonation of blasts by the replacement blaster.
 - (4) The responsible user, blaster and engineer or engineer's designee, identified in the permit application, must be on site during all phases of the physical blast preparation (drilling holes, etc.) and detonation activity.
 - (5) Where required by the director, no detonation of explosives (blasting) may occur without appropriate county staff on site.
 - (6) Notice of the exact blast time and date must be provided to the Cobb County Department of Public Safety one hour prior to the blast.
 - (7) A blasting permit is issued to the user and is not transferable.
 - (8) A record of each blast must be maintained in accordance with Chapter 120-3-10 of the Rules and Regulations of the Safety Fire Commissioner of Georgia and per O.C.G.A. §§ 25-2-4, 25-2-17 and 25-8-9. Records shall be made available to the director upon request.
 - (9) A permit is valid for 90 days from date of issuance, unless otherwise specifically stated on the face of the permit. Permit extensions are allowed as determined by the director.
 - (10) Issuance of the blasting permit does not relieve the applicant, the user, the blaster or the developer of responsibility for the results of the blasting activity, including the accuracy and adequacy of the blasting plan as implemented in the field.

- (11) The developer is responsible for handling, discharging or settling all damage or annoyance claims resulting from the blasting activity.
- (12) The applicant may be required to execute an escrow agreement and fund a cash escrow account prior to issuance of the blasting permit. The sole purpose of this escrow agreement is to compensate property owners for damage (cosmetic or structural) to their property resulting from the blasting activity. Cobb County will be the escrow agent. Disbursements from the escrow account will be made by the county based upon the decision of the arbiter as a result of binding arbitration proceedings. The applicant is solely responsible for the costs associated with the arbitration proceedings.
- (13) The issuance of the blasting permit is an administrative process designed to make the proper entities aware of the blasting activities and verify qualifications of the applicant.

(14) At least fourteen (14) calendar days prior to the first scheduled blasting event, the blaster shall:

- a. Erect or post a weather-resistant sign at the entrance to the development site or at another highly visible location as approved by the Fire Marshal on the application for blasting. The sign shall contain the anticipated dates of blasting activity, contact information for the blaster or user, and a general description of the activity;
- b. Deliver written notice via registered mail to the record owners of all properties with dwellings and/or structures located within one thousand feet, as shown on the most current tax records, of the blast site boundary, as defined in Section 18-358. The notice shall include the anticipated start date of blasting, the expected duration, and contact information for the blaster or user; and,
- c. Maintain a record of all such signage and mailings, including photographs of the sign in place and proof of mailing, and make such records available to the director upon request.

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 22

Package I

Version I - distributed on October 3, 2025

Version II – distributed November 13, 2025

Adopted November 20, 2025

Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

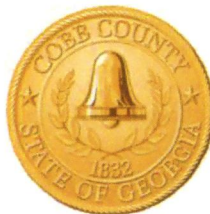
November 20, 2025 – 6:00 p.m.

Cobb County Community Development

P.O. Box 649

Marietta, GA 30061

www.cobbcounty.gov



The Official Code of Cobb County, Georgia is amended by adding a chapter numbered 22 to read as follows:

CHAPTER 22 – CABLE AND VIDEO SERVICE PROVIDERS; STATE FRANCHISE HOLDERS

Sec. 22-1. - Title and Purpose

- (a) *Title.* This ordinance shall be known as the "Preserving Cobb County Rights over State Franchised Cable Service Providers and Video Service Providers" ordinance.
- (b) *Purpose.* The purpose of this ordinance is to exercise full authority and obtain full benefits from state franchised cable service providers and video service providers operating under a franchise granted in accordance with the Consumer Choice for Television Act, O.C.G.A. §§ 36-76-1, et. seq.

Section 22-2. – Definitions

- (a) Other than Utility, all capitalized terms shall have the same meaning as presently provided for in the Consumer Choice for Television Act.
- (b) The board of commissioners or board means the present governing body of the county or any successor to the legislative powers of the present board of commissioners.
- (c) County Franchise Manager means the county communications department's cable television franchise manager as appointed by the board of commissioners.
- (d) Utility – For purposes of Section 106-3 of the Code, "Utility accommodations in rights-of-way," the term "Utility" shall include a state franchised cable service provider and a state franchised video service provider as provided for in the Consumer Choice for Television Act.

22-3. - General Provisions

- (a) *Franchise Fee.* In compliance with O.C.G.A. § 36-76-6 (2), the county shall provide a written notice to the Secretary of State for each applicant for, or holder of, a state franchise with a service area located within the county providing notice of the five (5%) percent franchise fee rate the county imposes.
- (b) *PEG Channels.* In compliance with O.C.G.A. § 36-76-6 (2), the county shall provide notice in writing to the holder of a state franchise that such holder is required to designate capacity in its network to allow for the airing of noncommercial PEG programming consistent with the obligations it had under the local franchise under which the state franchise holder operated prior to obtaining the state franchise.
- (c) *Payments and Notices.* All fees required to be paid to the county and all notices shall be submitted to the county at the following address: Cobb County Communications Department, ATTN: Cable TV Franchise Manager, 100 Cherokee Street, Suite 130, Marietta, Georgia 30090.

Section 22-4. - Police Powers and Conditions of Right-of-Way Occupancy

- (a) In accordance with O.C.G.A. § 36-76-10 (3) and (4), Cobb County seeks to exercise the maximum control possible over a state franchised cable service provider's and a state franchised video service provider's conduct on County property and within the County's rights of way. Specifically, but without limitation, Sec. 106-3 of the Code and any manual adopted pursuant to Section 106-3 shall apply to any state franchised cable operator and state franchised video operator.
- (b) All transmission and distribution structures, lines and equipment erected by a state franchise holder within the county shall be located so as to cause minimum interference with the proper use of the rights-of-way and shall be constructed, operated and maintained in material compliance with all adopted county and applicable national construction and electrical codes, including, without limitation, Section 106-3. If the state franchise holder fails to comply with such requirements, the county department of transportation may take such measures as it determines necessary in its reasonable discretion to remediate the area or work. If restoration work is corrected by the department, the cost will be billed to the state franchise holder.
- (c) The state franchise holder shall not construct or operate its cable system or video system within the county unless it has complied with all current county regulations and procedures relating to the placement, location, specifications and manner of installation for such cable system facilities. In particular, a state franchise holder shall not locate facilities within the county rights-of-way which are not on utility poles without first disclosing such activity to the county permitting manager and obtaining approval, which approval shall not be unreasonably withheld. Nothing in this subsection shall be interpreted to require a state franchise holder to alter or rearrange its then existing operations or facilities upon the county's adoption of new regulations affecting such operations or facilities unless a failure to do so seriously threatens the health, safety or welfare of county residents.
- (d) If the county or state shall require the removal, relocation or reinstallation of any portion of the state franchise holder's cable system within the county's right-of-way, upon written notice from the county, the state franchise holder shall relocate or reinstall those facilities affected as soon as possible. Such relocation, removal or reinstallation shall only be requested if it is necessary for the public health, safety or welfare and in such cases the state franchise holder shall bear all of its costs in completing the removal, relocation or reinstallation.
- (e) Where electric or telephone utility facilities are located underground within the county, the state franchise holder shall locate its facilities underground as well, regardless of when the utilities are placed underground. If facilities of a state franchise holder are placed underground at the request of a property owner where other utility facilities are placed aerially, the additional cost of locating the cable facilities underground shall be borne by the property owner making the request. Except where facilities are on the county right-of-way the company shall not be liable for the cost of relocating facilities, aerial or underground, where such relocation is required to accommodate a streetscape, sidewalk, or private development.
- (f) A state franchise holder shall have the authority to trim trees overhanging the county right-of-way so as to prevent the branches of such trees from coming into contact with the state franchise holder's facilities. All such trimming shall be done under the supervision and direction of the county and at the state franchise holder's expense. The county department of transportation

reserves the right to trim trees coming in contact with the state franchise holder's facilities should the county determine in its reasonable discretion that a hazardous condition exists. The county shall not be liable for any damages that may occur to the state franchise holder's facilities as a result of such tree trimming.

- (g) If the state franchise holder disturbs a county right-of-way, it shall, at its own expense and in a manner approved by the county's utility permitting manager, replace and restore such right-of-way to as good a condition as existed before the state franchise holder's work was begun and in conformance with all county ordinances and department of transportation regulations.
- (h) At the request of any person holding a valid building moving permit issued by the county, a state franchise holder shall temporarily raise or lower its wires to permit the moving of such building. The state franchise holder's costs in moving its facilities shall be paid by the person holding the permit and the state franchise holder may require payment in advance for its work. Such person shall give the state franchise holder at least 48 hours' notice of such request and any disputes between such person and the state franchise holder shall be resolved by the county manager or his/her designee.
- (i) If, in the case of public emergency, the county department of transportation director or county department of public safety director determines it necessary to cut or remove any of the state franchise holder's facilities, they may do so. All necessary repairs shall be completed at the state franchise holder's, or its insurance company's, expense. The state franchise holder shall not be penalized under this chapter for any delays or problems incurred in its cable or video operation as a result of such action by the county. This section shall not be interpreted to indemnify the county in the case of gross negligence or willful misconduct.
- (j) A state franchise holder's work, while in progress, shall be properly executed at all times with suitable barricades, flags, lights, flares or other devices as are reasonably required to protect the public using the right-of-way or property involved and in conformance with all county ordinances and department of transportation regulations.

Section 22-5. - Surety bond or other security.

- (a) The county reserves the right to require a state franchise holder to obtain a surety bond, letter of credit, or other equivalent form of security, running in favor of the county, to guarantee the faithful performance by the state franchise holder of all provisions of this chapter. If the state franchise holder is found to be in material violation of this chapter, the amount of damages suffered by the county shall be recoverable from such bond, letter of credit, or other form of equivalent security, including obligations owed under any indemnity granted by the state franchise holder in favor of the county.
- (b) The bond, letter of credit or other form of equivalent security shall be in a form reasonably satisfactory to the county and shall contain a provision that it shall not be terminated or otherwise allowed to expire without at least 30 days' prior written notice to that effect to both the county and the state franchise holder. Such bond, letter of credit, or other form of equivalent security, along with evidence of payment of the required premiums, shall be filed with the county.

Sec. 22-6. - Indemnity.

- (a) The state franchise holder shall, at its sole cost and expense, fully indemnify, defend and hold harmless the county, its officers, boards, commissions and employees against any and all claims, suits, actions, liability and judgments from third parties for damage arising out of the installation, operation or maintenance of the cable system or video system, including copyright infringement, whether or not the act or omission complained of is authorized, allowed or prohibited by this chapter, unless such damage was caused by the negligence of the county or its officers, boards, commissions or employees.
- (b) The state franchise holder shall pay all expenses incurred by the county, including reasonable attorneys' fees and other costs of litigation, in defending itself with regard to all claims and actions mentioned in subsection (a) of this section.

Sec. 22-7. - Enforcement and Penalties.

- (a) Enforcement. The provisions of this chapter shall be enforced by the county communications department and the county department of transportation. The county manager may also authorize other county department as may be deemed necessary to support enforcement.
- (b) Penalties. Violations of this chapter shall be subject to the penalties outlined in the Section 1-10,

Sec. 22-8. - Severability and Effective Date.

- (a) Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.
- (b) Effective Date. This ordinance shall become effective upon its adoption by the Cobb County Board of Commissioners.

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 54

Package I

Version I - distributed on October 3, 2025

Version II – distributed on November 13, 2025

Adopted November 20, 2025

Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

November 20, 2025 – 6:00 p.m.

Cobb County Community Development

P.O. Box 649

Marietta, GA 30061

www.cobbcounty.gov



Cobb County...Expect the Best!

Chapter 54 – FIRE PREVENTION AND PROTECTION

ARTICLE II. - FIRE DISTRICT

Section 54-26 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-26. - Established; designated as fire department.

Pursuant to the laws of the state there is hereby established the Cobb County Fire District, referred to in this article as the fire department, which shall provide fire protection to all of the citizens of the unincorporated areas of the county and may provide fire protection to citizens of municipalities in Cobb County through an intergovernmental agreement pursuant its Constitutional amendment. ~~the municipalities of Acworth, Kennesaw and Powder Springs.~~ All other fire districts previously established are hereby merged into the county fire district by the authority of the referendum vote of the citizens of the county held on November 5, 1974, and by this section. References in this chapter to "code", "chapter", or a "code section" herein are to Chapter 54 of the Official Code of Cobb County, Georgia unless otherwise stated.

(Res. of 7-22-69, § 1; Res. of 1-14-75; ~~Code 1977, § 3-13-20~~)

ARTICLE III. - FIRE SAFETY STANDARDS

Section 54-51 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

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

- (a) This Code section shall apply to the state minimum fire safety standards enforced by the fire marshal's office. This Code section shall not apply to separate certificate of occupancy requirements enforced by the community development agency building department.
- (b) Every building, structure, or tenant space shall have a certificate of occupancy issued by the Cobb County Fire Marshal's Office before such building, structure, or tenant space may be occupied. Such certificates of occupancy shall state the occupant load for such business establishment or building and shall be posted in a prominent location within such business establishment or building.

Exception 1: One-family and two-family dwellings, one-family and two-family row houses (townhouses) separated by a two-hour fire wall and two-family townhouses separated by a two-hour fire wall.

Exception 2: Residences providing in-home day care (if five or less clients/attendees) and businesses not open to the public located in one-family and two-family dwellings.

- (c) Such certificates of occupancy shall run for the life of the building, structure or tenant space, except where there is a change in the classification of occupancy, substantial renovation, reconstruction due to fire or other hazard of serious consequence, renovation or addition.
- (d) Change in the classification of occupancy includes changes that place the building, structure, or tenant space in a different subclassification of the same group or occupancy, or in a different group of occupancies.
- (e) Where there has been any change in the classification of occupancy, substantial renovation or reconstruction due to fire or other hazard of serious consequence, the building or structures therein,

shall be constructed to meet requirements for new construction of the code edition adopted at the time plans are approved for the change of occupancy, substantial renovation or reconstruction due to a fire or other hazard of serious consequence.

- (f) Where there has been any renovation or addition, the area included in the renovation or addition shall be constructed to meet requirements for new construction of the code edition adopted at the time plans are approved for the renovation or addition. For the purposes of this section, the area included in the renovation or addition shall be limited to such area as clearly outlined on the construction plans/permit documents.
- (g) ~~Except in assembly, storage and industrial occupancies, where~~ Where there has been no change in the classification of occupancy, substantial renovation (as defined in subsection (i)), reconstruction due to fire or other hazard of serious consequence, renovation or addition but merely a change in owner or a change in business name, and a valid certificate of occupancy has previously been issued for the building, structure, or tenant space, a "Notice of Information Change Form" shall be completed by the new owner and/or occupant and submitted to the Cobb County Fire Marshal's Office. A new certificate of occupancy will not be issued by the fire marshal unless required by the state minimum fire safety standards, and in such case a joint certificate of occupancy or fire-only certificate of occupancy may be issued. ~~if the building, structure or tenant space is located in unincorporated Cobb County or the City of Acworth. A new certificate of occupancy will be issued if the building, structure or tenant space is located in the city limits of Kennesaw or Powder Springs.~~
- (h) Business owners subleasing a portion of any space with a valid certificate of occupancy shall complete a "Notice of Information Change Form" and submit to the Cobb County Fire Marshal's Office. A new certificate of occupancy will not be issued ~~if the building, structure or tenant space is located in unincorporated Cobb County~~ by the fire marshal unless required by the state minimum fire safety standards, and in such case a joint certificate of occupancy or fire-only certificate of occupancy may be issued. ~~if the building, structure or tenant space is located in unincorporated Cobb County or the City of Acworth. A new certificate of occupancy will be issued if the tenant space is located in the city limits of Kennesaw or Powder Springs.~~
- (i) For the purposes of this Code section, "substantial renovation" means any construction project in which the cost of construction exceeds the structure's assessed value as recorded in the tax assessors' records at the time of renovation. A "fire or other hazard of serious consequence" means any incident or condition, including but not limited to fire, structural damage, environmental contamination, or system failure, that results in conditions requiring a substantial renovation to restore the building or structure to a safe and occupiable condition. ~~substantial renovation means any construction project involving exits or internal features of such building, or any structure costing more than the building's or structure's assessed value according to county tax records at the time of such renovation.~~
- (j) For purposes of this Code section, renovation means any construction project that involves removing or adding walls, doors, or windows; performing electrical or plumbing work that requires a permit; or making structural modifications or alterations to the building or its systems. ~~and/or adding walls/doors/windows, any electrical or plumbing work requiring a permit or work involving structural components.~~
- (k) Construction, reconstruction, substantial renovation, renovation, or addition shall be prohibited without plans approved by the fire marshal's office prior to any work being performed.
- (l) Penalties and Enforcement.
 - (1) Any person or entity that fails to obtain a valid certificate of occupancy from the fire marshal's office prior to occupancy as required under subsection (b) of this code section shall be guilty of an ordinance violation.
 - (2) Upon ascertaining such a violation, a notice of violation shall be directed to the owner of the property and shall provide a time frame for compliance. The notice issued pursuant to this section

may be served upon the party responsible for the violation, either by personal service, mail, or by process server.

- (3) In the event that the compliance time period passes and the certificate of occupancy has not been obtained, a citation shall issue requiring a court appearance. The maximum penalty for a violation prosecuted in court shall not exceed \$1,000 or imprisonment for up to six months, of both, as authorized by state law.
- (4) Any person who shall violate any of the provisions of this article or fail to comply therewith, shall for each and every such violation and noncompliance, respectively, be guilty of an ordinance violation. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue.
- (5) The provisions of this subsection (l) shall not apply to: the following occupancies, as defined in subsection (b) of this Code section and classified according to the applicable zoning designation and land use classification established by either Cobb County's Unified Development Code or the zoning ordinance of the respective municipality receiving services from Cobb County Fire & Emergency Services:
 - a. One-family and two-family dwellings, including townhouses separated by a two-hour fire wall;
 - b. Residences providing in-home day care for five or fewer clients; and
 - c. Businesses not open to the public that operate from one-family or two-family dwellings.

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

Sec. 54-51.1. - Expiration of approval; inactivity; renewal; inspections.

- (a) Any approvals issued by the Cobb County Fire Marshal shall expire if work is not commenced within 180 days of such issuance or approval, or if a permit is not issued by the respective building official within 90 days of Fire Marshal's approval.
- (b) If approval expires or not issued as described in (a), applicant will be required to reapply for said project under the most current applicable state laws and ~~county~~ ordinances. The project must meet current and locally adopted codes and standards at the time of the reapplication.
- (c) Inactivity - The Fire Marshal approval shall be voided if inspections are not requested within 180 days of the issuance of the building permit. Occupancy of the construction area is prohibited until commissioning is completed.
- (d) Voided approvals - Appeals for voided approvals shall be made in accordance with section 54-121 of this code ~~article IX of chapter 54.~~
- (e) Work progress inspection or review - Meeting with the Cobb County Fire Marshal's office for a work progress inspection or review before dates listed above is required to avoid expiration of permits or approvals.
- (f) The above shall be effective August 1, 2022.

Section 54-52 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-52. – International Fire Code adopted.

The edition of the International Fire Code is adopted under section 54-54; the county further adopts for administration and enforcement, IFC Chapter 1 sections 103, 105, 108, 109, 110, and 111 of chapter 1 of such International Fire Code for administration of such code, and 112 are adopted, as locally amended by this chapter. ~~unless in conflict with state law or rules in accordance with state law, in which case state law controls. In such case, state law or rules promulgated in accordance with state law shall govern. Where~~

the International Fire Code or International Building Code do not specifically address a matter, NFPA 1 or NFPA 5000 may be applied, subject to the Fire Marshal's approval and consistency with state law.

~~The county further amends section~~ Section 1112.4 amended to read as follows:

Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 1,000 dollars per day.

For purposes of this section, a "stop work order" means an official notice issued by the fire marshal's office requiring the immediate cessation of any construction activity, change in occupancy of any type, or use of a building, structure, or space that is in violation of applicable fire codes, unsafe conditions, or lacking required permits or approvals as specified in the stop work order.

Section 54-53 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-53. – Reinspection fees.

The county's fire marshal's office shall be authorized to assess reinspection fees in accordance with the following:

First reinspection \$ 50.00

Second reinspection \$ 100.00

Third reinspection and every reinspection thereafter \$ 150.00

Fees will be assessed upon the completion of a scheduled reinspection, when it is determined that the cited code violation(s) has not been corrected to bring it into compliance with the applicable code(s). If during a reinspection, a code violation is noted that was not listed as part of the original violation(s), a reinspection fee will not be assessed for the newly cited code violation(s). Any newly cited code violation discovered at the time of reinspection will be considered a first time violation and will restart the reinspection fee process. The reinspection fee process will be as follows:

- (1) When, during a scheduled reinspection, an inspector determines that the cited code violation(s) has not been corrected to bring it into compliance with the applicable code(s), the inspector will notify the responsible party: contractor, owner, manager, etc. Whenever possible, a reinspection fee citation stating the reinspection fee amount will be left with a responsible party or posted on site. When no one is on site to receive the citation, the inspector shall notify the responsible party as soon as possible using contact information supplied to the fire marshal's office.
- (2) Reinspection fees must be paid within 30 days of the reinspection date to Cobb County Fire and Emergency Services. The foregoing notwithstanding, no fire safety codes release or certificate of occupancy will be issued until all reinspection fees are paid in full.
- (3) Any disputed fees may be appealed in writing to the fire marshal's office, with final authority resting with the fire marshal. Appeals may be taken to the fire appeals board.
- (4) Reinspection fees will also be applied to plan review appointments scheduled with the fire marshal's office if not cancelled a minimum of 24 hours prior to the scheduled plan review time.

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

Section 54-54. – State minimum standards adopted.

The state minimum fire safety standards adopted in the rules and regulations promulgated pursuant to ~~O.C.G.A. tit. 25, ch. 2~~ (O.C.G.A. § 25-2-1 et seq.), including all subsequent revisions thereof, are adopted by reference.

The state minimum fire safety standards shall apply to all structures in unincorporated Cobb County may provide fire protection to citizens of municipalities in Cobb County through intergovernmental agreement, cities of Acworth, Kennesaw, and Powder Springs, except for one-family and two-family dwellings.

Section 54-54.1 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-54.1. – Tanks.

(a) Scope.

- (1) ~~Section 54-54.1~~ This code section shall apply to all storage and fuel tanks.
- (2) ~~Section 54-54.1~~ This code section shall not apply to propane containers used exclusively for heating or cooking purposes for detached one- and two-family dwellings, provided the tank capacity does not exceed 1,000 water gallons.
- (3) ~~Section 54-54.1~~ This code section shall not apply to containers of Class I liquids with capacity of less than 25 gallons.
- (4) ~~Section 54-54.1~~ This code section shall not apply to containers of Class II or III liquids with a capacity of less than 60 gallons.
- (5) Liquid classes are defined by NFPA 30 as adopted by code section 54-54, Cobb County Code.
- (6) ~~Section 54-54.1~~ This code section shall not apply to fueling stations permitted by the State fire marshal's office in accordance with Georgia Rules and Regulations, Rule 120-3-11. This code section shall apply in any instance where the State Fire Marshal's Office does not have permitting authority or has not issued a permit.

(b) Zoning and protection.

- (1) Storage and fuel tanks shall meet the requirements of NFPA 30, NFPA 30A, NFPA 52, NFPA 58 and any other applicable codes adopted under section 54-54 of this Code.
- (2) No aboveground tanks shall be installed in residentially zoned areas, except as to any Cobb County Fire Stations that may be located in any such residentially zoned area.
- (3) All aboveground tanks storing gasoline, where allowed by zoning shall be a vaulted type tank that is projectile resistant and vehicle impact resistant as certified by Underwriters Laboratories or other recognized testing labs. Exception: Bulk plants or terminals.
- (4) All aboveground tanks must be approved for aboveground use by Underwriters laboratories or other recognized testing labs.
- (5) Within 30 days of removal, the Cobb County Fire Marshal's Office shall be provided a site plan and closure report by the owner, their designee or the removing contractor for any underground storage tank(s) that is/are removed.

(c) Permit.

- (1) All tanks will be permitted through the Cobb County Fire Marshal's Office;
- (2) Temporary tanks (90 days or less) do not require a permit. Temporary tanks must be located no closer than 100 feet from any structure or building and must comply with all other code requirements.
- (3) Plan review fee will be \$300.00 for each permit, regardless of number of tanks on the permit;
- (4) Fines assessed for failure to obtain a permit will be \$1,000.00; and
- (5) Fines assessed for failure to call for an inspection will be \$500.00.

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

Sec. 54-55. - Enforcement; establishment and duties of bureau of fire prevention; authority of fire marshal.

- (a) The state minimum fire safety standards shall be enforced by the fire marshal ~~in the fire department of the county which is hereby established and~~ which shall be operated under the supervision of the chief of the fire department. The fire marshal shall have the duties of the chief of the bureau of fire prevention. References to the fire marshal shall mean the fire marshal of Cobb County, unless stated otherwise.
- (b) The chief of the fire department may detail such members of the fire department, or other county employees, as shall from time to time be necessary.
- (c) A report of the bureau of fire prevention shall be made annually and transmitted to the chairman of the board of commissioners. Such report shall contain all proceedings under the adopted codes, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the fire prevention code which, in his judgment, shall be desirable.
- (d) ~~The county fire marshal is hereby authorized to enforce the state minimum fire safety standards of the cities of Acworth, Kennesaw, and Powder Springs, being municipalities within this county, and to conduct fire inspections in accordance therewith; provided however, that citations for violations of such municipal codes shall be returnable to the appropriate courts of such municipalities; provided further, that the county fire marshal shall not enforce such municipal codes unless they are and remain substantially similar to the county's state minimum fire safety standards, as amended; and provided further, that the county fire marshal shall not enforce such codes in any of such municipalities unless and until the governing authority of such municipality shall have entered into a written contract with the county pursuant to Ga. Const. art. IX, § 11, permitting the county fire marshal to enforce such municipal codes and to conduct fire inspections within such municipality; and to this end, the chairman of the board of commissioners is hereby authorized to affix his signature and seal to any such contract, and to do any and all acts necessary to carry out the intent of this subsection.~~

(Res. Of 6-8-71, § 2; Res. Of 9-23-75; ~~Code 1977, § 3-13-32~~; Ord. of 1-24-06; Ord. of 7-25-06; Ord. of 2-27-07; Amd. Of 2-11-20; Amd. Of 2-8-22)

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

Sec. 54-56. - Definitions in fire prevention code.

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

- (1) Wherever the word "municipality" is used in the International Fire Code, it shall be held to mean the unincorporated areas of the county and municipalities in Cobb County for which the County provides services by intergovernmental agreement ~~the cities of Acworth, Kennesaw, and Powder Springs~~
- (2) Wherever the term "corporation counsel" is used in the International Fire Code, it shall be held to mean the attorney for the county.
- (3) Wherever the words "chief of the bureau of fire prevention" are used in the International Fire Code, they shall be held to mean the fire marshal.
- (4) "Fire code official" shall mean fire marshal.
- (5) "Authority having jurisdiction" shall mean fire marshal.

(6) "Private fire main" shall include all piping and appurtenances on the customer side of the master meter.

~~(7) As of August 1, 2022, the term "Fire Code" means the most recent published edition or the edition referenced by State Fire Marshal NFPA 1 The Fire Code or the International Fire Code. Both shall be adopted and if an administrative challenge or code conflict exists, the conflict shall be resolved by the Fire Marshal.~~

(Res. Of 6-8-71, § 3; Res. Of 9-23-75; ~~Code 1977, § 3-13-33~~; Ord. of 1-24-06; Amd. Of 2-8-22)

Section 54-59 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-59. – Hydrant obstruction and hydrant maintenance.

- (a) For private fire hydrants located at one-family and two-family dwellings, including townhouses and condominiums, Cobb County Fire and Emergency Services shall have the authority to enforce all codes with regards to fire hydrants including but not limited to: location, inspections, maintenance, flow test (every three years) and obstructions. These private hydrants shall comply with the applicable codes, standards and local ordinances currently adopted by Cobb County and shall be enforceable per the terms of section 54-51 of this chapter.
- (b) All hydrants shall be painted silver as needed. Reflective tape a minimum of one-inch wide shall be placed around the entire circumference of the bonnet with the ends overlapping a minimum of one inch. White reflective tape shall be used on all public fire hydrants. Orange reflective tape shall be used on all fire hydrants that are not owned and/or maintained by Cobb County Water System. Painted tape or worn tape shall be replaced. Contact the Cobb County Fire Marshal's Office for information on reflective tape that has been approved for use on fire hydrants.
- (c) Hydrants other than those owned and/or maintained by Cobb County Water System shall have general maintenance performed annually in accordance with the currently adopted edition of NFPA 25. Maintenance and flow test records shall be maintained on the premises for inspection by the Cobb County Fire Marshal's Office. A weather-resistant tag shall be affixed to each hydrant indicating the date of inspection, the name of the company responsible for the inspection, and the operational status of the hydrant using the following color system: green shall indicate that no deficiencies are present and the hydrant is fully operational; yellow shall indicate that deficiencies were found, but the hydrant remains functional; and red shall indicate that the hydrant is non-operational and will not function as intended. All maintenance shall be performed by a qualified company on file with the Cobb County Fire Marshal's Office.
- (d) Hydrants other than those owned and/or maintained by Cobb County Water System shall be flow tested every three years. Flow testing shall be done in accordance with requirements in the American Water Works Association M17 manual, "Installation, Field Testing, and Maintenance of Fire Hydrants." A site map showing flow and residual hydrants (numbered appropriately) shall be provided with each report. The flow test shall be performed by a qualified company on file with the Cobb County Fire Marshal's Office.
- (e) All hydrants shall be installed and maintained such that the center of any hose outlet shall not be less than 18 inches above final grade.

Section 54-60 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-60. – Fire hydrant installation for existing apartment complexes.

- (a) *Existing apartment complexes.* Apartment complexes in existence as of the effective date of this section shall, at a minimum, be brought into full compliance with fire hydrant locations and flow rates set forth in the state minimum fire safety standards and the Cobb County Development Standards applicable development standards as enforced by Cobb County Fire & Emergency Services.
- (b) *Time period for submitting site plans.* ~~Apartment complexes in existence as of the effective date of this section which are in noncompliance with fire hydrant locations and flow rates set forth in the state minimum fire safety standards and the Cobb County Development Standards must, within one year of the effective date of this section, submit site plans for bringing the complexes into full compliance with the applicable standards to the Cobb County Fire Marshal's Office.~~
- (1) ~~With respect to apartment complexes in existence as of the effective date of this article, the fire marshal is authorized to provide notice to the building owner or agent of any apartment complex that is not in compliance with fire hydrant locations and flow rates set forth in the state minimum fire safety standards and the Cobb County Development Standards. Within 60 days of receiving such notice of noncompliance, the building owner or agent of such owner shall file an "Intent to Comply" with the requirements of this section with the Cobb County Fire Marshal's Office. Such notice of intent to comply shall include:~~
 - a. ~~Contact information for the property owner, agent, and any personnel responsible for project compliance;~~
 - b. ~~The property owner's acknowledgement of the need to comply with state minimum fire safety standards and the Cobb County Development Standards within the time set forth in this section;~~
 - c. ~~A statement of the property owner's intention to comply, which should include a projected completion date for the installation of and/or flow rate correction of the fire hydrants; and~~
 - d. ~~The property owner's acknowledgement of the requirement to submit site plans for approval to the Cobb County Fire Marshal's Office no later than one year after the effective date of this article;~~
- (c) *Time period for compliance.* ~~Any existing apartment complex that is not in compliance with fire hydrant locations and flow rates set forth in the state minimum fire safety standards and the Cobb County Development Standards shall be required, at a minimum, to bring the apartment complex into full compliance within three years of the effective date of this section.~~
- (c) *Flow rates.* Where there is substantial documentation that compliance with the minimum flow rates of this section would require overly burdensome steps by a property owner, the fire marshal may deem such hydrants as acceptable or may accept alternatives deemed equivalent for fire safety risk reduction.

ARTICLE V. -FIRE PROTECTION CONTRACTORS

Section 54-87 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-87. - Enforcement and penalties.

- (a) Whenever the fire marshal shall have reason to believe that any individual is or has been violating any provisions of this article, he or his deputy or assistant may issue and deliver to the individual an order to cease and desist such violation. Any person who is guilty of such violation and who fails to comply with any order under this section may be punished by fine not exceeding \$1,000.00 and by imprisonment for not more than 60 days or any combination thereof. Violation of any provision of this article or failure to comply with a cease and desist order is cause for revocation of any existing sprinkler permit and of the privilege to obtain a future county sprinkler permit until all such violations are cured.

- (b) In addition to any other remedy available, whenever, in the judgment of the fire marshal, any person has engaged in, is currently engaged in, or is about to engage in any act or practice which constitutes or will constitute a violation of this article, the fire marshal may make application, on behalf of the county or municipality, to the superior court for an order enjoining such act or practice or for an order requiring compliance with this article. ~~The certificate issued by the county fire marshal may revoke the permit of any person failing to comply with an order issued pursuant to this subsection shall be revoked upon the date specified in such order.~~

(Ord. of 7-28-87; ~~Code 1977, § 3-13-49~~; Amd. of 2-26-13)

ARTICLE VI. - FIRE PROTECTION SPRINKLER SYSTEM REQUIREMENTS

Section 54-92 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-92. - Powers and duties of fire marshal, delegation of authority.

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

Section 54-93 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-93. – Fire protection sprinkler systems requirements.

- (a) Except as otherwise provided, supervised fire protection sprinkler systems shall be required for all new hotels and dormitories as described in this subsection and shall be required for existing hotels and dormitories as described in section 54-94. NFPA 13R sprinkler systems shall be allowed in structures up to and including four stories in height. All buildings over four stories in height shall be protected by a NFPA 13 sprinkler system.
- (b) Except as otherwise provided, supervised fire protection sprinkler systems shall be required for all new apartment buildings two stories or more in height. NFPA 13R sprinkler systems shall be allowed in structures up to and including four stories in height. All buildings over four stories in height shall be protected by a NFPA 13 sprinkler system. All balconies and storage closets accessed from the balcony shall be protected by the fire protection sprinkler system.
- (c) Exception: Fire protection sprinkler systems are not required for new single story hotels, dormitories and apartment buildings with exit doors leading directly outside from each dwelling unit.
- (d) All existing hotels, dormitories, and apartment buildings that undergo a substantial renovation, as defined in Section 54-54(i), ~~than the building's or structure's assessed value (according to county tax records) at the time of such renovation, a change in the classification of occupancy, or a fire of serious consequence, shall meet the requirements of this Code.~~

- (e) Except as otherwise provided, all new board and care occupancies (personal care homes) with four or more clients and all community living arrangements shall be equipped with an approved sprinkler system.
- (f) Sections 903.3.1.2.1, 903.4, 903.4.1, 903.4.2, and 903.4.3 of the International Fire Code adopted in section 54-52 are adopted for enforcement on new installations and buildings that undergo substantial renovation or a change in the classification of occupancy.

Sections 54-94 of the Official Code of Cobb County, Georgia, are amended by deleting the section, to read as follows:

Sec. 54-94. - Reserved. Fire protection sprinkler system requirements for hotels and dormitories.

- ~~(a) Existing hotels and dormitories. Hotels and dormitories in existence as of the effective date of this article shall, at a minimum, be brought into compliance with sprinkler requirements for new construction set forth in NFPA 101, 2000 edition.~~
 - ~~(1) With respect to hotels and dormitories in existence as of the effective date of this article, the fire marshal is authorized to provide notice to the building owner or agent of any hotel or dormitory that is not in compliance with NFPA 101, 2000 edition. Within 60 days of receiving such notice of noncompliance, the building owner or agent of such owner shall file an intent to comply with this requirement with the fire marshal. Such notice of intent to comply shall include:
 - a. The property owner's acknowledgement of notice of the need to comply with NFPA 101;
 - b. Contact information for the property owner and any personnel responsible for project compliance;
 - c. A statement of the property owner's intention to comply, which should include a projected completion date for installation of the sprinkler system.~~
 - ~~(b) Time period for compliance. Any existing hotel or dormitory that is not in compliance with sprinkler requirements for new construction set forth in NFPA 101, 2000 edition, shall be required, at a minimum, to bring the hotel or dormitory into compliance within three years of the effective date of this article.~~
- ~~{Ord. of 2-27-07}~~

Sections 54-95 of the Official Code of Cobb County, Georgia, are amended by deleting the section, to read as follows:

Sec. 54-95. - Reserved. Fire protection sprinkler system installation requirements.

- ~~(a) Hotels and dormitories. For hotels and dormitories, the following requirements shall apply to the installation of fire protection systems:
 - ~~(1) Before any fire protection system is installed, plans shall be submitted by the contractor installing the sprinkler system to the fire marshal's office, which shall review the plans for compliance with NFPA 13 or 13R standards prior to stamping the plans as "reviewed."~~
 - ~~(2) NFPA 13 and 13R sprinkler system installers, inspectors, and maintenance personnel shall meet the Rules and Regulations for Enforcement of the Georgia Fire Sprinkler Act, O.C.G.A. § 120-3-19.~~~~
- ~~{Ord. of 2-27-07}~~

ARTICLE VII. - ALARM SYSTEMS

Section 54-101 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-101. – Fire alarm requirements.

- (a) All fire alarm systems and monitoring stations shall be in compliance with NFPA 72.
- (b) With the exception of premises covered by a fire alarm action plan, fire alarm systems shall automatically call 911 upon activation of a fire alarm (prior to the investigation of the cause of any fire alarm) when any fire safety standard adopted under section 54-52 or 54-54 of this code requires emergency forces notification and/or a supervised sprinkler system for said premises.
- ~~(c) In the event of any conflict between this Code and the state minimum fire safety standards as adopted by the state, the most stringent code shall apply.~~
- ~~(d)~~ (c) Only a licensed alarm contractor shall work on a fire alarm system. Effective July 1, 2015, each licensed alarm contractor shall have at least one individual on each job site currently certified by NICET (National Institute for Certification and Engineering Technologies) in fire alarm systems or equivalent as accepted by Georgia Automatic Fire Alarm Association (AFAA), Georgia Electronic Life Safety and Systems Association, and the county fire marshal. Proof of certification shall be kept on the person of the certified individual.
- ~~(e)~~ (d) All work performed on a fire alarm system shall require plans to be submitted to and approved by the fire marshal's office prior to any work being performed. Effective July 1, 2016, all fire alarm plan submittals shall be made only by persons currently certified by NICET (National Institute for Certification and Engineering Technologies) in fire alarm systems or their equivalent as accepted by Georgia Automatic Fire Alarm Association (AFAA), Georgia Electronic Life Safety and Systems Association, and the county fire marshal. Proof of current certification shall be stamped on the plans and/or a copy of the certification shall accompany the submittal.
- ~~(f)~~ (e) Effective July 1, 2016, all documentation submitted to the fire marshal's office shall be completed and signed by persons currently certified by NICET (National Institute for Certification and Engineering Technologies) in fire alarm systems or their equivalent as accepted by Georgia Automatic Fire Alarm Association (AFAA), Georgia Electronic Life Safety and Systems Association, and the county fire marshal. Such documentation shall include, but not be limited to, record of completion forms, inspection testing and maintenance forms, permit applications, etc. Proof of current certification shall accompany the submitted documentation.
- ~~(g)~~ (f) Effective July 1, 2016, all inspection, testing, and maintenance of any alarm system shall be only by persons currently certified by NICET (National Institute for Certification and Engineering Technologies) in fire alarm systems or their equivalent as accepted by Georgia Automatic Fire Alarm Association (AFAA), Georgia Electronic Life Safety and Systems Association, and the county fire marshal.
- ~~(h)~~ (g) Electronic Security Association (ESA) National Training School (NTS) Certified Fire Alarm Technician (CFAT) Level II shall be an approved equivalent for NICET certification.
- (h) All fire alarm systems shall be inspected annually in accordance with the currently adopted edition of NFPA 72. Maintenance records shall be submitted to the Fire Marshal's Office. Submittal of records shall carry a fee as approved by the Cobb County Board of Commissioners. A tag shall be affixed to the fire alarm control panel indicating the date of inspection, the company responsible for the inspection, and the status of the fire alarm system using the following color code: green shall indicate no deficiencies are present; yellow shall indicate deficiencies were found, but the fire alarm system will still function; and red shall indicate that the fire alarm system will not operate at all. All maintenance shall be performed by a licensed fire alarm company.

Section 54-103 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-103. – Enforcement.

- (a) Applicable to this section are the state minimum fire safety standards adopted in the rules and regulations promulgated pursuant to ~~O.C.G.A. tit. 25, ch. 2~~ (O.C.G.A. § 25-2-1 et seq.), including all subsequent revisions thereof, hereby adopted by reference. ~~The state minimum fire safety standards apply to all structures in unincorporated Cobb County except for one-family and two-family dwellings.~~
- (b) *Fees for silencing or resetting an alarm without prior approval, shall be assessed as follows:*
- (1) For the first violation of section 54-102(a) at any premises in a consecutive 12-month period, there shall be a minimum fee of \$150.00 assessed against the business and/or property owner;
 - (2) For the second violation of section 54-102(a) at any premises in a consecutive 12-month period, there shall be a minimum fee of \$250.00 assessed against the business and/or property owner;
 - (3) For the third violation of section 54-102(a) at any premises in a consecutive 12-month period, there shall be a minimum fee of \$500.00 assessed against the business and/or property owner; and
 - (4) For the fourth violation of section 54-102(a) at any premises in a consecutive 12-month period, there shall be a fee of not more than \$1,000.00 assessed against the business and/or property owner.
- (c) *Fees for false alarms.*
- (1) For the first two violations of section 54-102(b) at any premises in a consecutive 12-month period, there shall be no fee;
 - (2) For the third violation of section 54-102(b) at any premises in a consecutive 12-month period, there shall be a minimum fee of \$150.00 assessed against the business and/or property owner;
 - (3) For the fourth violation of section 54-102(b) at any premises in a calendar year consecutive 12-month period, there shall be a minimum fee of \$250.00 assessed against the business and/or property owner; and
 - (4) For the fifth and any subsequent violation of section 54-102(b) at any premises in a consecutive 12-month period, there shall be a fee of not less than \$500.00 nor more than \$1,000.00 assessed against the business and/or property owner.
- (d) *Collection of fees.*
- (1) The assessment of such fees shall be made by the fire marshal against the business and/or property owner within three months from the date of the silenced, reset or false alarm. Notice of the fee assessment shall be in writing and sent via certified U.S. Mail, with a copy via first class U.S. Mail. The fire marshal and/or fire department shall establish a process for assessing and tracking fees under this article.
 - (2) Payment of costs. Costs assessed pursuant to this article, including reasonable attorney fees, court costs and administrative costs shall be payable by the business and/or property owner. These costs shall be paid within 30 days of from the date of the notice of fees and shall bear interest at 1.5 percent per month from the date due and payable.
 - (3) *Liens and enforcement.* In addition to any civil remedy allowed by law, the assessment of fee(s) under this article shall constitute a lien in favor of the county on any property, real or personal, owned by the person, firm, corporation, partnership or organization requesting or responsible for the special fire service, whether or not such lien is recorded in the land records, which lien shall be enforceable pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes, and which lien may include all amounts due under this article. The county may proceed in a court of valid jurisdiction to collect any fees or monies remaining unpaid from a responsible party and shall have any and all other remedies provided by and subject to law for the collection of said charges. Redemption of the property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80 and 48-4-81.

- (4) *Additional penalties.* Any person who shall violate any of the provisions of this chapter or fail to comply herewith, or who shall violate or fail to comply with any order made hereunder may be subject to the penalties set forth in Code section 54-3.

ARTICLE VIII.- OUTDOOR BURNING

Section 54-114 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-114. – Burning prohibitions.

The prohibitions listed in this section ~~54-114~~ are intended to promote and safeguard the public health, safety, comfort, air quality, and living conditions ~~of the citizens of unincorporated Cobb County~~ relative to outdoor burning.

- (a) Burning of petroleum-based products, such as tires, plastics, and roof shingles, which produce black smoke, is prohibited.
- (b) Burning of garbage of any kind is prohibited.
- (c) Burning of any material in a barrel is prohibited. An incinerator or combustion unit is not a barrel.
- (d) No burning is allowed on windy days (ten miles per hour sustained or higher) or on days when the atmospheric conditions (cloudy, overcast, or raining) would cause the smoke to remain low to the ground.
- (e) Burning of yard waste, large or small, on property other than that which it fell or from which it was cut from is prohibited.
- (f) Burning is prohibited on the surface of county, city, or private roads and streets.
- (g) The fire chief shall be authorized to ban any or all forms of outdoor burning when atmospheric or local conditions make outdoor fires hazardous.
- (h) The fire chief shall be authorized to require the extinguishment of any fire if it adversely interferes with the enjoyment of life, use of property.
- (i) The fire chief shall be authorized to ban outdoor burning in a limited geographical area upon receipt of medical documentation from a resident that the resident has a medical condition(s) adversely affected by smoke.

Section 54-118 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 54-118. – Penalties.

- (1) Persons who violate this article related to unauthorized or noncompliant outdoor burning shall be guilty of an ordinance violation.
- (2) Upon ascertaining such a violation, a notice of violation shall be directed to the owner of the property and shall provide a time frame for compliance. The notice issued pursuant to this section may be served upon the party responsible for the violation, either by personal service, mail, or by process server.
- (3) In the event that the compliance time period passes and the violation has not been obtained, a citation shall issue requiring a court appearance. The maximum penalty for a violation prosecuted in court shall not exceed \$1,000 or imprisonment for up to six months, of both, as authorized by state law.
- (4) Any person who shall violate any of the provisions of this article or fail to comply therewith, shall for each and every such violation and noncompliance, respectively, be guilty of an ordinance violation. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue.

- ~~(a) The following shall be assessed to individuals who fail to obtain permits in accordance with sections 54-117(a) and 54-117(b), or who violate sections 54-113, 54-114, including the violation of any total burn ban enacted by the fire chief, section 54-115 or who violate section 54-116:~~
- ~~(1) First violation. For the first violation, a written notice shall be issued, and the individual shall be advised of corrective measures to maintain compliance with this article.~~
- ~~(2) Second violation. For a second violation, including a second violation issued for the failure to take corrective measures after a first violation, a summons shall be issued and fine of \$100.00 assessed.~~
- ~~(3) Third violation. For a third violation, including a violation issued for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$250.00 assessed.~~
- ~~(4) Fourth violation. For a fourth violation, including a violation issued for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$500.00 assessed.~~
- ~~(5) Fifth and any subsequent violations. For a fifth violation and any subsequent violations, including for the failure to rectify the situation warranting a prior violation, a summons shall be issued and fine of \$1,000.00 assessed and/or six months in jail.~~
- ~~(b) The following shall be assessed to individuals who do not obtain required permits or who engage in permitted burning in violation of section 54-117(c):~~
- ~~(1) First violation. For the first violation, a summons shall be issued and fine of \$500.00 assessed.~~
- ~~(2) Second violation. For a second violation, a summons shall be issued and a fine of \$1,000.00 assessed.~~
- ~~(3) Third and any subsequent violations. For a third violation and any subsequent violations, a summons shall be issued and a fine of \$1,000.00 assessed and/or six months in jail.~~
- ~~(c) The following shall be assessed to individuals who violate the conditions of permits issued by section 54-117(a) or (b), who kindle a fire larger than 12 feet by 12 feet, or who kindle a fire which becomes an out of control fire and causes damage to the property of another person:~~
- ~~(1) First violation. For the first violation, a summons shall be issued and fine of \$100.00 assessed.~~
- ~~(2) Second violation. For the second violation, a summons shall be issued and a fine of \$500.00 assessed.~~
- ~~(3) Third and any subsequent violations. For a third violation and any subsequent violations, a summons shall be issued and a fine of \$1,000.00 assessed and/or six months in jail.~~
- ~~(d) Multiple violations of this section shall be based upon a consecutive 36-month period.~~
- ~~(Ord. of 2-27-07; Amd. of 2-24-09; Amd. of 2-26-13; Amd. of 2-25-14)~~

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

Section 54-121 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 54-121. - Jurisdiction and appeals.

- (a) The fire code appeals board shall have the jurisdiction to hear and decide appeals of orders, decisions or determinations made by the fire marshal relative to the application and interpretation of the international fire code as adopted in this chapter (the "fire code"). The fire code appeals board shall be authorized to hear evidence from appellants and the office of the fire marshal pertaining to the application and intent of the fire code for the purpose of issuing orders pursuant to these provisions.
- (b) The fire code appeals board shall have the authority to affirm, modify, or reverse the decision of the fire marshal arising from his or her interpretation of the fire code when a disagreement arises between the fire marshal and an applicant.

- (c) Decisions by the fire code appeals board shall be provided in writing to the office of the fire marshal within three days of the hearing and shall be open to the public for inspection. A certified copy of the decision shall be furnished to the appellant or the appellant's representative and to the fire marshal.
- (d) The fire marshal must take immediate action in accordance with the decision of the fire codes appeals board.
- (e) All decisions of the fire code appeals board are final, and may only be ~~reviewed by certiorari~~ appealed to the superior court of the county. Any person, whether or not a previous party to the appeal may seek review of the decision of the fire code appeals board.

~~The above shall be effective August 1, 2022.~~

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 83

Package I

Version I - distributed on October 3, 2025

Version II – distributed November 13, 2025

Adopted November 20, 2025

Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

November 20, 2025 – 6:00 p.m.

Cobb County Community Development

P.O. Box 649

Marietta, GA 30061

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Chapter 83 – NUISANCES

ARTICLE I. – IN REM NUISANCE ABATEMENT

Section 83-4 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 83-4. - Findings.

The board of commissioners finds that there exist in unincorporated county properties which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and which are not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; which have improperly maintained stormwater facilities resulting in flooding, erosion, or water quality degradation; which have other conditions that render such properties unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the county; which are nuisances pursuant to general nuisance law and constitute a hazard to the health, safety and welfare of the people of the county; and/or which are vacant and being used in the commission of drug crimes.

Section 83-5 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 83-5. - Definitions.

As used throughout this article, the term:

Applicable codes means (1) any housing or abatement standard provided in O.C.G.A., title 8, ch. 2, including standard minimum codes as adopted now or hereafter by ordinance and codified under chapter 18 of the Official Code of Cobb County, Georgia, or by operation of law, or other property maintenance or building standards or codes as adopted now or hereafter by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; ~~and~~ (2) any fire or life safety code as provided for in O.C.G.A., title 25, ch. 2; (3) any requirements for stormwater facilities and the maintenance thereof found in articles IV and V of chapter 50 of the Official Code of Cobb County; and/or (4) requirements of the Metropolitan North Georgia Water Planning District's regional water plan, the Georgia Stormwater Management Manual. Any such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

...

Property means any lot, tract, or parcel of real estate whether improved or unimproved. It shall include any dwelling, building, structure, or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouse, improvement, and appurtenance belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. The term shall expressly include, for means of amplification and not limitation, swimming pools, stormwater facilities, and wells. Also as used in this article, the term shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

...

Public officer means either the director of community development or his or her designee, the director of public safety or his or her designee, the director of the county water system or his or her designee, or the director of the county board of health or his or her designee.

...

Section 83-6 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 83-6. - Duties of property owners.

- (a) It is the duty of the owner of every property located within unincorporated Cobb County (1) to construct and maintain such property in conformance with applicable codes in force within unincorporated Cobb County, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any property in violation of such codes or ordinances; ~~and~~ (2) to keep such property reasonably clean and free of any materials or conditions which create a health or safety hazard either on such property or to surrounding persons or properties; and (3) to properly maintain stormwater facilities located on the property to prevent flooding, erosion, and contamination of water resources.
- (b) No owner shall allow any property located within unincorporated Cobb County to be used in the commission of drug crimes.

Section 83-7 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 83-7. - Nuisance abatement procedure.

- (a) *Appointment and designation of public officer.* Each of the following is hereby appointed and designated as a public officer with the authority to carry out the powers and duties of this article: the director of community development, the director of public safety, the director of the county water system, and the director of the county board of health. Such appointment and designation shall include the designees of such persons.
- (b) *Complaint and investigation.* Whenever a request is filed with a public officer by a public authority or by at least five residents of the unincorporated area of the county charging that any property:
 - (1) Is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes;
 - (2) Is vacant and being used in connection with the commission of drug crimes; or
 - (3) Constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions,the public officer with whom the request is filed shall make an investigation or inspection of the specific property to determine if such conditions exist under applicable codes. The public officer shall have the authority to enter upon premises to conduct an inspection, provided such entry is made with the least possible inconvenience to the person(s) in possession. If such an inspection is necessary, the public officer shall endeavor to obtain the permission of the owner to conduct such inspection. If permission is withheld, the public officer may seek the assistance of the county attorney's office to obtain an inspection warrant from a court of competent jurisdiction. The public officer may determine under existing ordinances that a property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; and/or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. ~~upon~~ In making a finding

of conditions on the property that are dangerous or injurious to the health, safety, or morals of the occupants, occupants of neighboring properties, or other residents of the county the public officer may consider the following. ~~Such conditions may include the following~~ (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accidents, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; defects causing or creating hazard of flooding, erosion, and contamination of water resources; and uncleanness. The public officer may determine that the property is being used in the commission of drug crimes upon personal observation or report of a law enforcement agency.

...

2025 CODE AMENDMENTS

Official Code of Cobb County PART I. – Chapter 102

Package I

Version I - distributed on October 3, 2025

Version II – distributed on November 13, 2025

Adopted November 20, 2025

Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

November 20, 2025 – 6:00 p.m.

Cobb County Community Development

P.O. Box 649

Marietta, GA 30061

www.cobbcounty.gov



Cobb County...Expect the Best!

Chapter 102 SOLID WASTE, RECYCLING AND RESIDENTIAL COLLECTION

ARTICLE I. IN GENERAL

Section 102-1 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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 ~~well-being~~ 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, soil, 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.

Section 102-3 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-3. –Title.

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

Section 102-4 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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.

Section 102-5 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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 solid waste with weights or volumes which exceed the designated capacity of solid waste storage or collection containers. Such waste includes but is not limited to tree limbs, mattresses and other large items.~~ means 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.

Cobb County Residential Drop Off Center(s) means sites designated by Cobb County for the collection of residential recyclable materials including cans, bottles, cardboard, paper, and plastics 1 and 2 (unless otherwise noted at the collection center).

Collect or collection means 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 means 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 means 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 refers to 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~~ more 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~~ more 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, or successor department, by whatever title designated.

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 means 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 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.~~

Elective service means collection services offered by a residential service provider, commercial service provider, or C&D (collection and demolition) waste service provider for an additional charge which is arranged and billed by the service provider to the other responsible party.

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.

Hard-to-Recycle plastic collection program shall mean the collection of hard-to-recycle plastics along with curbside and/or drop-off recyclable material and diverts the hard-to-recycle plastic material from contaminating traditional mechanical recyclable material and landfills.

Hard-to-recycle plastic material shall mean post-consumer plastic that consists of any hard-to-recycle plastic content as deemed by traditional mechanical recyclable processing; this material typically consists of plastics #4 (LDPE), #5 (PP), and #6 (PS).

~~*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 any substance listed as a hazardous constituent in regulations promulgated pursuant to the federal act by the administrator of the United States Environmental Protection Agency which are in force and effect on February 1, 2004, codified as Appendix VIII to 40 C.F.R. Part 261--Identification and Listing of Hazardous Waste.~~

~~*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.~~ means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste. Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

~~*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~~ solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under Part 1 of Article 3 of this chapter, the "Georgia Hazardous Waste Management Act." Such waste includes, but is not limited to, waste resulting from

the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

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 discarded or abandoned: (A) Refuse, rubbish, junk or other waste material; or (B) Dead animals that are not subject to the provisions of O.C.G.A. § 4-5-4, 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.

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, construction/demolition waste, 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 wastelandfills.

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 means 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.

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*~~ *property 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.

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, repurposed 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~~ those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

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 premises, 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. This term specifically excluded any solid waste handling facility as is defined herein.~~ The term "recovered materials processing facility" shall not include a solid waste handling facility; 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~~ intermediates, or products which can be used as a substitute for products not derived by such processes.

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~~ solid waste generated at a residential service unit, and shall include white goods, bulky waste, and recovered materials.

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

Residential municipal solid waste storage container or cart means 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 means recovered materials generated at a residential service unit.

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

Residential recovered materials storage container means a container that will allow collection of residential recovered materials meeting specifications established by the county. *Residential service fee* means the fee assessed by the service provider on each residential service unit for the collection, transportation, processing and/or disposal of residential municipal solid waste, residential recovered materials, bulky waste, and/or white goods.

Residential service provider means a person or entity who holds a current solid waste disposal permit issued by the County, allowing them 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 means each unit or units within the following categories: single-family detached and attached dwellings; duplexes or two-unit multifamily dwellings; triplexes or three-unit multifamily dwellings; quadraplexes or four unit attached multifamily dwellings; and mobile homes.

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

Residential solid waste collection and disposal means the performance of all requirements within the chapter 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.

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~~ any garbage or refuse; sludge from a waste-water treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; post-use plastics and nonrecycled feedstock that are subsequently processed using a pyrolysis or gasification to fuels and chemicals process; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. § 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, 42 U.S.C.A. § 2011 et seq. as amended.

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~~ disposal 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.

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 solid waste consisting of discarded or abandoned large appliances, including refrigerators, freezers, stoves, ranges, water heaters and similar domestic or commercial large appliances. This term does not include material which is recovered material which is described as herein.~~ means household appliances such as refrigerators, stoves, washers, dryers, water heaters, and other large 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.

...

State law reference(s)—~~Similar provisions,~~ O.C.G.A. § 12-8-220, et. seq; O.C.G.A. § 16-7-42; O.C.G.A. § 41-1-1;

Section 102-9 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-9. –Individual disposal.

The foregoing provisions of this article do not restrict or prohibit the disposal of solid waste by any individual or entity 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.~~

State law reference -- O.C.G.A. § 12-8-30.10.

Section 102-10 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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~~ except in compliance with O.C.G.A. § 12-8-40.2, as amended.
- (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.

Section 102-11 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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.

Section 102-12 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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 enforcement personnel, including the ~~solid waste division manager~~ sustainability, waste and beautification director or his or her designees ~~or employees of the county and the stormwater division manager or his or her designees or employees of the county.~~ The enforcement personnel shall have such powers as are reasonably necessary to enforce and give effect to this chapter.

Section 102-14 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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.

State law reference: O.C.G.A. § 15-10-63.

Section 102-16 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-16. –Change of address.

Any solid waste collector, handler or permit holder who changes address or location shall notify the ~~manager-head~~ 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.

ARTICLE II. SOLID WASTE COLLECTION

Section 102-51 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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~~ chapter and all applicable state and federal regulations.

Section 102-52 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-52. –Grant or privilege.

Any permit issued pursuant to the provisions of this article for the collection of solid waste 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~~ chapter and related laws, applicable provisions of this Code, and other ordinances and resolutions of the county relating to such business.

Section 102-53 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-53. –Commercial waste collection ~~P~~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.

Section 102-54 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-54. –Permit fee schedule.

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.

Section 102-55 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-55. –Commercial waste collection 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.

Section 102-56 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-56. –Denial of application for issuance of solid waste permit for commercial waste collection.

- (a) An application for a solid waste permit submitted pursuant to this article may be granted or denied by the ~~solid waste division manager~~ head 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~~ head 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 the director of the ~~water system~~ public services agency. 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~~ head 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.

Section 102-57 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-57. –Transferability of permit for commercial waste collection.

No solid waste permit issued pursuant to this chapter shall be transferable or assignable.

Section 102-58 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-58. – Revocation and suspension of solid waste permit for commercial waste collection – Authorized.

- (a) Subject to the provisions of section 102-59 herein, a solid waste permit may be temporarily suspended for cause by the ~~division manager of solid waste~~ head 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~~ head 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.

Section 102-59 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-59. – Same—Procedure; notice; hearing required; "due cause" prerequisite for commercial waste collection.

- (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~~ head 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~~ head 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~~ head 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~~ head 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, the head 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 chairperson of the board of commissioners shall read or cause to be read the charges against the permit holder or solid waste collector. The chairperson 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.
- (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~~ head 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 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~~ head 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 public services agency or his/her designee.

Section 102-60 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-60. – Appeals for commercial waste collection.

- (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~~ head 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, and in connection therewith, shall give three business days' prior written certified notice of the hearing date to all parties. 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.

Section 102-61 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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, recycling and residential collection 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~~ residential service provider in solid waste collection activities.

Section 102-62 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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~~ 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.

Section 102-64 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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 always 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~~ always 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 unless said truck is a rental and in that case a temporary card with all above listed information must be kept inside of the vehicle in the case of inspection by an authorized county agent;
 - 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 and applicable federal, state and local law.

Section 102-65 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-65. – ~~Mandatory~~ Required provision of residential elective offer of recycling service.

- (a) All collectors must offer to their residential customers the ~~option~~ service of having their recyclable materials collected on a regular basis each at least once a month and must provide recycling service to their customers enrolled in the recycling program. Recyclable materials to be collected shall include at a minimum the following items: cardboard, PET, HDPE and hard-to-recycle plastics (currently under the Hefty ReNew program material which is subject to change), newspaper and aluminum.
- (b) All collectors must ~~offer~~ provide an appropriate container, ~~bags or other type of receptacle~~ for those residential customers opting for this recycling service. Any ~~and all collector~~ collectors providing such ~~a container, bags or other type of receptacle~~ containers to any their residential customer may charge a fee for ~~such said a container, bags or other type of receptacle~~ containers.
- (c) In no event shall any of the recyclable materials collected pursuant to this optional recycling service be disposed of in any landfill, with the intent to circumvent the proper recycling material flow. If in the case that material is deemed contaminated after it has been picked up curbside separate from MSW (municipal solid waste) trash and rejected by MRF (material recovery facility), an exemption to this mandate is observed and granted. Furthermore, in no event shall any of the recyclable materials collected pursuant to this section be disposed of by a collector at a Cobb County Residential Drop Off Center.
- (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 and applicable federal, state and local law.

Section 102-67 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-67. – Mandatory reporting requirements.

- (a) *Operators of disposal facilities.* Any operator of a disposal facility in ~~the unincorporated Cobb 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.

Section 102-69 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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 three ~~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.
- (3) All recyclable material collected must be placed loosely (not in a bag) inside of the recyclable container with the exception of the hard-to-recycle (currently under the Hefty ReNew program which is subject to change) material, which should be placed inside of the approved collection bags first and then placed into the recycling container.

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.

Section 102-70 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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*: Yard waste shall be disposed of in accordance with section 102-10.
 - 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. ~~b.~~ Notwithstanding the provisions of section 102-10 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 head 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.

Section 102-71 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-71. – Hours of collection and Noise Complaints.

This section applies to both residential service providers and commercial waste permit holders.

- (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) Notwithstanding subsection (a), the county manager, or their designee, may authorize the suspension or extension of the hours of collection during (i) periods when the Board of Commissioners has declared a State of Emergency or (ii) conditions classified as "Danger," "Extreme Danger," or "Stop Work" as determined by the OSHA Heat Index or similar recognized public health or safety standards. Upon authorizing an extension or suspension of collection hours, the director of the sustainability, waste, and beautification department shall notify all permitted collectors and affected county departments as soon as practicable. The purpose of this provision is intended to ensure the continued and timely collection of solid waste or recyclables during emergencies and hazardous conditions to protect public health and safety.
- (b) (c) 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~~ head of the sustainability, waste and beautification department or his/her designees or employees for full enforcement of this chapter.
- (c) (d) 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) (e) 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) (f) Specifically excluded from the applicability of this section are the dumpsters located at any of the schools in the county.

Section 102-74 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-74. – ~~Transportation of solid waste across county lines prohibited~~ Reserved.

~~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.~~

Section 102-75 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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 and applicable federal, state and local law.

ARTICLE III. LITTER CONTROL

Section 102-91 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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~~ 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.

Section 102-92 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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:
 - (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) It shall be a violation for any person or persons to dump, throw, or leave commercial or industrial waste or commercial or industrial recyclable materials at a Cobb County Residential Drop Off Center. Commercial and/or industrial recyclable materials may be disposed of at a MRF (material recovery facility).
- (e) 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 more than~~ 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.

Section 102-96 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 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.

The Official Code of Cobb County, Georgia, is amended, by adding a section numbered Section 102-98 to read as follows:

Section 102-98. – Monitoring and coordination of litter abatement in Cobb County.

The Cobb County Chief Sustainability Officer or their designee is chiefly responsible for establishing and administering Cobb County government's efforts and initiatives to abate litter.

Secs. 102-989—102-110. Reserved.

ARTICLE IV. KEEP COBB BEAUTIFUL ~~, INC.~~

Section 102-111 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-111. – Created; purpose.

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~~ Keep America Beautiful affiliate is hereby created and shall be known as Keep Cobb Beautiful, ~~Inc.~~, referred to in this article as ~~or the "commission."~~ KCB. ~~The commission~~ KCB 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.

Section 102-112 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-112. – Membership.

- (a) ~~The commission~~ KCB shall consist of ~~21~~ the following members, all of whom shall serve without remuneration.
- (1) ~~Fifteen of the~~ At least five 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~~ an agreed upon number of appointments per commissioner.
 - (2) ~~The remaining six~~ The remaining members shall be appointed by the governing body of each of the ~~existing six~~ municipalities in the county and an additional member can be appointed

- by any newly formed municipality. In each municipality having a Keep America Beautiful System, the municipality's representative may be chosen from its system.
- (b) The qualifications, method of selection, procedure for removal, and method of filling vacancies on ~~the commission~~ KCB shall be determined by each respective appointing entity for its respective appointment in collaboration with KCB leadership.

Section 102-113 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-113. – Term of appointment.

Each member of the ~~KCB affiliate board 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~~ KCB under the same requirements as his/her predecessor as set forth in this section. Upon notification by ~~the chairperson of the commission that a member has missed three consecutive commission meetings~~ KCB leadership that a member has become inactive, missing board meetings and/or mandatory events/activities, 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.

Section 102-114 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-114. – Officers; meetings; quorum.

~~KCB~~ The commission shall hold an organizational meeting to select from its membership a chairperson, secretary, and such other officers as provided for in ~~KCB's the commission's~~ bylaws. ~~The commission~~ KCB shall also designate the time and place (to include in-person, virtual, and phone) of future meetings to be held at regular intervals (at a minimum of once per quarter). For matters concerning the bylaws, a quorum shall be present which shall consist of fifty-one (51%) percent of the total membership of the commission KCB and a two-thirds (2/3) vote shall be required to pass an amendment. On all other matters, action may be taken if approved by a majority vote of the members attending a regularly called meeting or if approved by the KCB executive committee, which shall have the power to act on behalf of the Board between regularly called meetings, except the executive committee shall not modify any action taken by the Board at a regularly called meeting; but in no event shall any action be taken with less than eight (8) members present and voting at any regularly called full board meeting. In the case of a voting tie, KCB's executive director shall be the deciding vote.

Section 102-115 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-115. – Bylaws; minutes.

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

Section 102-116 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-116. – Responsibilities.

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

- (1) Determine and recommend to the board of commissioner's 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~~ KCB with particular emphasis placed on more stringent enforcement.
- (3) Monitor performance from data collected and examined under the Keep America Beautiful, Incorporated's, ~~Clean Community System~~ Litter Survey/Community Appearance Index guidelines and make an annual report to the board of commissioners.
- (4) Initiate, plan, direct, and coordinate, in collaboration with KCB'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~~ KCB for the accomplishment of its objectives.
- (6) Carry out other such tasks as the board of commissioners or their designees may designate.

Section 102-117 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-117. – Financial powers limited.

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

Section 102-118 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-118. – Annual report.

KCB, in collaboration with its executive director, ~~The commission~~ shall annually provide the board of commissioners with a report of its actions 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~~ KCB 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. ~~KCB's 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.

Section 102-119 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Section 102-119. – Termination of projects.

Any project or undertaking begun by ~~the commission~~ KCB 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.

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 106

Package I

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Adopted November 20, 2025

Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

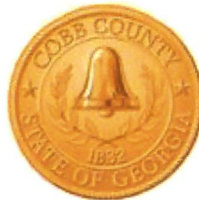
November 20, 2025 – 6:00 p.m.

Cobb County Community Development

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Chapter 106 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. - IN GENERAL

Section 106-10 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 106-10. - Pavement cuts, utility work; permission, restoration, obstructions.

(a) Any utility, contractor, firm or individual shall obtain ~~written approval of the board of commissioners~~ through the county Department of Transportation prior to starting any pavement cuts, curb cuts or any utility repairs or installations on county rights-of-way. Allowances will be made for emergency conditions or maintenance activities. Utilities, as defined in section 106-3(b)(1), shall also comply with the policy and procedures set forth in sections 106-3 and 106-4.

...

The Official Code of Cobb County, Georgia, is amended by adding a section numbered Section 106-11, to read as follows:

Sec. 106-11. – Limited access highways

(a) Upon application by any developer, the county Department of Transportation shall obtain approval of the board of commissioners, at a regular meeting or zoning hearing, prior to the developer being granted new access to a property from a limited access highway.

(b) The following roadways shall be considered limited access highways:

(1) Barrett Parkway between Cobb Parkway and Powder Springs Road.

(2) East West Connector between Powder Springs Road and South Cobb Drive.

Secs. 106-~~11~~12—106-25. - Reserved.

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 110

Package I

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Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

November 20, 2025 – 6:00 p.m.

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Chapter 110 – SUBDIVISIONS

ARTICLE II. - PLATS AND PLAT APPROVAL PROCEDURE

Section 110-30 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 110-30. - Final plat specifications.

...

(d) Certificates for the final plat shall be provided as follows:

(1) *Owner's acknowledgment:*

I hereby certify that I am the owner of the land shown on this plat (or a duly authorized agent thereof) whose name is subscribed hereto. I acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, I do hereby convey all streets and rights-of-way, ~~detention pond lots,~~ water mains and sewer lines shown hereon in fee simple to Cobb County and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements, and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, I further release and hold harmless Cobb County from any and all claims, damages, or demands arising: on account of the design, construction, and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.

And further, I warrant that I own fee simple title to the property shown hereon and agree that Cobb County shall not be liable to me, my heirs, successors, or assigns for any claims or damages resulting from the construction or maintenance of cross drain extensions, drives, structures, streets, culverts, curbs, or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters, and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind owners and myself subsequent in title to defend by virtue of these presents.

Signature

Printed Name

Date

...

ARTICLE III. - SUBDIVISION DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

Article III, Chapter 110 of the Official Code of Cobb County, Georgia is amended by adding a division numbered 3:

DIVISION 3. - STRUCTURAL STORMWATER CONTROLS

Sec. 110-111. - Structural stormwater controls.

(a) Owners' Association. Any development, whether residential, commercial, institutional, industrial, or office, with a stormwater management plan approved after November 20, 2025, that includes structural stormwater controls, such as retention ponds, detention ponds, etc., serving multiple parcels shall organize and establish a property owners' association or homeowners' association, as appropriate.

(1) Such association shall be formed prior to the sale of any properties within the development.

(2) Membership in the appropriate association shall be mandatory for each original and successive purchaser of a lot, building or unit within the development.

(3) Requirements for Declaration of Covenants.

a. The declaration of covenants shall be recorded with the clerk of the county superior court, prior to the sale of any properties within the development.

b. The recorded declaration of covenants shall provide that all structural stormwater controls, detention pond lots, and associated improvements are owned by the association or are held in common by the property owners within the development.

c. The declaration of covenants shall show clear legal authority to maintain and exercise control over the structural stormwater controls and required improvements, including, but not limited to, landscaping, fences, and entry gates.

d. The recorded declaration of covenants shall include a specific requirement that the homeowners' or property owners' association repair and maintain each structural stormwater control in accordance with the inspection and maintenance agreement with the county, as provided for in section 50-161.

e. The declaration shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance of the structural stormwater controls and related improvements and procedures for approval of additional needed assessments in the amount of any major repairs or maintenance of the structural stormwater controls and related improvements.

(4) The structural stormwater controls shall be properly maintained with no liability or maintenance responsibilities accruing to the county.

(b) For residential developments, the owner subdividing the property shall set up an escrow account or another appropriate financial account for the homeowners' association or property owners' association, if structural stormwater controls are held in common, to provide some funds for repairs and required annual maintenance outlined in the inspection and maintenance agreement. This account shall be available for use by the homeowners' association or property owners' association as needed. At a minimum, the owner shall calculate the original construction cost of the structural stormwater control(s) and deposit a specified percentage of that amount into the account as follows:

<u>Number of homes in development</u>	<u>Percentage of original construction costs to be deposited (based on original construction costs of the structural stormwater controls)</u>
<u>Less than 10</u>	<u>50%</u>
<u>10-50</u>	<u>40%</u>
<u>51-100</u>	<u>30%</u>
<u>Greater than 100</u>	<u>20%</u>

(c) Underground detention shall not be permitted for any residential development in which stormwater structural controls are owned by a homeowners' or property owners' association or are held in common by the property owners within the development.

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 114

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Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

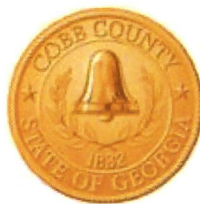
November 20, 2025 – 6:00 p.m.

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CHAPTER 114 –TAXATION

Article VI. – Cumberland Special Services District No. II.

Sec. 114-119 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 114-119. - ~~Penalty for violation~~ Failure to pay ad valorem services tax owed.

Ad valorem services tax shall be collected as any other ad valorem tax in the manner set forth in Georgia law. ~~In addition to any other legal penalties or sanctions that may result from non-payment of taxes when due, any person who violates any provisions of this article shall be subject to the provisions of [section 1-10](#) of chapter 1 of the Official Code of Cobb County, Georgia as amended. Such persons shall be guilty of a separate offense for each and every day during which any violation of this article is committed, continued, or permitted to continue by that person and shall be punished accordingly.~~

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 122

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November 12, 2025 – 9:00 a.m.

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Chapter 122 – UTILITIES

ARTICLE II. – WATER AND WASTEWATER SYSTEMS

DIVISION 2. – ENFORCEMENT

Section 122-57 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-57. - Right to enter premises.

- (a) Duly authorized employees and representatives of the county and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be allowed to enter all properties for the purpose of inspection, observation, measurement, sampling, monitoring, testing, identifying water service line material, and examination and copying of records pertinent to discharges to the county wastewater system in accordance with the provisions of this article. The county may, but is not required to, provide the user with prior notice of the entry.

...

DIVISION 3. – FEES AND CHARGES

Section 122-84 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-84. - Miscellaneous charges.

- ~~(a) Delinquent billed accounts. All billed accounts are due and payable on the billing date. Billed accounts not paid within 30 days from the billing date are delinquent, and service may be disconnected by the county and a service charge added to the account. This delinquent service charge is applicable to each service call to discontinue service for delinquent accounts. The customer will be charged for the service call even if the service is not disconnected. Also, see section 122-47.~~
- ~~(b)~~ (a) Service calls. All customer service calls shall be charged to the customer requesting the service in accordance with a fee schedule established by the county reflecting as closely as possible the actual cost to the county for rendering the services. ~~Restoration of service will only be made during normal working hours.~~
- ~~(c)~~ (b) New customer service. Service charges shall be levied for the following new customer service:
 - (1) Regular water service turn-on, next workday after application or later.
 - (2) Emergency water service turn-on.
- ~~(d)~~ (c) Meter reinstallation due to nonpayment or failure to apply for service. A service charge to reinstall a meter shall be levied.
- ~~(e)~~ (d) Meter replacement, damaged. A charge ~~will~~ shall be ~~made~~ levied to replace a meter which has been damaged or frozen, or has in any way been made inoperative. This includes the service call. The damaged meter must be returned. Also see subsection 122-151(c).
- ~~(f)~~ (e) Meter missing or stolen, replacement. A charge, ~~based upon county cost, will~~ may be made levied to replace the meter.
- ~~(g)~~ (f) Miscellaneous service calls. Service calls to uncover meters, raise meters where the yard has been backfilled or landscaped, or repair meter boxes or meter connections shall be billed at county cost.

- (hg) *Returned checks.* A processing fee ~~will~~ shall be charged for returned checks. If water service has been discontinued as a result of the returned check, ~~the services in subsections (a) and (d) of this section~~ fees in section 122-89 shall also apply.
- (ih) *Failure to apply for service.* A fee ~~will~~ may be charged to water and/or wastewater system users who have not properly applied for service in their own name. A separate fee shall be charged for each trip made by the county in an effort to have the customer properly and successfully apply for service. Payment shall be made by the applicant for all water and wastewater services utilized subsequent to the former customer discontinuing service.
- (ji) *Water and wastewater deposits.* A deposit is required on all accounts at the time water and/or wastewater service is connected. This deposit shall be as defined within the rate schedule. The deposit shall be held on account for a period of not less than 24 months. After an account has established an excellent payment record for a consecutive 24-month period, the deposit shall be refunded. An excellent payment record shall mean there is no incident of delinquency, returned check, or a regular pattern of payment when past-due. The method of refund ~~will~~ shall be as a credit to the account or as a separate payment(s). If a deposit has been refunded and the account subsequently becomes delinquent, a deposit shall be required to be reestablished on the account, or arrangements made, prior to reestablishment of service. If an account is closed prior to a deposit refund, the deposit amount shall be applied to the final bill and a balance mailed to the customer as a credit refund.
- (kj) *Unauthorized connection or usage.* Fees ~~will~~ shall be charged for unauthorized water or wastewater system connections and also for the unauthorized use of county water or wastewater system services. Also see section 122-151.

...

Section 122-89 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-89. - Late fees and delinquency for unpaid, past due invoiced accounts.

- (a) *Late Fee.* All invoiced water system accounts are due and payable on the billing date of invoicing. All invoiced accounts not paid within ~~30~~ 28 days from the billing date of invoicing are past due. A late fee ~~of ten percent of the invoiced amount shall~~ may be assessed ~~on for~~ on for all unpaid, past due ~~invoices amounts~~. ~~This late fee provision shall not apply to billed accounts which are covered by subsection 122-84(a).~~
- (b) *Delinquent accounts.* All invoiced accounts not paid within 48 days from the billing date are delinquent. Delinquent accounts may be charged a processing fee and have service discontinued. This processing fee is applicable for any service order generated to discontinue service for a delinquent account. Once the service order is generated, the customer shall be charged even if the service is not discontinued. Also, see section 122-47.

...

DIVISION 4. - CONSTRUCTION STANDARDS

Section 122-126 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-126. Wastewater lift station.

(a) *Public lift stations.*

- (1) For environmental, reliability, and economic reasons, public wastewater lift stations are generally discouraged. The county shall eliminate existing public lift stations where deemed feasible and appropriate by the department director.
- (2) The county shall not accept ownership of private lift stations.

Section 122-130 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-130. - Sewer considerations for new developments.

- (a) For new residential subdivisions ~~in areas which~~ that can be connected, regardless of distance or easements required, to active sewer by gravity sewer with an engineered design acceptable to the county water system and the county does not plan to construct additional sewers downstream of the subject property, then the property owner or developer shall comply with one of the following:
- (1) An active sewer by gravity to serve the ground level floor of the dwelling shall be provided to all lots smaller than 80,000 square feet.
 - (2) Septic tanks may be utilized on lots of at least 80,000 square feet with the approval of the health department.
 - (3) The county may consider development of a private developer agreement or special sewer availability area.
- (b) For new residential subdivisions ~~in areas that which~~ can be connected to active sewer by gravity sewer and the county plans to construct additional sewers downstream of the subject property, then a property owner or developer shall comply with one of the following:
- (1) Dry sewers, constructed in accordance with the county water system policy, shall be provided to all lots smaller than 80,000 square feet which are not provided with an active sewer. In all areas where dry sewers are required by this section, septic tanks shall also be provided. Approval of lot sizes and septic tank suitability must be obtained from the health department.
 - ~~(2) In all areas where dry sewers are required by this section, septic tanks must also be provided. Approval of lot sizes and septic tank suitability must be obtained from the health department.~~
 - ~~(3) Septic tanks may be utilized on lots of at least 80,000 square feet with the approval of the health department.~~
 - ~~(4) The county may consider development of a private developer agreement or special sewer availability area.~~
- (c) For new residential subdivisions ~~in areas which~~ that cannot be connected to active sewer by gravity with an engineered design acceptable to the county water system and the county does not plan to construct additional sewers downstream of the subject property, septic tanks may be utilized with the approval of the health department. Lot sizes shall meet health department requirements.
- (d) For new nonresidential developments that can be connected, regardless of distance or easements required, to active sewer by gravity with an engineered design acceptable to the county water

system, an active sewer by gravity shall be extended by the property owner and/or developer to serve the development.

- (~~de~~) For new nonresidential developments ~~which that~~ cannot be connected to active sewer by gravity, the development must be eligible for and receive approval from both the county and the health department for the use of a septic system. Generally, the county will require that the property be at least 80,000 square feet and that the anticipated wastewater generation for the site is no more than one equivalent residential unit per 80,000 square feet.
- (~~ef~~) Septic tanks shall be constructed and operated in accordance with the provisions of section 122-242.

...

DIVISION 5. - GENERAL USE OF PUBLIC WATER AND WASTEWATER FACILITIES

Section 122-152 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-152. - Water System.

...

(f) *Use of master meters.*

- (1) ~~Buildings containing two or more family dwelling units or an integrated complex of buildings containing the same shall be served by a water master meter~~ Multi-family residential developments on a single tax parcel shall be served by a water master meter, unless otherwise authorized by the water system director or his representative. The parcel owner of such buildings, or a homeowners association provided there are multiple owners, shall be responsible for payment for all water and wastewater services rendered to such buildings and units ~~by the county as set forth in subsection 122-81(d).~~ Further, the parcel owner or homeowners association shall be responsible for the operation, maintenance, repair, and replacement of water facilities on the user side of the master meter. If an exception to this water master meter requirement is authorized, the building shall comply with section 122-113(b).
- (2) For new residential developments where there is more than one tax parcel contained within in a multi-story building, such as condominiums, a water master meter shall be used to serve each building.
- (~~23~~) For all new multifamily buildings where a water master meter is utilized, installation of a sub-unit water meter for each dwelling unit is required at the time of construction. Purchase and installation of sub-unit water meters are the responsibility of the owner. The owner, property owners' association, or a homeowners' association for such buildings provided there are multiple owners, shall be solely responsible for the operation, maintenance, repair and replacement of water facilities on the user side of the master meter. The county shall bill the owner or homeowners' association for water and wastewater service based on the master meter readings. The owner or homeowners' association shall seek reimbursement for water and wastewater usage by dwelling unit through an economic allocation methodology which is based on the measured quantity of water used by each unit.
- (~~34~~) For all new multiunit retail and light industrial buildings, installation of a sub-unit water meter for each unit is required at the time of construction. The county shall bill the owner or operator of such building's water and wastewater service based on the master meter

readings. The owner or operator of the building shall seek reimbursement for water and wastewater usage by unit through an economic allocation methodology ~~which~~ that is based on the measured quantity of water used by each unit. This subsection is not intended to apply to newly constructed multiunit office buildings or office units in mixed use developments. The owner or operator of multiunit office buildings and mixed-use developments may seek reimbursement from office tenants for water and ~~waste-water-wastewater~~ use through an economic allocation which approximates the water use of each tenant based on square footage. Installation of a sub-unit water meter and reimbursement for water and wastewater usage for the retail units of a mixed-use development is required.

(45) The total amount of the charges to the units or residences under paragraphs (23) and (34) of this subsection shall not exceed the total charges paid by the owner, operator, property owners' association, or homeowners' association for water and wastewater service for such building plus a reasonable fee for establishing, servicing, and billing for water and wastewater service, except that the charges may include reimbursement for common area water and wastewater use through an economic allocation ~~which~~ that approximates the portion of the common area water and wastewater services to each unit. The terms of the charges shall be disclosed prior to any contractual agreement.

(56) The water master meter provided in this section shall be installed at or near the customer's property line, unless otherwise authorized by as the water system director or his/her representative ~~may designate~~.

...

DIVISION 6. - NONDOMESTIC USE OF PUBLIC WASTEWATER FACILITIES

Section 122-188 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-188. - Interceptors.

(a) *Definitions and abbreviations.* The following definitions and abbreviations shall apply only to this section.

Access port. A structure that allows access to and inspection of the interior of the interceptor.

Automatic ~~grease removal~~ interior recovery device (AGIRD). A plumbing appurtenance that is installed in the sanitary drainage system to intercept free-floating fats, oils and grease from wastewater discharge. Such a device operates on a time- or event-controlled basis and has the ability to remove free-floating fats, oils and grease automatically without intervention from the user except for maintenance.

Change in food type. Any modification in the types of food or beverages offered that introduces new preparation methods, equipment, or FOG-producing processes not previously utilized.

Commissary. Any licensed commercial kitchen where food, containers, and supplies can be prepared, stored, and/or handled.

Discharge permit. A written authorization issued by the county water system to a person, business, or facility allowing the direct or indirect discharge of wastewater into the public sewer system.

Effluent tee. A T-shaped pipe extending from a passive exterior device at such a depth to allow recovery and discharge of water located under the separated layer of fats, oils and grease.

Fats, oils and grease (FOG). Any substance, such as a vegetable or animal product, that is used in, or is a by-product of, the food preparation process, that turns or may turn viscous or solidifies or may solidify with a change in temperature or other conditions.

Fixtures. A receptacle or device that discharges liquid waste or liquid-borne solid waste, oil and grease-laden wastes to a drainage system. Fixtures shall include but are not limited to pot sinks; prerinse sinks; soup kettles or similar devices; ~~wok work stations~~; floor drains or sinks into which kettles are drained; automatic hood wash units and dishwashers.

Food Service Establishment (FSE). Any user involved in the stationary or mobile preparation and/or service of food and/or drink for commercial purposes including commissaries and mobile units.

Food Type. Foods and beverages that require similar methods of preparation and/or contain similar types of FOG producing ingredients.

Grease interceptor, ~~gravity~~. Plumbing appurtenances of not less than 750 gallons nor greater than 3,000 gallons capacity that are installed in the sanitary drainage system to intercept free-floating fats, oils and grease from waste-water discharge. Separation is accomplished by air entrainment, buoyancy, interior baffling and/or gravity during a retention time of not less than 30 minutes.

Grease interceptor, ~~hydromechanical~~. Plumbing appurtenances that are installed in the sanitary drainage system to intercept free-floating fats, oils and grease from waste water discharge. Continuous separation is accomplished by air entrainment, buoyancy and interior baffling.

Grease-laden waste. Effluent discharge that is produced from food processing, food preparation or other sources where grease, fats and oils enter automatic dishwater prerinse stations, sinks or other appurtenances.

Grease trap. See also grease interceptor or automatic ~~grease removal~~ interior recovery device.

Influent tee. A T-shaped pipe extending into a passive exterior device to a depth allowing grease-laden wastes to be discharged beneath the layer of separated grease in a controlled manner.

Interceptor. A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or wastes to discharge into the drainage system by gravity.

Manifest. A log or record of the volume, date of removal and disposal destination of pumped materials from a grease trap.

Mobile unit. Any food service establishment that can be a vehicle, trailer, or pushcart that cooks, prepares, or serves food and/or drinks.

Oil/water separator. An interceptor designed specifically to prevent petroleum oils from entering the sewage system or stormwater system.

Remodeling. Activities that require a building permit, significant changes to plumbing and/or fixtures in the kitchen, or addition or deletion of dishwashing machine(s) or food waste disposal unit(s.)

Passive exterior device (PED). A grease interceptor that requires pumping and is housed outside a building or structure.

Passive interior device (PID). A grease interceptor that requires pumping and is housed inside a building or structure.

Sand trap. An interceptor that prevents sand and/or grit from entering the sewage system.

Solids interceptor. A device installed to separate food wastes from the discharge prior to connecting to the grease interceptor.

User. Establishments such as food service ~~or food preparation~~ establishments, car washes, buildings with dumpsters, garages and other operations that receive county wastewater system service.

(eb) Permitting and notification requirements.

(1) Permitting requirements.

a. Each user required to install an interceptor for the purpose of recovering oil, grease, or sand as set forth in paragraphs (c) or (d) of this section shall obtain a discharge permit from the county water system.

b. When the name of the user operating an existing interceptor changes, the new user shall apply for a discharge permit from the county water system.

- c. When the ownership of a user operating an existing an interceptor changes, but the name of the user does not change, the new owner of the user shall notify the county water system to transfer the discharge permit.
- d. Discharge permit applications shall include the name, address, telephone number and email address of the applicant, and those factors indicating the potential for grease or grit laden waste to be introduced into the wastewater system. Following the review of the application and compliance with county requirements, the county water system shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant interceptor. The county water system shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user.
- e. Users shall renew their discharge permit every three years by submitting a permit renewal application. The discharge permits of interceptors found to be in compliance with existing federal, state, and local laws and regulations may be renewed by the county water system.
- f. The county water system may review discharge permits annually.
- g. FSE users shall display the discharge permit certificate on a wall in an area visible to managers.

(2) Notification requirements.

- a. The user shall notify the county water system prior to the installation or repair of all interceptors. Should the interceptor be installed or repaired without proper notification, the user shall perform all necessary repairs or modifications to achieve compliance in accordance with standards developed by county water system.
- b. The user shall notify the county water system prior to remodeling or making changes to information submitted as part of the permit application including, but not limited to, changes in food type, an increase in seating, and/or modifications to business hours. Remodeling and/or changes to information without notification to the county water system shall be a violation and may result in enforcement action and a requirement to increase the interceptor capacity.

(b) Right to enter and inspect.

- ~~(1) Inspection and entry. Any authorized representative of the county water system bearing proper credentials and identification shall be permitted to enter and inspect all properties of nondomestic users, without prior notification, for compliance with code. This right of inspection shall include the right to measure, photograph, observe, monitor, sample, test, record, review and make copies of all pertinent documents in accordance with this section.~~
- ~~(2) Inspection fees. No fee will be charged for an annual inspection by the county water system of the interceptor for the discharge permit. However, if the grease interceptor is not in compliance with this section, a re-inspection fee will be charged for each inspection thereafter until the interceptor is in compliance and approved by the county water system. Failure to pay the re-inspection fee shall result in the forfeiture of the discharge permit.~~

(c) Food service establishment interceptor installation requirements.

- ~~(1) All users that are food service establishments (FSEs) involved in the preparation of food for commercial purposes shall provide oil/grease interceptors that must be connected to all fixtures excluding restrooms, unless exempted by the county water system determines that the user is not required to provide oil/grease interceptors. The county water system may exempt food service establishments that are determined by the county water system to not be a source of fats, oils or grease. All costs related permitting and installing grease interceptors shall be borne by the user. Interceptors with improper connections or modifications, as determined by the county water system, are in violation and shall be subject to enforcement.~~

- (2) *Technology required.* An approved grease interceptor shall be installed consisting of one of the following methods:
- Passive technology that is an approved passive exterior device (PED).
 - Passive technology that is an approved passive interior device (PID).
 - ~~Active technology that is an approved automatic grease removal device (AGRD).~~
- (3) *Prohibited discharge.*
- Wastewater from dishwasher machines or wastewater that otherwise exceeds 130 degrees Fahrenheit shall not be introduced into any interior grease interceptor.
 - Food-waste grinders shall not discharge into the building drainage system through an interior grease interceptor unless preceded by a solids interceptor.
- (4) *Passive exterior device (PED) requirements.*
- Each PED design, including size, type and location shall be reviewed ~~and approved~~ by county water system ~~in for~~ substantial conformity ~~to with~~ a grease trap detail approved and amended from time to time by the county water system. Such PED may not be used unless approved by county water system. PEDs shall:
 - Be sized and engineered based upon the anticipated load and/or conditions of actual use.
 - Shall be constructed of sound durable material, not subject to excessive corrosion or decay, and shall be water and gas tight.
 - Be traffic-worthy with at least one manhole opening over each of the influent and effluent tees. If the PED has more than two compartments, there must be a traffic-worthy manhole opening over the additional compartment(s).
 - Sizing.* All passive exterior devices shall be sized by the county water system in accordance with standards developed by county water system. Changes to the FSE such as remodeling, changing food type, increasing seating, or increasing day and/or hours of operation, that alter the information submitted on the discharge permit application may result in the county water system requiring the capacity of the PED to be increased.
- (5) *Interior device requirements.* Interior devices may be allowed in lieu of PEDs in accordance with the following conditions:
- A technically logistical reason exists as to why a passive exterior device cannot be installed (i.e., conflicts with existing utilities, elevation disparities or location on a second floor).
 - The installation or use of all interior devices ~~shall not be used unless~~ must be approved by the county water system. The county water system may reject a discharge permit application if a PED cannot be installed and a PID is found not to be adequate.
 - Passive interior devices (PIDs) shall be sized by the county water system in accordance with standards developed by the county water system Changes to the FSE, such as remodeling, changing food type, increasing seating, or increasing day and/or hours of operation, that alter the information submitted on the discharge permit application may result in the county water system requiring the capacity of the PED to be increased.
 - New Aautomatic grease removal interior recovery devices (AGIRD) shall not be sized permitted. The county water system may renew or transfer permits for existing AIRDs provided they are functioning properly and sized in accordance with standards developed by the county water system.
- (6) *Alternative technology/methods.* Engineered alternative technology or methods may be permitted, provided the technology or method meets the minimum performance standards set forth by this section or by the county water system.
- (d) ~~Facilities other than food service establishments.~~ Other interceptor installation requirements. All interceptors ~~for areas below~~ types below must have county water system approval. All costs related to the building's sewer installation, interceptor connection and registration shall be borne by the user.

Interceptors with improper connections or modifications, as determined by the county water system, are in violation and shall be subject to enforcement.

(1) *Sand traps.*

- a. All users whose wastewater stream is associated with unusually large quantities of grit, sand or gravel shall be required to install a sand trap. All users operating car/truck wash systems shall be required to install sand traps.
- b. *Design criteria.* All sand traps used in conjunction with facilities other than eating establishments shall have a capacity that will provide not less than ten minutes nor more than 30 minutes retention time at the peak eight-hour flow rate. Flow-through velocities shall not exceed one foot per second at the peak eight-hour flow rate.
- c. *Compliance with plumbing code.* All sand traps shall be sized, located and constructed in accordance with the provisions of the duly adopted county plumbing code where such parameters have not been otherwise set forth in this article.

(2) *Dumpster interceptor/dumpster pads.* Dumpsters/dumpster pads may be allowed to connect to the wastewater system under the following conditions:

- a. The dumpster/dumpster pad ~~is shall be~~ covered and constructed in such a manner so as to ~~protect the drainage connection from prevent~~ stormwater runoff from entering the drainage connection; and
- b. The drain ~~is shall be~~ connected to a PED ~~passive exterior device which will be~~ maintained by the user in the method prescribed by this section for other PEDs ~~passive exterior devices~~. The trap shall be at least 750 gallons and shall comply with the dumpster trap detail approved and amended from time to time by the county water system.

(3) *Oil/water interceptor separator.*

- a. All users whose wastewater stream may include oily and/or flammable liquid wastes shall install an interceptor.
- b. *Design criteria.* All interceptors used in conjunction with facilities other than eating establishments shall have a capacity that will provide not less than ten minutes nor more than 30 minutes retention time at the peak eight-hour flow rate. Flow-through velocities shall not exceed one foot per second at the peak eight-hour flow rate.

(e) ~~Interceptor user responsibilities and requirements. This section applies to all interceptors permitted by the county water system.~~ Maintenance requirements.

~~(1) Registration requirement.~~

- a. ~~Each user required to install an interceptor for the purpose of recovering oil, grease, or sand as set forth in paragraphs (c) or (d) of this section shall register its interceptor with the county water system for the purpose of obtaining a discharge permit. Such applications shall include the name, address, telephone number and email address of the applicant, and those factors indicating the potential for grease or grit laden waste to be introduced into the wastewater system. The county water system shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant interceptor. The county water system shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user. The county water system may review discharge permits annually. The discharge permits of those found to be in compliance with existing federal, state, and local laws~~

~~(2) User responsibility.~~

- a. ~~Users that are required to install an interceptor shall be responsible for the cleaning and maintenance of the interceptor located on the property.~~
- b. ~~The user shall be responsible for maintaining any interceptor in such a manner that the oil and grease discharge shall not exceed a daily maximum discharge limit of 150 mg/L for discharges of 10,000 gallons per day and greater, nor 12.5 lbs/day for discharges less than 10,000 gallons per~~

day. If the interceptor fails to prevent discharge over the daily maximum, the county water system will require the user to repair, replace or upgrade their interceptor at the user's expense.

- ~~c. The user shall maintain accurate records (manifests and logs) of the dates of cleaning and the means of disposal of fats, oils and grease. These records are subject to inspection and review by the county water system pursuant to and in accordance with subsection (b)(1) above.~~
- ~~d. Any removal and hauling of fats, oils, and grease shall be performed by a registered commercial waste transporter.~~
- ~~e. The user is responsible for maintaining the structural integrity of the interceptor and for ensuring that the interceptor complies with the county water system's design criteria. The user will be required to make any repairs to the interceptor required by the county water system.~~
- ~~f. All costs related to the building's sewer installation, interceptor connection and registration shall be borne by the user.~~

~~(3) Maintenance requirements.~~

~~a.(1) Interceptor maintenance.~~ All interceptors shall be cleaned and maintained by the user at the user's expense. All users shall maintain their interceptors in a proper and effective manner at all times. Maintenance shall include the complete recovery of all contents, including floating materials, wastewater and bottom sludges and solids. All interceptors shall be properly and adequately maintained so as to achieve the intended purpose of the device.

~~b.(2) Recovery and removal for all interceptors.~~ Users shall be responsible for the proper recovery, removal, and disposal by appropriate means of the captured material, and shall maintain records of the dates and means of disposal which are subject to review by the county water system. The user shall be responsible for maintaining any interceptor in such a manner that the oil and grease discharge shall not exceed a daily maximum discharge limit of 150 mg/L for discharges of 10,000 gallons per day and greater, nor 12.5 lbs/day for discharges less than 10,000 gallons per day. If the interceptor fails to prevent discharge over the daily maximum, the user shall be required to repair, replace or upgrade their interceptor at the user's expense.

~~c.(3)~~ All PEDs shall be completely pumped out at a minimum of once every three months unless the county water system requires more frequent pumping or approves less frequent pumping. The frequency of pumping shall be such as to ensure that there are no overflows of fats, oils or grease into the wastewater system. Decanting or discharging of removed waste back into the trap from which the waste was removed or to any other grease trap or sanitary sewer connection for the purpose of reducing the volume to be hauled is prohibited.

~~d.(4)~~ All PIDs shall be completely pumped out monthly unless the county water system requires more frequent pumping or approves less frequent pumping. The frequency of removal shall be such as to ensure that there are no overflows of fats, oils or grease into the wastewater system.

~~e.(5)~~ All AGIRDs shall be maintained in accordance with the manufacturer's recommendations and a copy of same shall be maintained at the site for review and inspection by the county water system.

~~f.(6)~~ All interceptors for facilities other than food service establishments shall be pumped out at a frequency established by the county water system to ensure that there are no overflows of sand, fats, oils or grease into the wastewater system.

(7) The user is responsible for maintaining the structural integrity of the interceptor and for ensuring that a PED interceptor complies with the county water system's design criteria and a PID interceptor complies with manufacturer specifications. The user shall make any repairs to the interceptor required by the county water system.

(4f) Requirements for the proper disposal of collected materials. Any removal and hauling of the collected materials from a grease trap, grit trap, oil-water separator, grease waste drum/barrel, or sand trap, which that is not an AGIRD, must shall be performed by waste disposal firms holding a current

registration and permit number as a commercial waste hauler under EPD rules. The collected materials shall not be returned to the wastewater system.

(5g) Record keeping and reporting requirements. All users with an interceptor ~~must~~ shall keep a record of any cleaning, servicing (i.e., waste manifests), or maintenance of their interceptor (i.e., cleaning logs for AIRDs). These records are subject to review by the county water system and shall be submitted to the county water system as required. The following records must be kept on-site at the facility or, in the case of dumpster traps, at the office of the property management company for a minimum of three years:

A. (1) Manifest. The removal of interceptor contents (PEDs or PIDs) ~~must~~ shall be tracked by a state approved manifest that confirms the pumping, transport, and disposal of the contents.

ia. This manifest shall contain the following information:

Ai. Generator information, including name, address, volume pumped, date and time of the pumping and signature of the generator verifying the information.

Bii. Transporter information, including company name, address, license plate number, permit number and driver's name and signature verifying transporter information.

Ciii. Receiving information, including the facility's name, address, date and time of receiving, EPD number and signature verifying receipt of the waste.

b. The manifest shall be kept on-site at the facility or, in the case of dumpster traps, at the office of the property management company for a minimum of three years.

ii.c. Completed grease trap cleaning manifests ~~must~~ shall be submitted to the county water system ~~office of environmental compliance~~ within 14 days after the trap is cleaned.

A. (2) AIRD Maintenance log. For all AGIRDs, a continuous log indicating each cleaning and/or maintenance for the previous 12 months, including the disposal of the recovered grease and oil, shall be maintained. This log shall be kept in a conspicuous place where it can be inspected by the health department and/or county water system upon request. All FSEs with AIRDs installed shall submit a cleaning log quarterly to the county water system.

(h) Right to enter and inspect.

(1) Inspection and entry. Any authorized representative of the county water system bearing proper credentials and identification shall be permitted to enter and inspect all properties of users, without prior notification, for compliance with code. This right of inspection shall include the right to measure, photograph, observe, monitor, sample, test, record, review and make copies of all pertinent documents in accordance with this section. The access port of the grease trap shall be accessible and without barriers such as heavy objects or dense flora.

(2) Inspection fees. No fee will be charged for an annual inspection by the county water system of the interceptor for the discharge permit. However, if the grease interceptor is not in compliance with this section, a re-inspection fee may be charged for each inspection thereafter until the interceptor is in compliance and approved by the county water system. Failure to pay the re-inspection fee shall result in the escalation of enforcement.

(fi) Violations and enforcement.

(1) Violations. It shall be unlawful for any user or customer to discharge to the county wastewater system in a manner in violation of this section, or of any conditions set forth in this article. Any user who violates any provision of this section shall, in addition to the penalties specified herein, be subject to the provisions contained in sections 122-41 through 122-56 to the extent such violations, notice and penalties are not addressed in this section.

(2) Noncompliance. If it is determined that the user has failed to comply with the provisions of this section, a written notice of violation shall be given to the user, ~~the contractor named in the permit,~~ or the user's authorized agent. If the user is not a county water system customer (e.g., if the user is a tenant in a master-metered development), then the county water system customer for the

property on which the user is located shall receive a copy of the notice of violation. The notice shall set forth the violation and the measure needed to achieve compliance. The user shall be given a reasonable time frame to comply. Where an emergency exists, a written warning shall be given to the user, and user will have 24 hours to comply.

- (3) *Failure to comply.* Any user who fails to comply with a written notice of violation may be fined in an amount not to exceed \$1,000.00 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such fines may be added to the next scheduled sewer charge of the user or the customer for the property on which the user is located. The county water system shall have the power and authority to enter upon the property of any user who fails to comply with a notice of violation to terminate the user's water and/or wastewater service in any manner deemed necessary and appropriate by the county water system. If a user who fails to comply with a notice of violation is not a customer, then the county water system shall have the power and authority to terminate the water and/or wastewater service of the customer for the property on which the user is located in any manner deemed necessary and appropriate by the county water system. Additionally, the county water system may request that the board of commissioners suspend or revoke the user's business license after a show cause hearing, pursuant to sections 122-44 and 78-45.
- (4) *Overflow charge.* Any sewer or manhole overflow traced to an inadequately operating interceptor or lack of an interceptor ~~will~~ shall result in a service charge to the user or the customer for the property on which the user is located. The service charge shall include the cost of cleaning up the overflow and for cleaning grease out of the immediately adjacent contaminated wastewater system. A fine in an amount not to exceed \$1,000.00 may be added to the service charge for each successive overflow. These charges and fines shall not impede other enforcement actions as delineated in sections 122-41 through 122-60. Additionally, the user or customer for the property on which the user is located, shall be responsible for payment of any fine levied by the Georgia Environmental Protection Division against the county as a result of overflows in the county wastewater system caused by grease traced to any inadequate or absent interceptor.
- (5) *Alternative penalties.* Any violation of this section may also be enforced by a citation or accusation returnable to the magistrate court of the county pursuant to section 1-10.

Section 122-193 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-193. - Hauled wastes.

...

- (e) *Discharge of grease trap contents into county wastewater system prohibited.* The discharge of the materials collected from grease traps into the county wastewater system is prohibited. See also subsection 122-188-~~(d)~~(f).

...

DIVISION 9. – OUTDOOR WATER USE RESTRICTIONS

Section 122-265 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-265. - Enforcement.

...

- (b) The Cobb County Water System (CCWS) shall be the enforcement authority for this Division. The county manager may also authorize other county departments as may be deemed necessary to support enforcement. Upon a first violation of the outdoor water use restrictions pursuant to this division, a written notice will be posted by a CCWS or other authorized representative at the property where the violation occurred. Thereafter, notice of said violation shall be sent by first class mail to the customer of record. Such notice shall constitute the initial warning to the customer at such address, and no administrative penalty will be imposed. Upon a subsequent violation at the same customer's address that occurs after such warning, notice will be posted and mailed in the same manner as the initial warning, and the customer receiving CCWS service will be subject to administrative penalties for unauthorized use of water and/or unauthorized use of service pursuant to section 122-84-(k)(i) on a schedule approved by the board of commissioners.

The Official Code of Cobb County, Georgia, is amended by adding Article III to Chapter 122, to be effective June 1, 2026, to read as follows:

ARTICLE III. – STORMWATER MANAGEMENT

DIVISION 1. – GENERALLY

Sec. 122-301. - 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.

Bond Resolution means the resolution adopted by the county board of commissioners on October 30, 1985, in connection with the authorization of the issuance and sale of the Cobb County Water and Sewerage Revenue Refunding and Improvement Bonds, Series 1985, as such resolution has been supplemented and amended from time to time, pursuant to which stormwater projects have been financed, and as it may be amended in the future, and any subsequent bond resolution applicable to stormwater.

County stormwater standards means the county ordinances that govern stormwater and floodplain management.

County water system means the administrative department within the county government that is responsible for the county water, wastewater, and certain stormwater systems and for administering Cobb County's Municipal Separate Storm Sewer System (MS4) permit.

Credit means a conditional reduction allowed against the stormwater service fee charged to an individual parcel based upon the technical requirements and the design and performance standards contained in the county's stormwater credit manual, as it may be updated or amended from time to time.

Customer means owner of a developed parcel(s) in unincorporated Cobb County and any person, company, or other entity contracted to pay for water and/or stormwater services on the owner's behalf.

Developed land or developed parcel means parcels with 500 square feet or more of impervious surface.

Director means the director of the county water system or designee.

Homeowners' association means the legal entity made up of property owners and formed for the purpose of exercising the powers of an owners' association and shall include homeowners' associations, property owners' associations, and/or condominium owners' associations.

Impervious surfaces means any paved, hardened, graveled, compacted, or structural surfaces, including, but not limited to, buildings, dams, decks, driveways, parking areas, patios, streets, tennis

courts, walkways or other structures which prevent or impede the infiltration of stormwater into the soil. Pervious pavers, pervious pavement, and green roofs are considered 60% impervious.

Parcel means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Private stormwater management systems and facilities means those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, headwalls, storm drains, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff or water quality that are not public.

Public stormwater management systems and facilities (or Cobb County's Municipal Separate Storm Sewer System) means collection and conveyance systems for stormwater runoff that are either owned by the county or have been dedicated to and accepted by the county for maintenance and operation, to include county maintained public roads and streets with drainage systems (e.g., catch basins, curbs, gutters, ditches), manmade channels, or storm drains.

Public water influence zone means the defined distance of open channel on residential property lying downstream of a stormwater culvert or pipe either owned by the county or dedicated to and accepted by the county for maintenance and operation. On the downstream side of the culvert/pipe, the public water influence zone is defined as a length of six times the diameter (or width) of the culvert/pipe. For example, if a four-foot diameter culvert is discharging to a private property, the public water influence zone shall extend 24 feet (six times four feet) from the end of the culvert.

Stormwater division manager means the manager of the county water system's stormwater management division or designee.

Stormwater service fees means the periodic service charge imposed by the county to a parcel of developed land pursuant to this article for providing the stormwater management services and stormwater management systems and facilities.

Undeveloped land means a parcel that has less than 500 square feet of impervious surface.

Sec. 122-302. - Purpose and policy.

(a) Objective. The objective of this article is to provide for the equitable distribution of the cost of stormwater management services by imposing a user fee based upon each user's contribution of stormwater runoff.

(b) Applicability. This article shall apply to developed parcels in unincorporated Cobb County, except as provided in Section 122-313. The director or the director's agent shall administer, implement, and enforce the provisions of the article.

(c) Findings.

- (1) The management of stormwater and other surface water discharges affects the health, safety and welfare of all residents and businesses in the unincorporated area of the county.
- (2) Failure to effectively manage stormwater may cause erosion of lands, threaten businesses and residences, and other facilities with water damage and may environmentally impair the rivers, streams, and other bodies of water.
- (3) Failure to effectively manage stormwater impacts the operations of sanitary sewer by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system.
- (4) Failure to effectively manage stormwater contributes to the further degradation of the water quality that may result in higher levels of treatment requirements imposed on wastewater treatment facilities and increased water treatment cost of potable water supplies.

- (5) Proper management of stormwater is a key element of having clean water with adequate assimilative capacity for treated wastewater discharges and adequate potable drinking water that are essential to the unincorporated area of the county.
- (6) The county is authorized by the Georgia Constitution Article IX, Section II, Paragraph I, and Article IX, Section II, Paragraph (a)(6), state law, and federal law to provide stormwater management services, systems, and facilities, as well as to protect and preserve the public health, safety, and welfare, including the protection of natural resources.
- (7) The Clean Water Act, as amended, and its resulting regulations place increased obligations of the county to address stormwater management.
- (8) The county is required to comply with state and federal regulatory requirements in its National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) permit, which requires the county to develop and implement a comprehensive Storm Water Management Program (SWMP) that includes pollution prevention measures, treatment or removal techniques, monitoring, and measures to control the quality of storm water discharged to the storm drains and thence to waters of the United States.
- (9) The service and benefit rendered or resulting from the provision of stormwater management services, systems and facilities may differ over time depending on many factors and considerations, including, but not limited to, location, demands and impacts imposed upon the stormwater management services, systems and facilities, and risk exposure. It is practical and equitable to allocate the cost of stormwater management among the owners of properties in proportion to the long-term demands the properties owned impose on the county's stormwater management services, systems and facilities that render or result in services and benefits to such properties and the owners and occupants thereof.
- (10) A stormwater utility provides the most practical and appropriate means of properly delivering stormwater management services, systems and facilities, and the most equitable means to regulate the use of a higher level of stormwater management services, systems and facilities in the county.
- (11) The existence of privately owned and maintained on-site or off-site systems, facilities, activities, or assets that are found to reduce or otherwise mitigate the impact of a particular property on the county's cost of providing stormwater management services and/or stormwater management systems and facilities should be taken into account to reduce stormwater service fee on that property.
- (12) It is imperative that the proceeds from stormwater service fee be dedicated to stormwater services, management, and facilities in accordance with this article.
- (13) The area of impervious surface on each parcel is the most important factor influencing the cost of the stormwater management services and stormwater management systems and facilities provided by the county water system or to be provided by the county water system in the future. The area of impervious surfaces on each parcel is, therefore, the most appropriate parameter for calculating a periodic stormwater service fee.

Sec. 122-303. - Establishment of stormwater utility.

There is hereby established a stormwater utility within the County water system in accordance with this article in the unincorporated area of the county. The stormwater utility shall be administered by the county water system. Upon the execution of a written intergovernmental agreement between the county and any municipality in the county, pursuant to the Georgia Constitution, Article 9, Section 2, Paragraph III(b) and Article 9, Section 3, Paragraph I, the county water system may provide services as provided herein within the corporate limits of said municipality in accordance with the terms of this Article, subject

to funding availability and to policy determinations made in the best interest of public health, welfare and safety and the environment; provided, however, that no such intergovernmental agreement shall be construed as authorizing the county water system to operate outside of the boundaries of the county.

Sec. 122-304. - Scope of responsibility.

- (a) The county water system shall provide stormwater management services, in accordance with this Article, subject to ownership, funding availability, and policy determinations made in the best interest of public health, welfare, and safety and of the environment, which relate to the:
 - (1) Operation, maintenance, repair, enhancement and replacement of existing stormwater management systems and facilities owned and/or maintained by the county water system;
 - (2) Planning, development, design, and construction of additional public stormwater management systems and facilities to meet current and anticipated needs;
 - (3) Regulation of maintenance and use of public and private stormwater management systems and facilities as defined in Chapter 50, Environment, Articles IV and V and Chapter 58, Floods;
 - (4) Education of the public as to stormwater issues;
 - (5) Review of zoning applications and approval of new development and redevelopment;
 - (6) Monitoring for water quantity and water quality to determine compliance with county stormwater standards and state water quality standards;
 - (7) Compliance with applicable state and federal stormwater management regulations and permit requirements.
- (b) The county water system maintains those stormwater management systems and facilities:
 - (1) That are located in drainage easements dedicated to the public on single-family residential property not owned by a homeowner's association and are shown on the recorded subdivision final plat, except that the county does not maintain open channels outside the public water influence zone, bodies of water with a permanent pool level and/or any associated dam, or any systems or facilities that are located in a development with private streets; or
 - (2) That have been dedicated in fee simple to and accepted by the county through the subdivision acceptance process; or
 - (3) That are located on private property and by which the county has a written agreement to own and/or maintain; or
 - (4) That are on land owned by the county and were constructed by the county water system; or
 - (5) That are on land transferred to and accepted by the county and accepted for maintenance by the county water system.
 - (6) That are located in a recorded drainage easement (in an instrument other than a plat) dedicated to and expressly accepted by the county.
- (c) The county water system is not responsible for the aesthetic maintenance of stormwater management systems.
- (d) The county water system may perform channel stabilization work on residential property within the portion of the public water influence zone for which a dedicated easement has been granted to and accepted by the county for such purpose. The property owner is responsible for keeping the public water influence zone clear and free from obstructions and for the full maintenance of the remainder of the open channel.
- (e) Stormwater management systems and facilities located on county owned property that were not constructed by the county water system, shall be and remain the responsibility of the county department responsible of the maintenance of said property, except as provided otherwise in this division.

- (f) Generally, the county department of transportation is responsible for maintaining stormwater management facilities in county right-of-way, but the county water system may, as determined by the director, assist with the repair of such stormwater facilities.
- (g) The Georgia Department of Transportation is responsible for maintaining stormwater management facilities in state right-of-way.
- (h) Stormwater management systems and facilities located on private property or on public property not owned by the county that have not been dedicated to and accepted by the county for maintenance, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by the laws of the state and the United States, even if such systems and facilities are located in a drainage easement. All maintenance shall be at the sole cost and expense of the owners thereof.
- (i) It is the express intent of this article to maintain and enhance the public health, safety and general welfare in order to be assured that such facilities are safe and will not result in injury or harm to persons or property, to reduce and minimize damage to public and private property, to reduce and minimize the impact of such facilities on land and stream channel erosion, to assist in the attainment and maintenance of water quality standards, to reduce local flooding, and to maintain, as nearly as possible, the preexisting development runoff characteristics of the area, but not to create any special duty or relationship with any individual person, or to any specific parcel within or outside the boundaries of the county. The county expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the county, its commissioners, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.
- (j) If any permit, plan approval, inspection or similar act is required by the county as a condition precedent to any activity or change upon property not owned by the county pursuant to this or any other regulatory ordinance, regulation or rule of the county, or under federal or state law, the issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages or equitable remedies against the county, its commissioners, officers, employees or agents.

Sec. 122-305. - Establishment of enterprise fund.

- (a) The county shall establish a stormwater enterprise fund in the county budget and accounting system for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the county water system as they relate to the provision of stormwater services within the unincorporated area or any municipality with whom the county has entered into an agreement to provide stormwater services, including, but not limited to, rentals, rates, charges, fees, and licenses as may be established by the county board of commissioners, subject to the terms of any governing Bond Resolution.
- (b) Any revenues and receipts of stormwater fees shall be placed in the stormwater enterprise fund(s). Subject to the terms of any governing Bond Resolution, the stormwater enterprise fund(s) shall be used exclusively to pay for county stormwater expenses and improvements. Other revenues, receipts, and resources not in the stormwater enterprise fund(s) may be applied to stormwater management operations expenses and capital investments as approved by the county board of commissioners.
- (c) Subject to the terms of any governing Bond Resolution, the county may pledge all or any portion of all income and revenue of any nature derived from the operation of the stormwater management systems and facilities owned and/or maintained by the county water department, including periodic stormwater service fees and other charges for stormwater service, to the payment of principal of premium, if any, and interest on any revenue bonds or other obligations lawfully issued for county

water or stormwater system as may be provided in any Bond Resolution authorizing such bonds or obligations or in any trust instrument relating to such bonds or obligations.

Sec. 122-306-122-310 – Reserved.

DIVISION 2. - FEES AND CHARGES

Sec. 122-311. - Service charges, rates and fees generally.

- (a) Purpose. It is the purpose of this division to establish a fee mechanism whereby those who receive or benefit from various county water system stormwater management services, systems, and facilities are charged for the cost of providing those services in accordance with the estimated amount of stormwater generated from a property.
- (b) Actual rates and fees published separately. The actual rates and fees charged by the county water system for the stormwater management services, systems, and facilities shall be adopted by the board of commissioners and published in a separate rate or fee schedule. A copy of such rate or fee schedule shall be on file and available at the office of the county clerk and the office of the director.
- (c) Changes in rates and fees. The rates and fees charged by the county water system for stormwater management services may be revised from time to time by affirmative action of the county board of commissioners as necessary. In modifying such rates and fees, the county board of commissioners shall establish rates and fees that are fair and reasonable, reflect the value of the stormwater management services, systems and facilities to those customers who benefit therefrom, and are sufficient to support the cost of the stormwater management services, systems and facilities.
- (d) Customer categories. Customer categories are defined as follows:

 - (1) Residential customer is the owner or occupant of a detached single-family dwelling unit or an owner or occupant of an attached single-family dwelling unit served by an individual water meter. In addition, the principal use of the property shall be residential.
 - (2) Nonresidential customer is the owner, owner's agent, or occupant of a commercial, industrial, governmental, or institutional property; a property or community with multi-family dwelling units; a property or community with an attached single-family dwelling unit served by a master water meter; a mobile home park; or any other properties not meeting the requirements of subsection (1) above.

Sec. 122-312. – Stormwater management and miscellaneous charges and fees

- (a) Stormwater service fee. There are hereby levied and assessed rates, fees and/or charges for the service, maintenance, operation and amortization of public stormwater management systems and facilities, as well as other stormwater management services provided by the county water system. Stormwater service fees are based on measurable parameters that influence cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of land. The use of impervious area as a stormwater service fee rate parameter shall not preclude the use of other parameters, or the grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent numerical interval, or the use of flat-rate charges for one or more classes of similarly-situated properties whose impact on the stormwater utility's cost of providing stormwater management services and facilities is relatively consistent.
- (b) Late fees. Payment is due on the date listed on the bill. A late charge may be assessed for any balance unpaid after the due date in accordance with the rate or fee schedule on file and available at the office of the county clerk and the office of the director.

- (c) Returned checks. A processing fee will be charged for returned checks and returned electronic fund transfers.

Sec. 122-313. - Stormwater service fee exemptions

Exemptions to the stormwater service fee include the following:

- (1) Undeveloped land.
- (2) Railroad right-of-way (tracks). Railroad stations, maintenance buildings, and/or other improved property used for railroad purposes, however, shall not be exempt from the stormwater service fee.
- (3) Public streets and right-of-way maintained by the county department of transportation and Georgia Department of Transportation (GDOT) shall be exempt from the stormwater service fee. Maintenance buildings and/or other improved property used by the departments of transportation, however, shall not be exempt from the stormwater service fee.
- (4) Public airport runways. Maintenance buildings and/or other improved property used to support the runways, however, shall not be exempt from the stormwater service fee.
- (5) Properties covered as part of Dobbins Air Reserve Base's stormwater permit with the State of Georgia.
- (6) Basins used for the development or treatment of drinking water or wastewater, such as water reuse ponds, aerators, clarifiers, sedimentation, and flocculation tanks, in use by public utilities.
- (7) Any property whereby 100 percent of the stormwater runoff is contained or infiltrated on the property and no stormwater runoff is discharged, via overland flow or manmade conveyance, to adjacent properties or rights-of-way for all storm events up to and including the 100-year 24-hour storm event.

Cross reference: O.C.G.A. § 36-60-17.2.

Sec. 122-314. - Billing, payments, delinquencies, and adjustments.

- (a) Water and/or Sewer Account Holders. Stormwater services fees shall be billed monthly. Stormwater service fees shall be included on the parcel's monthly water and/or sewer bill. The water and/or sewer account holder is responsible for the stormwater service fees even if the account holder is not the property owner.
- (b) Customers without a Water and/or Sewer Account. The owner(s) of parcels not billed by the county water system for water and/or sewer shall receive a stormwater service fee only bill, which may be billed monthly, bi-monthly, or quarterly. When no homeowners' association parcels are billed by the county water system for water and/or sewer, the impervious area for any such parcel owned by such homeowners' association may be allocated among all parcels served by the impervious area (e.g., private drives, parking spaces, etc.).
- (c) Underbilling or Failure to Receive Bill. The bill may be sent through the United States mail or by alternative means notifying the customer of the amount of the bill and the date the payment is due. Failure to receive a bill is not justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of developed land shall be ultimately obligated to pay such fee. If a customer is underbilled or if no bill is sent for developed land, the county may back bill for a period of up to four years but shall not assess penalties for any delinquency due to the failure to send a bill or an under billing.

- (d) Payments. Any partial monthly payments made to the county water system shall be applied to stormwater fees before being applied to water and sewer fees. Customer shall be required to make payments necessary to keep the water and/or sewer fees current.
- (e) Delinquent accounts. Amounts due not paid within 30 days from the due date are delinquent.
- (g) Adjustments. The stormwater manager shall administer the procedures and standards for the adjustment of the stormwater service fee.
 - (1) If a customer believes their stormwater service fee is incorrect, the customer may seek an adjustment of the stormwater service fee allocated to a property at any time by submitting the request in writing to the stormwater manager and setting forth in detail the grounds upon which relief is sought.
 - (2) If necessary, customers requesting the adjustment shall be required, at their own expense, to provide supplemental information to the stormwater manager, including, but not limited to, a survey certified by a registered land surveyor or a professional engineer of the impervious surfaces on the subject property. Submittal of this information shall be required if stormwater manager cannot make a determination based on county water system staff inspection and/or review of existing county aerial photography.
 - (3) Once a completed adjustment request and all required information are received by the stormwater manager, the stormwater manager shall have thirty (30) calendar days within which to render a written decision. Concurrent payment of any charges allocated to the property is not required as a condition precedent to this request for review.
 - (4) In considering an adjustment request, the stormwater manager shall consider whether the calculation of the stormwater service fee for the property is correct.
 - (5) The stormwater manager's decision shall be in writing and will be mailed or emailed to the address provided on the adjustment request, and service shall be complete upon mailing or emailing.
 - (6) If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next stormwater bill.

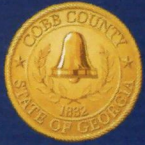
Sec. 122-315. - Credits.

Owners of developed land and customers may apply for a reduction in their stormwater service fee for certain activities that reduce the negative impact on the stormwater utility, help the county to comply with Cobb County's Municipal Separate Storm Sewer System permit, and/or have a reduced impact on the receiving surface waters downstream. Such activities are defined in the county's stormwater credit manual, approved by the board of commissioners pursuant to this division, as it may be updated or amended from time to time. A stormwater service fee credit shall be determined based on the technical requirements, standards, and criteria contained in the stormwater credit manual. The amount of stormwater service fee credit, or reduction of the stormwater service fee, shall be in accordance with the criteria contained in the stormwater credit manual. The stormwater credit manual shall be available on the county water system's website and on file and available at the office of the director.

Sec. 122-316. - Appeals.

- (a) An applicant for a stormwater service fee adjustment or credit may appeal a denial of a requested service fee adjustment or credit in accordance with this section.
- (b) An appeal shall be filed in writing with the director within 30 days of the date of the denial of the application. Such appeal shall be submitted on a form provided by the county water system and shall be accompanied by any documentation or other evidence the appellant wishes the director to consider in deciding the appeal.

- (c) The director shall conduct a technical review of the conditions on the parcel and respond to the appeal in writing within 30 days of receipt. In response to an appeal, the director may adjust the calculated impervious surface area applicable to a parcel in conformance with the general purpose and intent of this division.
- (d) Any person adversely affected by any determination made by the director relative to a stormwater service fee adjustment or credit may appeal such determination to the board of commissioners. The appeal shall be applied for within 30 days after notification of the director's determination is sent by the director. The county may approve, modify or reject the determination made by the director if the board of commissioners finds that the director abused his/her discretion in reaching the determination. Appeals from decisions of the board of commissioners made pursuant to the stormwater service fee adjustment or credit may be taken to the superior court of the county, in the manner provided by law.



(Purchasing Procurement Services) Policy on Procurement and Contract Management

Effective Date: July 8, 1997

BOC Amended: 8/12/2003; 9/23/2008; 7/24/2012; 1/14/2020; 11/20/2025

Owner	Board of Commissioners (BOC)
Reviewer(s)	Supervisor of Procurement Services <u>Deputy Director</u> , Contract Management Coordinator, County Attorney's <u>Office</u> , Support Services Agency Director, County Manager
Approver(s)	Purchasing Procurement Services Director and Board of Commissioners (BOC)
Related Policies	Policy for Procurement of Professional Services <u>Gifts and Gratuities Policy</u>
Related Guides/Best Practices	<u>Purchasing Card Program Guide</u> <u>Use of Cooperative Agreements</u> <u>County's Lease Policy</u>
Storage Location	iCobb
Last Review Date	January 2020 <u>November 2025</u>
Next Review Date	January 2022 <u>November 2027</u>
Review Cycle	Every 2 years

1. PURPOSE

This policy is intended to establish Procurement Procedures by which the County secures commodities, goods and services as well as Contract Management Procedures for related contracts and agreements. This policy is not intended to cover the purchase or lease of real property or to supersede specific local, state or federal laws that apply to and control certain contractual arrangements (e.g., D.O.T. road projects).

2. SCOPE

This policy applies to all County agencies, elected ~~offices~~ officials, and departments, and all those conducting business through the Procurement Services Department.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Official Code of Cobb County, Georgia	Part 1, Sec <u>2-51</u> , 2-141 and 142 and Part 2, Sec <u>2-33</u> , <u>34(18)</u> , and <u>35</u>
Georgia Open Records Act	O.C.G.A. 50-18-70, et Seq.
Georgia Archives as adopted by County Code	https://www.georgiaarchives.org/records/retention_schedules
And all other applicable laws and regulations	

4. DEFINITIONS

Adjustable Cost Contract: A type of fixed-price contract which provides that a cost can be adjusted be changed, higher or lower, to a specified amount at certain stages of the term based upon pre-agreed circumstances or independently established measures (i.e., Consumer Price Index or other governmental or industry standard indicators). ~~If all additional costs are budgeted, the County Manager or Purchasing Director may approve the adjustment; if not, approval of the Board of Commissioners is required.~~

Best Practicable Source: The most suitable and effective supplier under given circumstances such as an original equipment manufacturer (OEM) replacement part, an item or system requiring compatibility with approved standardized systems, or an exclusive or proprietary good or service.



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Best Value: Overall combination of quality, time, price, and various elements of required services that in total are optimal relative to the County's needs.

Brand Name Specification: A specification limited to one or more items by manufacturers' names, or-catalog numbers, or other designations that identify attributes, such as standard of quality, performance, or functionality.

Change order: An alteration, addition, or deduction from the original scope of work as defined by the contract documents to address changes or unforeseen conditions necessary for project completion.

Commodity: A physical substance, such as food, grains, and metals, supplies, materials, furnishings, equipment, vehicles, and material objects, other than real estate or buildings, which is interchangeable with another product of the same type. The terms "Good" and "Product" shall be synonymous with the term "Commodity".

Contract: An agreement, regardless of what it is called (purchase instrument, task order, agreement, etc.), entered into by the Board of Commissioners (or County Manager, Purchasing Director, or other authorized agent as designated according to policy) on behalf of the County with one or more parties that outlines the terms for the procurement of goods, services, or construction, or a combination thereof. The term "Contract" shall be synonymous with the term "Agreement."

Contractor/Vendor/Supplier: Any provider of services and/or products.

Cooperative Contract: A form of procurement in which two or more governments purchase under the same contract. Generally, the originating entity will competitively award a contract that includes language allowing for other entities to utilize the contract. This may provide advantageous pricing, thereby gaining economies of scale that otherwise may not have been received if the entity had competed on its own.

Electronic Quote: A quote provided via electronic means (i.e., email, website) and intended specifically for procurement by the County. Screenshots or printouts of general website pages or carts without a dedicated login showing County pricing is not sufficient.

Emergency Procurement: The procurement of goods or services on an emergency basis outside the normal procurement procedure due to unforeseen events or circumstances that threaten or result in imminent danger to the public health, welfare and/or safety, or the loss of an essential governmental service.

Fixed Cost Contract: A type of fixed-price contract in which the agreed upon cost or per unit cost remains the same throughout the contract period and only the Board of Commissioners or designee may alter.

Formal Sealed Bid Limit: The dollar amount threshold approved by ordinance of the Board of Commissioners above which amount purchases/contracts require use of the formal solicitation sealed bid process; The formal solicitation sealed bid process includes advertisement and Board of Commissioners' approval bid opening. (See Cobb County Code, Part One, Chapter 2, Article IV – Finance, Division 2 –



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Purchases, Sections 2-141 and 2-142 and Cobb County Code, Part Two, State Enabling Legislation, Chapter 2, Article II – Board of Commissioners, Sections 2-33 and 3-34(18).

Goods: Also referred to as Personal Property; including items such as supplies, material, livestock, furnishings, equipment, vehicles, and material objects other than real estate or buildings.

Intergovernmental Agreement: Any agreement that involves or is made between two or more governments to cooperate in some specific way.

Lease: An agreement that gives rise to the relationship of landlord and tenant (real property) or lessor and lessee (personal property), giving the tenant or lessee the right to possess, use and occupy the property for a certain length of time at a specified price. (Refer to the Lease Review Policy for types of leases and application.)

Maintenance Contract: A contract for the provision of technical assistance and materials related to the service, repair, and/or maintenance of goods, equipment, and facilities.

Master Agreement: A contract competitively bid by Procurement Services and available County-wide. These types of agreements establish a prequalified list of vendors, establish the terms and conditions governing the purchase of goods or services, and simplify the procurement process.

Non-professional Services Contract: A contract for the provision of services which do not involve specialized knowledge or training assistance in support of County operations and/or projects from an independent contractor (e.g., pest control, security monitoring, cleaning, and landscape services).

Professional Services Contract: A contract for the provision of assistance in support of County operations and/or projects from an independent contractor in a professional occupation or field. A professional occupation is an occupation which requires exceptional qualifications by education and or experience in a field or discipline to perform a specialized service (Examples: engineering, architecture, and medical.) The service of a contractor in a professional occupation or field. A professional occupation is one which requires exceptional qualifications by education or experience in a field or discipline to perform a specialized service (Examples: architects, auditors, construction project managers, economic analysts, engineers, environmental analysts, ITS consultants, land surveyors, lobbyists, scientists, and transportation analysts.) In the event of a conflict between the provisions of this policy and the County's Policy for the Procurement of Professional Services, the latter shall control

Public Works Construction Contract: A contract for the building, altering, repairing, improving, or demolishing of any public structure or building or other public improvements of any kind to any public real property other than for public road systems. See O.C.G.A. § 36-91-1, et seq. O.C.G.A. § 32-4-63, and O.C.G.A. § 50-37-1. Such term shall not include the routine operation, repair, or maintenance of existing



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structures, buildings, or real property, or any energy savings performance contract or any improvements or installations performed as part of an energy savings performance contract.

Purchase Card: A purchasing card provided to give departments an efficient, effective alternative to make purchases less than \$5,000. (See Purchasing Card Program Guide for additional details.)

Purchase Contract: A contract for the purchase of goods, supplies, services, and/or equipment of a specified quantity and at a specified price, wherein the purchase order constitutes the terms of the contract.

Responsible Bidder or Offeror: A person or entity that has the capability in all respects to perform fully and reliably the contract ~~and qualification requirements~~ set forth in the invitation for bids or request for proposals.

Responsive Bidder or Offeror: A person or entity that has submitted a bid or proposal that conforms in all material respects to the requirements set forth in the invitation for bids or request for proposals.

Revenue Generating Contract: A contract by which the County receives revenue. The term "Revenue Generating Contract" shall be synonymous with "Proprietary Contract".

Services: Any intangible activity or task performed by a third-party which generally delivers value to the County through deliverable or outcome. (Examples include consulting, maintenance, support, and training.) ~~All services other than public works or professional services offered by a person or entity without generally recognized specialized education or experience in a field or discipline (e.g., primarily labor). Examples of this type of service are auto repair, office equipment repair, pest control, printing, and towing.~~

Sole Source Procurement: A procurement made pursuant to a written determination by a governing authority that there is only one source for the required product, supply, service, or construction item.

Specification: A precise description of the physical or functional characteristics of a product, service, or construction item.

Surplus Property: Non-consumable personal property that the County no longer requires or needs, has outlived its useful life and been replaced with new equipment, or is no longer deemed appropriate for County use. (See Procedure for Disposition of Surplus Property).

Unit Price Contract: A contract for the purchase of goods, supplies, services and/or equipment of a non-specified quantity and at a specified price for a determined period of time. The contract is based on an a Invitation to Bid for goods, services, etc. to be supplied throughout the term of the agreement (See Fixed Cost (3.7) and Adjustable Cost (3.1)).

5. POLICY

5.0 PROCUREMENT PROCEDURES

- 5.1 **Competitive Process:** Except in circumstances set forth by this policy ~~or any other County policy,~~ or pursuant to applicable law, or as determined to be in the best interest of the County by the Board of Commissioners, all procurements must result from a competitive process.

The ~~process~~ delegation of authority to make purchases, for specific expenditure thresholds, is as follows:

- 5.1.1 **Less than \$2,000 ~~5,000~~** – All purchases less than \$2,000 ~~5,000~~ do not require a per se competitive process. Department managers, agency heads, and/or elected officials.



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authorized representative(s) may select a vendor taking into consideration cost, delivery/pickup time, and convenience to the work site. Ordering departments have the responsibility to ~~assure~~ ensure that all purchases are fair and reasonably priced. Using a source that the ordering department knows will result in a considerably higher price than other available sources is prohibited.

The purchase of goods, supplies, services and/or equipment in an amount less than ~~\$2000~~ \$5,000 shall be by a contract, departmental purchase order (PD), or purchasing card (P-card). Departments are prohibited from splitting orders to circumvent the competitive process further defined below.

To monitor ~~contractor selections and purchase order use~~ compliance, a monthly PD and P-card reports will be prepared by the Purchasing Procurement Services Department and distributed to all department managers. The report will give a recap of departmental purchase order use including the contractor/vendor name, amount of purchase, purchase order number, date of purchase, total dollars of purchase(s) from that contractor, and total dollars spent for the month.

5.1.2 ~~\$2,000 to less than \$10,000~~ Telephone quotes from at least three (3) vendors are required to purchase within this spending range. Copies of the telephone quotes must be provided to the Purchasing Department with the requisition document. The Purchasing Department is responsible for insuring the rotation of contractors/vendors for quote requests.

5.1.2 ~~\$5,000 up to \$250,000~~ ~~\$10,000 up to \$50,000~~ Written Electronic quotes from at least three (3) vendors are required for purchases within this range. The purchase of goods, supplies, services and/or equipment in an amount from \$5,000 up to \$250,000 shall be by a contract or requisition document. Copies of the written quotes must be provided to the Purchasing Procurement Services Department with the 1) contract/agreement and 2) requisition document (RQS), if already obtained by the user department. The Purchasing Procurement Services Department is responsible for ensuring the rotation of contractors/vendors for quote requests. Contracts shall not be subdivided in an effort to evade the provisions of this section.

5.1.3 Formal Sealed Bid Limit – Purchases estimated to meet or exceed ~~\$250,000~~ \$50,000 in value, as established by the Board of Commissioners, must comply with the Cobb County Code of Ordinances relating to advertising for bids and bid openings (Sec. 2-141 and 142). Contracts shall not be subdivided in an effort to evade the provisions of this section.

5.1.4 Public Works Contracts ~~\$250,000~~ ~~\$400,000~~ or More – Contracts for public works projects valued at ~~\$250,000~~ \$400,000 or more shall comply with the notice and competitive award requirements of Chapter 91 of Title 36 of the State Code O.C.G.A. § 36-91-1 or O.C.G.A. § 32-4-63. Contracts shall not be subdivided in an effort to evade the provisions of this section.

No expenditure of more than \$20,000.00 but less than \$250,000.00 for construction, reconstruction, or maintenance of all or part of a public road shall be awarded without the submission of at least two (2) estimates.

5.2 Sole Source Procurement: The competitive requirements identified in Sec 5.1 above may be waived upon a determination in writing that there is only one source available for that which is to be procured. This process shall also be used for best practicable source procurements.



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Sole source procurement is initiated by a department with the submission of a Sole Source Request form to the Purchasing Procurement Services Department. The form briefly identifies the product or service to be purchased and the justification for the sole source. Supplemental documentation (specifications, manufacturer letter, documentation of research, etc.) shall be furnished when available and as requested by the Purchasing Procurement Services Department. The department manager head, agency director, or elected official's signature of approval is required. The request is reviewed by Purchasing and transmitted with the Purchasing Procurement Services Director's recommendation to the Support Services Agency Director. The Support Services Agency Director may, based upon his review, authorize or deny the proposed sole source purchase under \$1,000,000. For purchases of \$1,000,000 or more, the County Manager, in consultation with the County Attorney, Support Services Agency Director and Procurement Services Director may approve or deny the proposed sole source purchase.

For sole source purchases between \$5,000 and \$20,000, the Sole Source Request form is not required if a letter from the manufacturer is provided stating the good(s) or service(s) is indeed a sole source and it is approved by the Procurement Services Director.

In the case of Public Works Construction Contracts of \$250,000 \$100,000 or greater, the Board of Commissioners must make a written determination, in the form of an approved agenda item, that there is only one source for the required supply, service, or construction. The sole source exemption shall not apply to construction, reconstruction, or maintenance of all or part of a public road.

- 5.3 **Emergency Procurement:** The competitive requirements identified in Sec 5.1 above may be waived by the Procurement Services The Purchasing Director, with approval of the County Manager and in consultation with the County Attorney, may make or authorize others to make emergency procurements only when there exists an immediate threat to public health, welfare, critical economy and efficiency, or safety under emergency conditions provided that such emergency procurements shall be made with as much competition as is practical under the circumstances. An emergency procurement shall be initiated with the completion of an Emergency Procurement Request form to be sent to the Purchasing Procurement Services Department. The form will identify the item or service to be purchased, the justification for the emergency purchase, and shall contain the department manager head, agency director or elected official's signature. The request shall be reviewed by Purchasing and transmitted with the Purchasing Director's recommendation to the County Manager. The County Manager may, based upon his review, authorize or deny the proposed emergency purchase. Emergency procurements made over the formal sealed bid limit shall be presented to the Board of Commissioners for ratification. If an agenda item is necessary, the signed form shall be attached along with any other documentation.
- 5.4 **Lease of Property or Equipment:** Any proposed lease contract shall be reviewed as required by the County's Lease Review Policy before lease documents are accepted. All multi-year leases shall comply with the requirements of O.C.G.A. § 36-60-13.
- 5.5 **Purchases from contracts made available from other governmental agencies or through cooperative purchasing organizations:**
- 5.5.1 Notwithstanding, any other provisions in this policy to the contrary The competitive requirements identified in Sec 5.1 above may be waived when using cooperative contracts. The Purchasing Procurement Services Director or his/her designee shall be authorized to make purchases of goods and services in amounts up to \$250,000 \$100,000, without public advertisement or competitive bidding, under the provisions of



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contracts or price agreements that have been competitively procured and entered into by the United States General Services Administration (GSA), State of Georgia Department of Administrative Services (DOAS), Georgia Technology Authority (GTA), or any State of Georgia agency Contract so long as the contract complies with Georgia law and County policy. If such a purchase will exceed \$250,000 ~~\$100,000~~ then approval of the Board of Commissioners will be required.

5.5.2 The Purchasing Procurement Services Director or his/her designee shall be authorized to enter into purchasing or contracting cooperatives with other governmental agencies both inside and outside the State of Georgia for the purpose of making purchases in amounts up to \$250,000 ~~\$100,000~~ for goods and services without public advertisement or competitive bidding so long as such are competitively procured and the contract complies with Georgia law and County policy. If such a purchase will exceed \$250,000 ~~\$100,000~~, then approval of the Board of Commissioners will be required.

5.6 Purchases of Secondhand or Surplus Articles from Government: The Purchasing Procurement Services Director or his/her designee shall be authorized to make purchases of secondhand or surplus equipment, materials, supplies, or commodities in amounts up to \$100,000 from any federal, state or local government unit or agency without public advertising and competitive bidding. If such a purchase will exceed \$100,000, then approval of the Board of Commissioners will be required.

6.0 PROCUREMENT METHODS

Each of the methods described below is an acceptable method for the procurement of goods or services by the County, depending on the circumstances. The user Department shall enlist the assistance of the Purchasing Procurement Services Department prior to selecting an appropriate procurement method. The County reserves the right to reject or accept any or all proposals and to waive technicalities, informalities and minor irregularities in the proposals received. The County reserves the right to make an award as deemed in its best interest which may include awarding a proposal to a single proposer or multiple proposers, or to award the whole proposal, only part of the proposal, or none of the proposal to single or multiple proposers, or to cancel a solicitation, based on its sole discretion if determined to be in the County's best interest.

- 6.1 Competitive Sealed Bids (Invitation to Bid):** An Invitation to Bid is the preferred method for acquiring goods and certain services for use by the County. The solicitation must be issued in an efficient and economical manner and shall include clear specifications, contractual terms and conditions applicable to the procurement. Unless there is a compelling reason to reject one or more bids, the County shall have the option to award to the lowest responsive and responsible bidder.
- 6.2 Competitive Sealed Proposals (Request for Proposals):** When a determination is made by the Purchasing Procurement Services Director that the use of competitive sealed bidding is not practical or advantageous to the County, a procurement may be made through the use of a Request for Proposals. The solicitation shall include a listing of information that must be submitted by offerors and factors to be considered during the evaluation process. Price may, but need not be, an evaluation factor.

Proposals will be evaluated using only the criteria stated in the Request for Proposals. After the evaluation is complete, all responsive offers will be ranked from most advantageous to least advantageous to the County, and the County shall have the option to award to the highest ranked responsive and responsible offeror.



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- 6.3 Competitive Online Bidding (Reverse Auction):** When a determination is made by the Purchasing-Procurement Services Director that online bidding is more advantageous than other selection methods provided by this Policy, a contract may be entered into by use of competitive online bidding. The solicitation must designate both an opening date and time and a closing date and time for the bids. At the opening date and time, the County must begin accepting real-time electronic bids.

During the specified bidding period, a bidder may lower the price at any time provided the price is below the next lowest bidder. After the closing time, the County shall have the option to award to the lowest responsive and responsible bidder.

- 6.4 Request for Qualifications:** Before soliciting bids or proposals, the County may issue a Request for Qualifications from prospective bidders and offerors. The request must contain, at a minimum, a description of the scope of work to be solicited, deadline for submission, and how prospective bidders may apply for consideration. The request must require information regarding the prospective bidder or offeror's product specifications, qualifications, experience, and ability to perform the requirements of the contract. After receipt of the responses, an approved evaluation committee will evaluate each response and rank prospective bidders or offerors from most qualified to least qualified on the basis of information provided and as set forth in the request for qualifications. Bids or proposals will then be solicited from at least the top two ranked bidders or offerors. Negotiations may be made with the most qualified firm or bids or proposals may then be solicited from the list of qualified bidders or offerors.

- 6.5 Prequalification of Bidders:** Prequalification of prospective bidders may be made prior to issuing an Invitation to Bid or Request for Proposals. Prequalification is most practical for those services which are purchased on a regular or frequent basis. Additionally, prequalification may be appropriate on a specific project that is of such complexity or size that specialized expertise is needed. Under a prequalification process, a Request for Qualifications will be used to solicit statements of professional qualifications from prospective bidders for a particular type of service or scope of work. Qualification statements submitted by each firm will be evaluated by a review committee. The list of recommended qualified bidders will be submitted to the Board of Commissioners for approval.

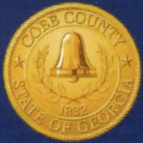
- 6.6 Request for Information:** While not an official procurement method, a request for information may be advertised on behalf of the User Department to obtain input about goods and services on the market. Requests may include details on specifications of products, types of services offered, qualifications of vendors, and pricing (for budgetary purposes). Requests for information are not to be used as a substitute for competitive procurement methods.

- 6.7 Evaluation Committees:** The composition and number of members of evaluation committees shall be presented by the user department to the Procurement Services Director for approval based on the following guidelines. This section does not apply to the evaluation of professional services (See Policy for Procurement of Professional Services):

6.7.1 All evaluation committees shall consist of an odd number of members.

6.7.2 No superior/subordinate positional relationships shall be allowed on the same evaluation committee unless unique circumstances exist, and it is approved by the County Manager.

6.7.3 All evaluation committee members shall execute an oath, prior to participating on an evaluation committee, that acknowledges they are aware of no conflict of interest which might exist by their participation on such committee and that they understand they are not to conduct any discussion with a firm submitting a proposal response outside formal



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committee meetings, with the exception of conversations necessary to handle administrative functions such as setting up interviews.

6.7.4 Facilities Management shall serve on the evaluation committee for those projects involving architectural design and other professional services related to buildings. The user(s) of the facility shall also be represented on the evaluation committee.

6.7.5 Members of the User Department shall not exceed 60% of the evaluation committee, unless approved by the County Manager.

6.7.6 There shall be a sufficient number of individuals on the evaluation committee, or serving in an advisory capacity only, who have the expertise and technical knowledge necessary to evaluate qualifications and proposals to be received.

6.7.7 A member of the Procurement Services Department shall serve as a non-voting member on every evaluation committee.

6.8 **Evaluation Criteria:** The evaluation by any evaluation committee will be based on the criteria listed within the solicitation. This section shall not apply to professional services. (See Policy for Procurement of Professional Services).

7.0 RECEIPT AND SAFEGUARDING OF SEALED BIDS AND PROPOSALS

7.1 All bids and proposals, received before the time of opening, must be kept secure and unopened. Necessary precautions shall be taken to ensure the security of all bids. Prior to bid opening, information concerning the identity and number of bids shall be made available only to county employees only on a "need to know" basis. No late bids will be accepted.

7.2 Physical submissions (i.e., samples, unidentified packages) Unidentified bids may be opened solely for the purpose of identification by an official designated for this purpose by the Purchasing Procurement Services Director or a designee. If a sealed bid package is opened by mistake, the official who opened the bid it shall notate on the envelope that the bid it was opened in error and record the date and time of opening.

7.3 If it becomes necessary to postpone a bid opening, the Purchasing-Procurement Services Director or a designee shall issue the appropriate amendments addenda to the solicitation postponing or rescheduling the bid opening. When the County is closed due to force majeure, the bid opening will be postponed to the same time on the next official business day a date as specified by the Procurement Services Director, or as in accordance with a declared state of emergency. (See Official Code of Cobb County, Part 1, Sec. 34-2).

7.4 Bids and proposals shall be opened publicly ~~in the presence of one or more witnesses~~ at the time and place designated in the solicitation document.

8.0 PROTEST OF AWARD OR DECISION TO AWARD

8.1 Any actual offeror that has submitted a bid/proposal for a particular procurement and is aggrieved in connection with the award of the contract may protest in writing by contacting the Procurement Services Director after the proposer's specific bid or proposal is submitted. All protests shall set forth in full detail the factual and legal basis for the protest and specific relief sought by the protestor. Protests arising from factual or legal basis that the protestor knew or should have known prior to the submission of the bid/proposal must be submitted within three (3) business days of the submission of the bid/proposal. Protests arising from factual or legal basis that the



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protestor knew or should have known after the date the bid/proposal was submitted must be submitted within 10 business days after the protestor knew or should have known of such basis, but in no event shall any protest be submitted more than 10 business days after the award of the contract. Untimely protests will not be considered by the Procurement Services Director and will be simply denied as untimely. Decisions on timeliness by the Purchasing Director are final.

No bidder or proposer may file a protest when all bids or offers have been rejected by the County or the County determines in its sole discretion that the goods or services are barred as a result of an imminent danger to public health, welfare, or safety that requires the immediate awarding of a contract.

8.2 When a protest has been properly and timely filed and such filing is before a contract award has been approved, or before a purchase order has been signed and issued, the Procurement Services Director shall not award the contract until the protest has been settled; except, the Procurement Services Director, with the approval of the County Manager and in consultation with the County Attorney, may make a written determination of the award of a contract without delay if necessary to protect substantial interests of the County.

8.3 If a protest is timely filed, the Procurement Services Director shall inform the protestor of the decision in writing within 15 business days or, if the Director requires more than 15 business days to render a decision, the Director will advise the protestor within the initial 10 days of the additional amount of time required to render a decision on the protest.

8.4 The Procurement Services Director's decision as to a bid protest is final and conclusive. If the protest is sustained, the County may remedy the protest by awarding the protesting bidder, offeror, contractor or subcontractor the reasonable cost incurred in connection with the bid, including the bid preparation cost other than attorney's fees. In no event will an unsuccessful protestor be entitled to recover any costs incurred in connection with the solicitation or protest process, including, but not limited to, the costs of preparing a response to the solicitation, the costs of participating in the protest/request for formal review process or any attorneys' fees or costs.

8-0 9.0 CONTRACT MANAGEMENT RESPONSIBILITIES

8 9.1 Each department that originates a contract agreement valued at \$2,000 or greater with another entity that legally obligates Cobb County shall upload an electronic image of the original fully executed agreement to the electronic contract management repository with all supporting documentation including insurance information, immigration compliance affidavits, as well as all subsequent changes to the original agreement such as amendments or change orders, and any other relevant documentation.

It will be at the discretion of each department manager if any contract valued less than \$2,000 should be uploaded into the contract management repository. However, it is strongly recommended that any agreement with milestone dates, insurance requirements, and/or a notice period of cancellation deadlines be uploaded so that the contract administrator will receive electronic notifications of these important contractual events.

8 9.2 Departments shall be responsible for proper management of contracts executed for their operations, including but not limited to, monitoring the contractor's progress on projects and ensuring all requirements are met and all milestones are completed in accordance with contract terms.



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- § 9.3 Departments shall have designated staff responsible for overseeing contract administration and compliance, including but not limited to:
- § 9.3.1 Maintaining current insurance and bonding documents throughout the entire contract term in accordance with contract requirements.
 - § 9.3.2 Monitoring the payment, including any change orders, modifications, or amendments to the contract and resolution of any dispute arising from the service or equipment provided under the contract.
 - § 9.3.3 Documenting all issues in writing including the date(s) and time(s) of any discussions or interactions with the vendor/contractor, name(s) of the parties involved, any agreed upon remediation activities, and other steps taken to reach a resolution.
 - § 9.3.4 Documenting and managing all milestones stated in the contract such as written renewal/cancellation requirements and project progress/completion dates.
- § 9.4 Departments shall maintain file documentation on all ~~maintenance, non-professional services, and lease and revenue generating~~ contracts in accordance with required retention schedules and legal requirements, to include department, contractor, notice period for cancellation, amount, whole term begin date, whole term end date, renewal term, a memo section, financial system contractor number, annual term begin date and annual term end date, and insurance requirements, including renewals.
- Finance, the County Attorney's Office, Internal Audit and/or Purchasing-Procurement Services may access each department's repository contract records on a regular or "as needed" basis. Random compliance checks will be conducted to verify the proper maintenance of contractual agreements and supporting documents in the repository.
- § 9.5 The Purchasing-Procurement Services Department and the County Attorney's Office shall be notified of any contractor who does not fully satisfy the requirements of its contract. Specific documentation of this failure shall be provided so the contractor's performance record can be addressed as appropriate duly noted. The department responsible for management of the contract shall also complete a Vendor Performance Assessment Report in the contract management repository noting all steps taken to resolve any issue(s) with the contractor.

9 10.0 CONTRACT AND PROCUREMENT SIGNATURE APPROVAL AND AUTHORIZATION

- 9 10.1 Contracts anticipated and adopted as a line item of a department's fiscal year budget by the Board of Commissioners do not require further action by the Board and may be signed by the Purchasing-Procurement Services Director if:
- 9 10.1.1 The contracts have resulted from full compliance with all applicable requirements of the advertisement and bidding process or the professional services selection process.
 - 9 10.1.2 The contracts are within the budgeted amount which has been approved and the purchase must be within the approved budgeted amount.
 - 9 10.1.3 The contracts are made with the lowest responsive and responsible bidder or offeror, the highest ranked proposer, or in accordance with state or federal statutes and regulations.



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Purchasing-Procurement Services will verify contracts for compliance with criteria ~~9~~ 10.1.1 and ~~9~~ 10.1.3 above before the Purchasing-Procurement Services Director can sign.

Budget Finance will verify contracts for compliance with criteria ~~9~~ 10.1.2 above before the Purchasing-Procurement Services Director can sign.

The County Attorney's Office will verify contracts for compliance with Section 11 before the Procurement Services Director can sign.

- ~~9~~ 10.2 Contracts in excess of the Formal Sealed Bid Limit not anticipated and not adopted as a line item of a department's fiscal year budget must be presented to the Board of Commissioners for approval. The Board of Commissioners may authorize the Chairman or any other delegated authority to sign the contract.
- ~~9~~ 10.3 The County Manager shall have authority to approve and sign (or authorize signature by the Purchasing-Procurement Services Director) all contracts valued less than the Formal Sealed Bid Limit not previously approved in the fiscal year budget, so long as the contract was procured using one of the procurement methods listed in Section 6.0 of this Policy.
- ~~9~~ 10.4 Emergency Purchases: Under emergency conditions and notwithstanding ~~9~~ 10.3 above, the County Manager may authorize any contract, provided sufficient funds are available. If the contract exceeds the Formal Sealed Bid Limit, the contract and an explanation of the nature of the emergency shall be brought to the Board of Commissioners by the Purchasing-Director department, agency or elected official for ratification at the next scheduled Board meeting.
- ~~9~~ 10.5 Revenue Generating Contracts: The Board of Commissioners may authorize the Chairman, and in his/her absence the Vice-Chairman, to sign revenue generating contracts on a contract by contract basis that have been presented to and approved by the Board of Commissioners.
- ~~9~~ 10.6 Pilot projects and trials may be used by the County to test the viability of a project idea before substantial resources are committed. The County should procure goods, services, and technology for pilot projects and trials using one of the procurement methods listed in Section 6.0 of this Policy if the potential future project is expected to result in a contract exceeding \$5,000.
- ~~9~~ 10.7 Signature Authority: The Chairman of the Board of Commissioners, Vice-Chairman in his/her absence, or the County Manager in their absence, and the Purchasing-Procurement Services Director, when provided for in this policy or specifically delegated, are the only authorized signatures for approved contracts governed by this policy, except as set forth below.
- ~~10.7.1~~ A Department Manager, Elected Official and/or authorized representative(s) may sign departmental purchase orders up to the value of ~~\$2,000~~ \$5,000. (See 5.1.1.)
- ~~10.7.2~~ When necessary, the Purchasing-Procurement Services Director may delegate his/her authority to sign purchase contracts to a designee provided those contracts meet the requirements of this policy.
- ~~10.7.3~~ A department manager or his or her designee may sign facility use contracts that do not extend beyond one year (e.g., park use contracts). Nothing in this provision is intended to conflict with the County's Policy on the Procurement of Professional Services, or an elected official's authority to sign contracts in compliance with local, state, or federal law.



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- 10.8** All contracts requiring the signature of the Chairman, the County Manager, or a BOC authorized signatory shall be reviewed and approved as to form by the County Attorney's Department Office, and submitted to the County Clerk prior to signature. The Clerk is responsible for obtaining the appropriate signature.

40 11.0 REQUIRED AND PROHIBITED TERMS AND CONDITIONS FOR CONTRACTS

The County has standard terms and conditions that apply to all contracts. Prior to submission to the vendor for signature and prior to consideration by the Board of Commissioners, each contract requiring the signature of the Chairman or the County Manager shall be reviewed by the County Attorney's Office. Below is a partial listing of the basic terms and conditions that shall be included in all contracts.

- 40 11.1** Name of parties and written verification that vendor or professional is licensed and authorized to do business in GA. The name of the vendor must match the license or authorization to conduct business.
- 40 11.2** Term of the Agreement (length of time) with effective date and date of expiration.
- 40 11.3** Consideration - what the County will pay, manner of payment (lump sum, not to exceed, etc.) when payment due, under what circumstances payment due, invoicing procedures, change order process, etc.
- 40 11.4** Any required Compliance with local, state or federal laws, rules, or regulation requirements dependent on funding source and type of work (e.g., immigration compliance, debarment, conflict of interest, equal employment opportunity, open records act compliance, etc.).
- 40 11.5** Scope of services to be performed or goods to be delivered and time frame for performance of services or delivery (usually will include the RFP and response, both of which may be incorporated by reference in the contract document).
- 40 11.6** Termination provisions (for cause or for convenience).
- 40 11.7** Notice provisions, including list of contacts and addresses to send notices to for each party).
- 40 11.8** Multi-year contract or lease provision (O.C.G.A. 36-60-13). Multi-year agreement refers to any contract which exceeds twelve months and/or will cover more than one fiscal year.
- 40 11.9** Insurance requirements, including certificates of insurance and requisite endorsements. Insurance requirements may differ depending on the type of procurement.
- 40 11.10** List of personnel to be assigned to project (when required).
- 40 11.11** Indemnification/hold harmless provision, indemnifying the county and its elected officials, employees, etc.
- 40 11.12** Conflict of Interest and Ethics provisions.
- 40 11.13** Boiler plate provisions such as governing law and venue (Georgia), authorized parties, mediation of disputes, execution in subparts, assignment/subletting, ownership of documents, entire agreement, force majeure, waiver, survival of terms, independent contractor, representations and warranties, order of precedence, preservation of immunities, etc.



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11.14 In addition, the following is prohibited from inclusion in County contracts: any agreement to defend, indemnify, or hold harmless another person or entity; clauses that impose obligations by reference (website references to additional terms, hyperlinks, click through links, etc.); terms or conditions that are unknown at the time of signing the contract or can be unilaterally changed by the other party; payment of attorney's fees, court costs, or other litigation expenses of another party; the requirement of binding arbitration; payment of late fees, liquidated damages, cancellation charges, or interest; reimbursement or payment of most taxes; automatic contract renewal beyond the contract term; prepayments or deposits; the requirement that the County release or disclaim all damages, risk of loss, liability, or warranties or assume all risk or liability.

Note: The above should not be considered as a full and binding list of terms and conditions for any and all County contracts. Deletions and additions may apply to any and all contracts depending on scope of work and/or other factors.

44 12.0 BONDS

For Public Works Projects exceeding \$100,000 ~~the Formal Sealed Bid Limit~~, bidders and offerors shall be required to post all legally required bonds or alternative security as allowed by state law and approved by the Purchasing Risk and Safety Director. Notwithstanding the above, the County may require a bond(s) or other security on any project regardless of value.

44 12.1 Types of Bonds

44 12.1.1 Bid Bond: A bond with good and sufficient surety to be submitted with the bid document for the faithful acceptance of the contract, payable to, in favor of, and for the protection of Cobb County

44 12.1.2 Payment Bond: A bond with good and sufficient surety payable to Cobb County to be submitted by the contractor and approved as to form and solvency of the surety by the County prior to the execution of the contract; This bond is intended for the use and protection of all subcontractors and all persons supplying labor, materials, machinery, and equipment for the work. The bond shall be in the amount of 100% of the contract value.

44 12.1.3 Performance Bond: A bond with good and sufficient surety payable to, and in favor of, and for the protection of Cobb County, to be submitted by the contractor and approved as to form and as to solvency by the County prior to the execution of the contract; This bond is intended for the faithful performance of the contract and to indemnify the County for any damage occasioned by a failure to perform the same and within a prescribed time.

42 13.0 ETHICS IN PUBLIC PROCUREMENT

Cobb County procurement processes and practices stress integrity, fairness, and transparency. All purchase transactions shall be made in a manner that promotes fairness and impartiality toward all suppliers and providers. County employees shall refrain from showing favoritism or being influenced by a supplier or provider through the acceptance of gifts, gratuities, entertainment, loans, or favors (See Cobb County Gifts and Gratuities Policy).

43 14.0 COMMISSION AUTHORITY

It should be noted that nothing in this policy is intended to restrict Board of Commissioners' authority to set the duration of all contracts, determine conditions and terms of contracts, assign authority for



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signature of any of these documents, terminate contracts for insufficient funding as provided in O.C.G.A. §36-60-13, or exercise any other power or authority provided by law.

615. NON-COMPLIANCE

Violations of this policy may include one or more of the following:

1. Disciplinary action according to applicable County policies;
2. Termination of employment; and/or
3. Legal action according to applicable laws and contractual agreements.

REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
	July 8, 1997	Purchasing	Adoption
	August 12, 2003		Revised
	September 23, 2008		Revised
	July 24, 2012		Revised and Renamed
	January 14, 2020		Revised
v.1.0-2020	October 2020	Purchasing Director	Reformat
<u>v.2.0-2025</u>	<u>November 20, 2025</u>	<u>Procurement Services Director</u>	<u>Revised</u>



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ATTACHMENT A

Contract Management Guidelines

As each department is responsible for managing their own contracts, it is imperative that contracts are properly administered in order to protect the interests of Cobb County. Listed below are some best practices for good administrative oversight for contract management to ensure that contractors comply with all terms of contracts. These practices are not all inclusive but can be used as a baseline in contract monitoring procedures.

1. To the extent possible, form sample contracts should be incorporated into every RFP to minimize negotiations and clarify expectations for bidders. The County's standard purchase order terms and conditions should be incorporated into every purchase order, requisition, or department order.
2. Compliance with contract insurance requirements should be promptly and fully addressed with the assistance of the Insurance Services Coordinator, the Risk & Safety Director, and the County Attorney's Office to facilitate legal approval and execution by the Chairman or County Manager.
3. Written contract monitoring procedures should be developed by each department (based on the types of contracts it administers). All goods, services and other contract deliverables delivered to any County representative will be subject to inspection, testing and other appropriate review.
4. Work completion and/or items received should be verified before processing payment requests. The verification should include some measurement of work performed, quantity of items received, and price agreed to in the contract. Evidence to support the verification should be maintained.
5. Vendor discount(s) should always be taken, if applicable.
6. Vendor invoices should always be re-calculated to avoid clerical errors.
7. Cost allocation methodology to other departments should be reviewed periodically to ensure accuracy.
8. Gifts of any kind should never be accepted from a vendor. (Please refer to the County's Gift and Gratuities policy).
9. Contract monitoring activities should be periodically rotated among department staff to protect the integrity of the monitoring process.
10. All monitoring activities should be in writing, including changes to the scope of work, pricing, terms, etc. These activities should be reviewed and approved by the appropriate level of authority. If a problem is identified, promptly notify the contractor to resolve the issue.
11. On-site visits should be conducted if applicable.
12. At the conclusion of each contract, an overall assessment should be made to ensure all expectations were fully satisfied. Failure of any aspect of the contract should be documented and forwarded to the Purchasing-Procurement Services Department.



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Effective Date: July 22, 1997

BOC Amended: 12/13/2005; 7/28/2009; 11/22/2011; 12/20/2011; 11/25/2014; 7/14/2020; 11/14/2023; 11/20/2025

Owner	Board of Commissioners (BOC)
Reviewer(s)	Supervisor of Procurement Services <u>Deputy Director</u> , Contract Management Coordinator, County Attorney's <u>Office</u> , Support Services Agency Director, County Manager
Approver(s)	<u>Purchasing Procurement Services</u> Director and Board of Commissioners (BOC)
Related Policies	Policy on Procurement and Contract Management
Storage Location	iCobb
Last Review Date	November 2023 <u>November 2025</u>
Next Review Date	November 2025 <u>November 2027</u>
Review Cycle	Every 2 years

1. PURPOSE

To amend the current policy for Procurement of Professional Services as established by the Cobb County Board of Commissioners on July 22, 1997, and amended on December 13, 2005, July 28, 2009, and November 22, 2011, December 20, 2011, November 25, 2014, and July 14, 2020. This policy sets forth the County's policy for procuring professional services. This policy guides the County's procurement of professional services to ensure that all contracting is performed in compliance with applicable federal, state and local laws, regulations, ordinances, and policies governed hereby and becomes effective November 14, 2023.

2. SCOPE

This policy applies to all County agencies, elected offices officials, and departments, and those conducting business through the Procurement Services Department.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Official Code of Cobb County, Georgia	Part 1, Sec <u>2-51</u> , 2-141 and 142 and Part 2, Sec 2- <u>33</u> , 34(18), and 35
Georgia Open Records Act	O.C.G.A. 50-18-70, et Seq.
Georgia Archives as adopted by County Code	https://www.georgiaarchives.org/records/retention_schedules
And all other applicable laws and regulations	

4. DEFINITIONS

Contract: An agreement, regardless of what it is called (purchase instrument, task order, agreement, etc.), entered into by the Board of Commissioners (or County Manager, Purchasing Director, or other authorized agent as designated according to policy) on behalf of the County with one or more parties that outlines the terms for the procurement of goods, services, construction, or a combination thereof. A contract is required for all professional services.

Formal Sealed Bid Limit: The threshold approved by the Board of Commissioners above which amount purchases/contracts require use of the formal solicitation process. The formal solicitation process includes advertisement and bid opening. (See Cobb County Code, Part One, Chapter 2, Article IV – Finance, Division 2



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– Purchases, Sections 2-141 and 2-142 and Cobb County Code, Part Two, State Enabling Legislation, Chapter 2, Article II – Board of Commissioners, Sections 2-33 and 3-34(18)).

Local Vendor: A business or firm must have maintained a physical office within the geographical boundaries of Cobb County or a municipality located within Cobb County for at least one (1) year to qualify as a Local Vendor.

Professional Service: The service of a contractor in a professional occupation or field. A professional occupation is one which requires exceptional qualifications by education or experience in a field or discipline to perform a specialized service (Examples: architects, auditors, construction project managers, economic analysts, engineers, environmental analysts, ITS consultants, land surveyors, lobbyists, scientists, and transportation analysts.) a service provided in support of county operations and/or projects from an independent contractor or consultant in a professional occupation or field. A professional occupation is an occupation which requires exceptional qualifications by education and experience in a particular field or discipline to perform a specialized service.

Request for Proposals (RFP): An RFP is similar to an RFQ, however, requires a response to a scope of work. The scope of work is described in the RFP. If the scope of work cannot be defined, then the task/service to be addressed is described. All proposers are requested to respond to the scope of work/service in the RFP or define a scope of work or approach in response to the task(s) to be addressed. Information concerning scheduling and hours may be requested in conjunction with the scope of work. The RFP may ask for the proposer's willingness to perform the work within a specific budget or time constraint. In certain selection processes the RFP may also request information related to fees and costs of services.

Request for Qualifications (RFQ): An RFQ requests that a proposer submit a statement of qualification response in a standard format designed to provide uniform information about the experience and qualifications of the firm to perform a type of service. An RFQ does not describe a specific scope of work or require submitting firms to respond to or provide a scope of work. Because a detailed scope of work is not developed and included in an RFQ, pricing information is not requested. An RFQ is generally used in one of two ways: (1) a screening device used as the first step of a selection process to qualify firms as meeting the desired standards to perform the service, (see Section IV, Prequalification of Proposers), or (2) to select the most qualified firms (i.e., top 3 firms) to perform the desired service. A rank order may or may not be established based on the process being used.

Task Order Contracting: The intent of Task Order Contracting is to provide a method to quickly respond to professional services needs on small to medium sized projects. This selection methodology provides a faster way to select a consultant, negotiate a scope and fee, and issue a notice to proceed, thereby reducing the time from procurement to contract execution by several months. The County's required and prohibited terms and conditions shall be made a part of Task Order Contracting.

5. POLICY

I. APPLICATION OF POLICY

This policy shall apply to procurement of professional services. This policy is not intended to cover the purchase of commodities or goods, lease of real property, or to supersede specific local, state, or federal law. In the event of a conflict between the provisions of this policy and the County's Policy on Procurement and Contract Management, this Policy shall control the procurement of professional services; however, sections 4.0-5.0 and 7.0-14.0 of the Policy on Procurement and Contract Management shall be applicable, when the cost of professional services is expected to exceed \$50,000.00. When the estimated cost of such services is



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expected to be less than \$50,000.00, an abbreviated selection process may be used (see Section VI, page 7).

II. NATURE OF PROFESSIONAL SERVICES

The value received from a professional service is greatly determined by the skill, experience, judgment, and creativity of the professional firm and/or the individual(s) providing the service (hereafter "firm" or "consultant"). Because of these factors, a strict bid process wherein the contract is generally awarded to the lowest responsive and responsible bidder meeting specifications may not be in the best interest of either Cobb County (hereafter "the County") or the professional. At the same time, it is generally recognized that the use of some type of competitive process in the selection of professional services provides superior and accountable results.

III. TYPES OF COMPETITIVE SELECTION PROCESSES-PROCUREMENT THRESHOLDS AND FACTORS TO CONSIDER

A. FACTORS TO CONSIDER.

When a need arises to purchase professional services, the requesting department, agency, or elected official, called a "User Department", must consider the level of complexity, volume, dollar value, any unknowns of the needed purchase, and engage the expertise of the Procurement Services Department early in the planning process. The User Department is responsible for identifying the specifications or scope of services and estimating the associated costs.

With the exceptions of invitation to bid and reverse auction, all procurement methods allowed by County Code may be used to procure professional services. This includes sole source, emergency, and purchases made through government or cooperative purchasing agreements. The User Department shall enlist the assistance of the Procurement Services Department prior to deciding on the use of a particular process, and in accordance with the value thresholds described below.

B. THRESHOLDS RFQ AND RFP

1) PROFESSIONAL SERVICES NOT TO EXCEED \$50,000.

Whenever the estimated cost of professional services is not expected to exceed \$50,000.00, an abbreviated selection process may be used as described below:

a. The User Department shall will provide Purchasing Procurement Services with a scope of services describing the tasks to be performed, the necessary qualifications, a requisition, and the source of funds budgeted for the service. The User Department may supply the name of any professional firms they consider to be qualified to perform the work.

b. Purchasing Procurement Services together with the User Department, will make the determination as to the firm from which to purchase the professional service, shall negotiate the terms, and shall issue a contract to the firm selected.

2) PROFESSIONAL SERVICES BETWEEN \$50,000 AND \$250,000

For the procurement of professional services valued at \$50,000 to \$250,000, the Procurement Services Director is authorized to use an informal selection process described below:



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a. The User Department shall provide Procurement Services with a scope of services describing the tasks to be performed, the necessary qualifications, a requisition, and the source of funds budgeted for the service. The User Department may supply the name of any professional firms they consider to be qualified to perform the work.

b. The User Department shall obtain electronic quotes/proposals from at least three (3) vendors qualified to perform the services. Quotes must have been obtained within the last thirty (30) days to be valid and may not include terms or conditions prohibited by County policy.

c. Procurement Services, together with the User Department, will make the determination as to the contractor from which to purchase the professional service and shall negotiate terms compliant with federal, state, and local law, and shall issue a contract to the selected contractor.

3) PROFESSIONAL SERVICES OVER THE FORMAL SEALED BID LIMIT (\$250,000) \$50,000.00-- ADVERTISING

Each time pProfessional services estimated to cost over \$50,000 are sought, the formal sealed bid limit (or any requiring advertisement and competitive bidding pursuant to federal, state, or local law), shall use the procedures set forth below.

In compliance with Cobb County Code Sec. 2-141 and 2-142 notice shall be properly advertised in the official County organ and/or such other publication(s) required by law or which the County believes will best serve its interest. Advertisement of a notice is not necessary when professional services are acquired through a selection process which solicits proposals from a list of prequalified firms approved by the Board of Commissioners.

For projects using Federal Aid Highway Program (FAHP) funding, the solicitation process shall be in accordance with federal law including 23 C.F.R Part 172.

IV. COMPETITIVE PROCUREMENT

The type of competitive process used by the County shall depend on the scope of work and other factors associated with the specific service being requested. It is often not possible or desirable to develop more than a general scope of work without considerable interaction with the consultant(s). This is one factor which must be considered in determining the most appropriate selection process. When the scope of work cannot be well defined, the selection process should be one in which the development of the scope of work and the related fees occurs after the finalist or top group of finalists have been determined. If the selection process being used requires bids or fees to be quoted, it is important that a detailed scope of work be developed and communicated to all firms which are to submit bids or fees.

Each of the processes described below (and in Attachment One) is recognized as a selection process which may be appropriate, depending on the circumstances, for use in the selection of professional services for the County. The User Department Agency (or the "Department") shall enlist the assistance of the Purchasing Procurement Services Department prior to deciding on the use of a particular process.

A. COMPETITIVE NEGOTIATIONS

This selection process places emphasis almost exclusively on qualitative factors. An RFQ or RFP is developed for the professional services being sought. The responses to the RFQ or RFP are ranked in order by an evaluation committee using an evaluation process based on qualitative and other criteria set forth in Section X herein, but not including price. ~~The final ranked order group is generally limited to the~~



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~~three (3) proposers that are determined to be the most qualified. This process requires approval by the Board of Commissioners of the final ranking of proposers for professional services when the cost of the professional services is estimated to exceed \$100,000.00. Negotiations are then held with the proposer that has been determined to be the most qualified to provide the professional services. The objective of the negotiations is to agree on a compensation level which is fair, competitive, and reasonable taking into consideration the scope and complexity of the services. (The scope of services may also be negotiated). If negotiations are successful, the department User Department will seek approval from the Board of Commissioners for the award of the contract. If negotiations are unsuccessful with the firm considered to be most qualified, then negotiations are terminated with that proposer and the User Department may begin negotiations. Negotiations may then be held with the second highest ranked proposer. If negotiations are unsuccessful with all of the proposers in the top ranked group, then the Competitive Negotiations effort is terminated, and a new procurement process may be initiated for the services.~~

~~Note:~~

When the estimated professional services costs are expected to exceed \$500,000.00, County Manager approval is required for use of this selection process.

Cobb County shall use the competitive negotiations method for the procurement of engineering and design related services when Federal Aid Highway Program (FAHP) funds are involved in the contract (as specified in 23 U.S.C. 112(b)(2)(A)). The solicitation, evaluation, ranking, selection, and negotiation shall comply with the qualifications-based selection procurement procedures for architectural and engineering services codified under 40 U.S.C. 1101-1104, commonly referred to as the Brooks Act.

B. COMPETITIVE PROPOSALS

This selection process uses an RFP and may introduces price into the evaluation process as a consideration along with other criteria described above in the Competitive Negotiations process. An RFP is developed with a specifically defined scope of work. The responses to the RFP are required to include pricing information for performing the specific scope of work. The evaluation process performed by the evaluation committee considers the pricing information merely as one of the selection criteria and not the final determinant. Best and final offers of top-rated proposers may be solicited if the selection committee chooses. The selection criteria and the associated range of values are set forth in ~~Section X~~ herein.

C. PREQUALIFICATION OF PROPOSERS

GENERAL

A prequalification process may be used as the first step of a competitive selection process. The purpose of a prequalification process is to eliminate the need for repeating the determination of qualifications each time professional services are sought. Prequalification is most practical for those services which are sought on a regular and frequent basis and where the nature of the scope of work for which future services will be sought is sufficiently standardized to allow the necessary qualifications to be determined and evaluated separately from a specific scope of work. ~~Additionally, however,~~ However, prequalification may also be appropriate for a specific project that is of such complexity or size that specialized expertise is needed. ~~Under a prequalification~~

As part of this process, firms shall be asked to respond to a RFQ developed for a particular type of professional service or a particular scope of work. Notice of the RFQ shall be properly advertised. The qualifications submitted by each firm in response to the RFQ will be evaluated by an evaluation committee. The committee will make a recommendation to the Board of Commissioners as to whether a firm should be included on a list of approved firms to perform the specified type of professional service or scope of work.



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Multiple lists of qualified firms may be created by the Board of Commissioners when there is a sufficient degree of variance in size and/or difficulty of scope of work or projects to justify more than one level of qualifications. This allows the more difficult work to be directed only toward those firms which are deemed the most qualified to perform that service. It also enables firms of smaller size and/or lesser experience or expertise to be included on an approved list so that they may compete for those services which are less complex or demand less resources or expertise.

1. PREQUALIFICATION METHODS

a. PREQUALIFICATION FOR A TYPE OF PROJECT/SERVICE

~~Prequalification will be done for a type of service where professional services are sought on a regular and frequent basis and where the nature of or the scope of the work for which future work is sought is sufficiently standardized.~~

Prequalification may be used for multiple types of professional services or projects that are regularly and frequently needed by the County, where the nature and scope of the work are sufficiently standardized to allow qualifications to be evaluated apart from specific projects.

b. PREQUALIFICATION FOR A SINGLE PROJECT

Prequalification for a specific single project is typically recommended when the project or scope of services is of such complexity or size that special expertise is required.

Qualifications are solicited through an RFQ. Joint ventures will be allowed to prequalify so long as one firm is designated as the lead firm with sole accountability.

2. PROCESS DEPARTMENT RESPONSIBILITIES

a. ~~Similar-formats for prequalification shall be used county-wide to facilitate submittals by firms and review by the County. Notice of the RFQ shall be properly advertised in the official County organ and/or such other publication(s) which the County believes will best serve its interest. The choice of where to advertise will be made by Purchasing in conjunction with the Department.~~

b. A firm who desires to become prequalified with a Department shall submit an application for qualification to such Department on prescribed forms. The User Department may request clarification or additional information to properly evaluate the application.

c. The User Department will establish categories of service or projects based on complexity and work type. Qualified firms will be evaluated on the ability and experience of the firm and staff to perform work within each category. Prequalification considers the firm's experience, staff experience, staff qualifications, previous work experience, financial stability, references, and other pertinent information in evaluating the capability of the firm to perform. False representation on applications will disqualify the firm from all categories for a period of twelve (12) months.

d. The User Department will notify the firm as to what category(s) or service or project for which it has been prequalified. A firm may appeal the Department's decision as to the qualification of the firm. ~~The appeal shall be made promptly in writing to the County Manager (at least within 30 days) detailing the basis for the appeal. The County Manager may appoint a committee to investigate. The decision of the County Manager is final.~~



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Firms may appeal a prequalification decision by submitting a written appeal to the Procurement Services Director using the protest described in Section 8 of the Policy on Procurement and Contract Management.

e. The User Department will make a recommendation to the Board of Commissioners to include a firm on the list of prequalified firms specifying the category(s) of professional service or project they are prequalified for.

3 MAINTAINING PREQUALIFIED LISTS

a. A review of the firms on each approved list shall be conducted every three (3) years to ensure that they meet the necessary standards for inclusion on the list. ~~To meet this condition, an~~ An RFQ will be prepared and advertised and all current prequalified firms will be required to complete and submit their current qualifications for evaluation by the User Department before the end of the three year period.

b. A firm may be removed from the prequalified list by the Board of Commissioners for reasons including unsatisfactory performance; financial instability; lack of responsiveness; any other reason deemed to be in the best interest of the County. Notice Written notice shall be provided to the firm ~~in writing~~ stating reasons for the suspension or deletion is required.

c. Board of Commissioners authorization is required to add, suspend, or delete any firms from any approved prequalified list.

d. Requests to add to the list of prequalified firms will be presented to the Board of Commissioners no more frequently than on a quarterly basis.

4 MINIMUM STANDARDS

a. Firms must have an established office in the Metro-Atlanta area to be eligible for consideration to be on a prequalified list. The Metro-Atlanta area is defined as the counties of Cobb, Bartow, Cherokee, Clayton, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Paulding, and Rockdale. The qualifications submitted shall be restricted to the qualifications of the professional staff located in the Metro-Atlanta office(s).

b. No professional or key personnel may be listed as bona fide employees of more than one (1) firm currently qualified with Cobb County. If such an employee was previously employed by a currently qualified firm, the application must indicate the date that such employee was hired by the applicant.

c. All personnel listed by the applicant in order to qualify for any type of work or sub-category must be bona fide employees of the firms. They must be actively engaged in the type of work for which they are listed, and their work experience must clearly demonstrate an ability to perform the activities normally associated with the particular type of work or sub-category for which qualification is sought. The County must be notified within thirty (30) days of the departure from the firm of personnel used to prequalify the firm. The deletion of an employee may affect the qualification status of a prequalified firm.

d. Joint ventures will be allowed to prequalify so long as one firm is designated as the lead firm with sole accountability. The County shall not recognize joint ventures for



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purposes of pre-qualifying Consultants (SEE EXCEPTION PAGE 4, #4, PARAGRAPH 3).

E. TASK ORDER CONTRACTING (DOT)

1. Prequalification: First, Georgia GDOT Pre-Qualified consultants submit an abbreviated application providing a GDOT Pre-Qualification Certificate and limited information about the firm and staff. Firms that are not Pre-Qualified with GDOT must submit a more detailed application providing specific information about staffing, qualifications, financials, and a summary of experience. Firms are reviewed and a recommendation for Pre-Qualification with Cobb County DOT is made to the Board of Commissioners.

~~This selection process uses a three-step process. The first step utilizes DOT's existing triennial consultant Pre-Qualification process. In this process, Georgia Department of Transportation (GDOT) Pre-Qualified consultants submit an abbreviated application providing the GDOT Pre-Qualification Certificate and limited information about the firm and staff. Firms that are not Pre-Qualified with GDOT must submit a much more detailed application providing specific details of staffing, qualifications, and summary of experience. From these applications, Consultant Firms are reviewed and a recommendation for Pre-Qualification with Cobb County is made to the Board of Commissioners. After the triennial Pre-Qualification, quarterly modifications may be requested for approval by the Board of Commissioners if necessary. In Step Two an RFQ is used whereby consultants who have been pre-qualified under Step One~~

2. RFQ: Next, an RFQ is issued and consultants who have been pre-qualified are eligible to submit proposals to be placed on discipline-related Task Order Contractor Lists (sometimes referred to as the "Lists"). Finally, DOT negotiates a Work Order with a consultant on a Task Order Contractor List for a particular Task Order Project pursuant to the terms set forth in this Policy.

3. Task Order Contractor Lists: After pre-qualification under Step One and Step Two, discipline-related pre-qualified Task Order Contractor Lists are established. A selection committee, established pursuant to Section X. A. herein, evaluates proposals submitted in response to an RFQ and brings recommendations to the Board of Commissioners for approval of the Task Order Contractor Lists. The Lists are valid for three (3) years. At the end of three (3) years DOT consultants must be requalified. No new consultants are added to the Lists while the Lists are active, but consultants may be removed from the Lists with Board of Commissioners approval for reasonable cause. Joint ventures will be allowed to prequalify so long as one firm is designated as the lead firm with sole accountability. (This procedure is intended to vary and be separate from the procedures set forth in Section IV of this Policy). At the time of approval of the Lists, the Board of Commissioners will also be requested to approve Master Task Order Contracts with each consultant approved and included on each List. The Master Task Order Contracts have three (3) year terms with professional fees not to exceed \$500,000.00 per year. ~~Under Step Three,~~

4. Negotiating Work/Task Orders: When DOT determines that professional consultant services can best be provided through Task Order Contracting, DOT may negotiate a Work Order/contract with one of the consultants on the applicable Task Order Contractor List. DOT may also select consultants through a proposal process. Selection of the consultant will be determined by evaluating cost, the consultant's current work under contract, the consultant's performance on other contracts with the County (with emphasis on quality, schedule and maintenance of budget), the consultant's familiarity in the area of expertise needed for the project, and the consultant's specific experience on similar projects. The Work Order will address the specific duties and obligations related to the specific project and will be subject to the general terms and conditions of the Master Task Order Contract.



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All Work Orders exceeding \$50,000.00, including those and all Work Orders to be paid for with Special Purpose Local Option Sales Tax (SPLOST) funds proceeds will be brought to the Board of Commissioners for approval. Additionally, modifications to the scope and budgets of projects ("Change Orders") with i) an initial cost of less than \$50,000.00 which exceed 20% of the original Work Order amount and are greater than \$5,000.00, or ii) result in the initial Work Order amount exceeding \$50,000.00 require approval by the Board of Commissioners.

Non-SPLOST Work Orders valued at \$50,000.00 or less may be executed by the Purchasing Procurement Services Department and are pursuant to the terms set forth herein.

This procurement method will not be used for consultant services exceeding \$500,000.00 per year or for projects where federal funds are available or anticipated.

F. TASK ORDER CONTRACTING (ALL OTHER COUNTY DEPARTMENTS)

1. This selection process has two steps. In the first step, an RFQ is used whereby a User Department requests proposals from consultants to be placed on discipline-related Task Order Contracting Lists (sometimes referred to as the "Lists").

2. Following step one, the evaluation committee reviews a firm's statements of qualifications submitted in response to the RFQ and makes recommendations to the Board of Commissioners for approval of the contractors to be placed on a Task Order Contracting List. Once approved, a List is valid for three (3) years. At the end of the three (3) years, consultants must requalify by responding to a new RFQ. No new consultants may be added to the List while the List is active, but consultants may be removed from the List for reasonable cause, with Board of Commissioners approval

Joint ventures will be allowed to prequalify so long as one firm is designated as the lead firm with sole accountability.

3. At the time of approval of a List, the User Department may also request Board of Commissioners approval of Master Task Order Contracts with each consultant approved and included on each List. The Master Task Order Contracts have three (3) year terms with professional fees not to exceed \$500,000.00 per year.

4. Following approval by the Board of Commissioners, a User Department may determine that professional consultant services may best be provided through Task Order Contracting. In that case, the User Department will negotiate a Work Order with one of the consultants on the applicable Task Order Contractor List. The User Department may also select consultants through a proposal process. Selection of the consultant by the User Department will be determined by evaluating cost, the consultant's current work under contract, the consultant's performance on other contracts with the County (with emphasis on quality, schedule, and maintenance of budget), the consultant's familiarity in expertise needed for the project, and the consultant's specific experience on similar projects. A User Department may assemble a selection committee as part of this process. The Work Order shall detail all duties and obligations related to the specific project and shall be subject to the general terms and conditions of the Master Task Order Contract.

The User Department must bring all Work Orders exceeding \$50,000.00, including those to be paid for with Special Purpose Local Option Sales Tax (SPLOST) funds will be brought to the Board of Commissioners for approval. Additionally, modifications to the scope and budget of projects ("Change Orders") with i) an initial cost of less than \$50,000.00 which exceed 20% of the original Work Order



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amount and are greater than \$5,000.00, or ii) result in the initial Work Order amount exceeding \$50,000.00 require approval by the Board of Commissioners.

Non-SPLOST Work Orders valued at \$50,000.00 or less may be executed by the Procurement Services Department and are pursuant to the terms set forth in Section III.

This procurement method shall not be used for consultant services exceeding \$500,000.00 per year or for projects where federal or state funds are available or anticipated.

G. GDOT PROCUREMENT MANUAL FOR PROCUREMENT, MANAGEMENT AND ADMINISTRATION OF ENGINEERING AND DESIGN RELATED CONSULTANT SERVICES

This selection process shall be used for Cobb County DOT engineering and design projects using state and federal funds (i.e., FHWA and FAHP) as adopted by the Board of Commissioners.

V. EVALUATION COMMITTEES/EVALUATION CRITERIA

A. EVALUATION COMMITTEES

The composition and number of members of evaluation committees shall be presented by the Department to the ~~County Manager~~ Support Services Agency Director for approval based on the following guidelines:

1. All evaluation committees shall consist of an odd number of members.
2. No superior/subordinate positional relationships shall be allowed on the same evaluation committee unless unique circumstances exist and are pre-approved by the County Manager.
3. All evaluation committee members shall execute an oath, prior to participating on an evaluation committee, that acknowledges that no conflict of interest might exist by their participation on such committee and that they understand that they are not to conduct any discussion with a firm submitting a proposal response outside formal committee meetings, with the exception of conversations necessary to handle administrative functions such as setting up interviews.
4. Facilities ~~Property~~ Management shall serve on the evaluation committee for those projects involving architectural design and other professional services related to buildings. The user(s) of the facility shall also be represented on the evaluation committee.
5. Members of the User ~~Agency~~ Department shall not exceed 60% of the evaluation committee, unless approved by the County Manager.
6. There shall be a sufficient number of individuals on the evaluation committee, or serving in an advisory capacity only, who have the expertise and technical knowledge necessary to evaluate qualifications and proposals to be received.

B. EVALUATION CRITERIA

The evaluation by any Evaluation Committee will be based on the criteria listed below and said criteria shall be listed in the RFP or RFQ. The evaluation criteria will not be changed unless approved by the County Manager and the BOC shall be notified of such change. The weight given to each criterion set forth below shall be determined by the User Department, approved by the ~~Purchasing Manager~~ Procurement Services Director, and shall equal 100 points, not including



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cost or Local Vendor Presence (LVP). The range of acceptable weights is provided at the end of each criterion. If cost is included as a criterion, it shall be in addition to the 100 points and LVP shall be added as bonus points

1. Staffing – Evaluation of the list of personnel specifically assigned to the proposed project, including their qualifications, overall experience, and recent experience on projects of similar nature and complexity to the proposed project (25-50 points)
2. Experience/Performance – Review of past performance on Cobb County or other Federal, State or local government agency projects or other projects of similar nature and complexity as the proposed project; evaluation of client references whether included in the proposal response or not; evaluation of litigation history for the past five (5) years, including for each case: style of the case, parties to the litigation, court in which litigation was filed, and civil action number; nature of claims; whether the case is pending or resolved, and, if resolved, the date of and manner in which it was resolved (e.g., relief granted by court, settlement by or among parties, dispositive motion, trial verdict); (NOTE-County Attorneys' Office will provide an opinion/statement based on the information provided: points may be deducted, but no new points will be added); overall responsiveness to County's needs (20-50 points)
3. Approach – Evaluation of the overall understanding of the scope of the proposed project; completeness, adequacy and responsiveness to the required information of the RFPs or RFQs (15 – 50 points)
4. Availability – Evaluation of the workload of the proposing firm and the staffing to be assigned to the proposed project; time schedule of the proposer in relation to that of the proposed project location of the offices or facilities from which the services are to be provided to the County (5-10 points)
5. Local Vendor Presence (to be assigned as bonus points)
 - i. Five (5) qualitative evaluation criteria points will be given to each local vendor that meets the approved qualifications where the estimated cost of professional services is expected to be between ~~\$50,000 and \$100,000~~ \$250,000 and \$300,000.
 - ii. Three (3) qualitative evaluation criteria points will be given to each local vendor that meets the approved qualifications where the estimated cost of professional services is expected to exceed ~~\$100,000~~ \$300,000.
 - iii. Local vendor presence shall not be used as an evaluation criterion for projects when Federal Aid Highway Program (FAHP) funds are involved in the project.
6. Cost – Evaluation of the overall cost of the required services as submitted in the RFP, where applicable. The User Department, in conjunction with the Procurement Services Purchasing Department, if necessary, shall evaluate cost (25-50 points 0-50 points).
7. Financial Stability – Financial Stability of the top proposer(s) will be evaluated by the Finance Department in the following areas: Liquidity Ratios (1 point); Financial Leverage Ratios (2 points); Profitability Ratios (1 point); and whether an audited or reviewed Financial Statement is submitted with Proposal (1 point). A maximum of 5 points may be awarded. Proposers who receive a score of 2 points or less will not be considered for award. Finance will notify the County Manager Procurement Services Department of points to be awarded to each proposer.

The above evaluation criteria must be identified in the RFQ or RFP. Any deviation from the evaluation criteria listed above must be approved by the County Manager.



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C. LOCAL VENDOR PRESENCE (LVP) PROGRAM

A. Qualifications

1. ~~To meet the definition of LVP, a~~ Any business or firm ~~must have having maintained~~ a physical office located within the geographical boundaries of Cobb County or a municipality located within the geographical boundaries of Cobb County for at least one (1) or more years. Only the prime contractor is eligible for consideration under the LVP Program.

2. ~~The business must~~ Must have a current Cobb County Occupation Tax Certificate (or ~~its an~~ equivalent certificate issued by from a Cobb County municipality) as of on the solicitation closing date of solicitation for which a qualified bid has been the response is submitted.

3. ~~The business must~~ Must have no outstanding or unresolved taxes, fees, fines, or penalties with Cobb County or ~~one any~~ of its municipalities. An affidavit affirming this status must be submitted will be required which with the RFP or RFQ. The County reserves the County's option right to request require additional documentation during upon award or consideration of award or post-award.

a. Determination. ~~Local Vendor Presence information is required to be submitted at the time of the qualified bid and determination will be made by the Purchasing Department prior to distribution to the approved Evaluation Committee. Specific qualification requirements are required to be included in individual Request for Proposals/Qualifications (RFP/Q). The absence of any required information will result in no local vendor presence consideration granted for the respective bid. The Procurement Services Department will review and verify LVP qualifications prior to forwarding bids to the Evaluation Committee. Specific LVP requirements may be included in each RFP or RFQ. Failure to provide required information may result in the response not receiving local vendor presence consideration.~~

b. Exceptions. The LVP Program shall not apply to projects funded by ~~fFederal~~ or and state grants, or any other ~~grant or~~ funding source that prohibits such preferences.

4 Monitoring The Procurement Services Purchasing Department will monitor and evaluate the LVP Program for overall budgetary, administrative, and financial impact on County operations, and report to A report will be provided to the Board of Commissioners and County Manager every six (6) months.

D. COST EVALUATION

The cost methodologies presented below are the primary cost methodologies to be used by the County. The County Manager must approve any deviation from these methodologies in advance.

1. COST EVALUATION METHOD ONE

- Award the maximum available points to the proposal with the lowest cost and award points to all other proposals on an inverse proportionate basis.
- The lowest cost amount from all proposals is divided by fee proposal/cost amount being evaluated and then multiplied by the points allocated to cost.
- Formula: $p = (x/y) \times z$
Where: p = cost points awarded for the proposal being evaluated (rounded)
 x = lowest cost amount from all proposals
 y = fee proposal/cost amount being evaluated
 z = maximum weight/points allocated to cost



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EXAMPLE

(Assumption: 25 points allocated to cost)

Firm	Fee Proposal	Lowest Cost divided by Fee Proposal being evaluated	Weight/Points allocated to Price	Cost Points Awarded (rounded)
A	\$ 1,250,000	70.00%	25	18
B	\$ 985,000	88.83%	25	22
C	\$ 1,125,000	77.78%	25	19
D	\$ 950,000	92.11%	25	23
E	\$ 875,000	100.00%	25	25

2. COST EVALUATION METHOD TWO

The User Department's representative assigns a "dollar-per-point" value, usually based on a fee estimate prepared prior to the receipt of proposals and confidence-level factor applied to this estimate. For example, if it is assumed that the cost proposals should be within 25% of the project manager's/Department's fee estimate (-25% to +25%), then the total dollar value of the cost points could be spread over a range equal to 50% of the estimate. The dollars-per-point amount is then determined by dividing the total dollar value of cost points by the number of points assigned to cost, with the number of points selected based on the level of importance given to cost. See example below.

EXAMPLE

A possible scenario for application of this approach follows:

- Preliminary Fee Cost Estimate = \$1,000,000
- Range of reasonable costs = 50% (-25% on the low range side and +25% on the high range side)
- Cost point value range = 50%
- Total value of cost points = \$1,000,000 x 50% = \$500,000
- Number of cost points assigned to cost = 25 (which places a lower proportionate value on cost in the overall selection process)
- Dollars-per-point = \$500,000 / 25 = \$20,000

The table below shows this calculation for an assumed situation.

Firm	Fee Proposal	Cost Difference from Lowest	Difference divided by Dollars-per-point	Cost Points Awarded (rounded)
A	\$ 1,250,000	\$ 375,000	18.75	6
B	\$ 985,000	\$ 110,000	5.5	20
C	\$ 1,125,000	\$ 250,000	12.5	12
D	\$ 950,000	\$ 75,000	3.75	21
E	\$ 875,000	\$ 0	0	25



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If more weight were desired to be allocated to cost in the selection process, the number of cost points would be increased. The impact of this change is illustrated below, using the assumed values in the previous scenario.

- Total value of cost points = \$500,000
- Number of cost points assigned to cost = 50
- Dollars-per-point = \$500,000 / 50 = \$10,000

Firm	Fee Proposal	Cost Difference from Lowest	Difference divided by Dollars-per-point	Cost Points Awarded
A	\$ 1,250,000	\$ 375,000	37	13
B	\$ 985,000	\$ 110,000	11	39
C	\$ 1,125,000	\$ 250,000	25	25
D	\$ 950,000	\$ 75,000	7	43
E	\$ 875,000	\$ 0	0	50

E. ADDITIONAL GUIDELINES

- When applicable, proposers shall have the option to include alternative methods for business practices in responses when they are presented as part of the overall award process and do not invalidate the selection process.
- Evaluation committees may hold pre-evaluation committee meetings in advance of preparing individual ratings.
- Litigation history of the top proposers should be submitted to the County Attorney's office for review of current and past litigation.
- Committee members should sign off on final overall rankings only if an evaluation committee member(s) disagrees with the overall ranking of the proposals.

VI. CONFLICT OF INTEREST/CONTINGENCY FEES/CERTIFICATION BY SUBCONTRACTORS

All RFQs and RFPs shall require responding firms to sign as part of the terms and conditions of their being engaged by the County, at a minimum, the following statements regarding Conflict of Interest, Contingency Fees, and Certification of Subcontractors:

- Conflict of Interest. Consultant represents, that, to the best of its knowledge no circumstances exist that will cause a conflict of interest in performing this Agreement. Should Consultant become aware of any circumstances which may cause a conflict of interest during the term of the Agreement, Consultant shall immediately notify County. If County determines that a conflict of interest exists, County may require that Consultant take action to remedy the conflict of interest or terminate the Agreement without liability. County shall have the right to recover any fees paid for services rendered by Consultant which were performed while a conflict of interest existed if Consultant had knowledge of the conflict of interest and did not notify County within one week of becoming aware of the existence of the conflict of interest. Consultant shall require each of its subcontractor(s) to sign a statement certifying to and agreeing to comply with the terms in this provision.
- Prohibition Against Contingent Fees. Consultant warrants that it and its subcontractor(s) have not employed or retained any company or person, other than a bona fide employee working solely for Consultant or its subcontractor(s), to solicit or secure this Agreement and that it and its



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subcontractor(s) have not paid or agreed to pay any person, company, corporation, individual, or firm other than a bona fide employee working solely for Consultant or its subcontractor(s) any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award of this Agreement. For any breach or violation of this provision, County shall have the right to terminate the Agreement without liability and, at its discretion, to deduct from the price, or otherwise recover, the full amount of such fee, commission, percentage, gift, payment, or consideration. Consultant shall require each of its subcontractor(s) to sign a statement certifying to and agreeing to comply with the terms in this provision.

The Consultant certifies that to the best of its knowledge no circumstances exist which will cause a Conflict of Interest in performing the services required by this contract, that no employee of the County, nor any member thereof, nor any public agency or official affected by this agreement, has any pecuniary interest in the business of the Consultant or his Subcontractor(s), and that no person associated with the Consultant or his Subcontractor(s) has any interest that would conflict in any manner or degree with the performance of the agreement.

Should the Consultant become aware of any circumstances which may cause a Conflict of Interest during the term of this contract, the Consultant shall immediately notify the County. If the County determines that a Conflict of Interest exists, the County may require that the Consultant take action to remedy the Conflict of Interest or terminate the agreement without liability. The County shall have the right to recover any fees paid for services rendered by the Consultant which were performed while a Conflict of Interest existed if the Consultant had knowledge of the Conflict of Interest and did not notify the County within one (1) week of becoming aware of the existence of the Conflict of Interest.

B. ~~PROHIBITION AGAINST CONTINGENT FEES~~—The Consultant warrants that he and his Subcontractor(s) have not employed or retained any company or person other than a bona fide employee working solely for the Consultant or Subcontractor(s) to solicit or secure this agreement and that he and his Subcontractor(s) have not paid or agreed to pay any person, company, corporation, individual, or firm other than a bona fide employee working solely for the Consultant or his Subcontractor(s) any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award of this agreement. For any breach or violation of this provision, the County shall have the right to terminate the agreement without liability and at its discretion to deduct from the price, or otherwise recover, the full amount of such fee, commission, percentage, gift, payment, or consideration.

C. ~~CERTIFICATION OF SUBCONTRACTORS~~—The Consultant shall require each of his Subcontractor(s) to sign a statement certifying to and agreeing to comply with the terms and conditions of A. and B. above. Such signed statements shall be on forms provided by the County. The Consultant shall return such executed forms to the County and they shall be incorporated in and become a part of the agreement. ~~No compensation shall be payable to the Consultant until executed certifications are received by the County for all of the Consultant's Subcontractors.~~

VII. RESPONSIBILITIES

A. BOARD OF COMMISSIONERS

1. Approve the award of contracts for professional services in excess of ~~\$50,000.00~~ the formal sealed bid limit, \$250,000.



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2. Approve final ranking of proposers for professional services when the cost of professional services is estimated to exceed \$100,000.00 and Selection Method 1, Competitive Negotiations, is utilized
- ~~2.3.~~ Approve the establishment of each approved list of prequalified firms for professional services and additions or deletions thereto based on User Department recommendations.
- ~~3.4.~~ Approve the establishment of all Task Order Contractor Lists when ~~Selection Method 4~~, Task Order Contracting is utilized and additions or deletions thereto based on Department recommendations.
- ~~4.5.~~ Approve all Work Orders exceeding \$50,000.00 and all Work Orders to be paid with SPLOST proceeds or all Change Orders that exceed 20% of the original Work Order amount or that exceed \$5,000.00, or that cause the original Work Order to exceed \$50,000.00 when Selection Method 4, Task Order Contracting, is utilized. Approve all modifications to the scope and budget of projects ("Change Orders") with i) an initial cost of less than \$50,000.00 which exceed 20% of the original Work Order amount and are greater than \$5,000.00, or ii) result in the initial Work Order amount exceeding \$50,000.00.
- ~~5.6.~~ Approve any exemptions from the application of all or any portion of this policy for those types of professional services which are not specifically exempted from this policy.
- ~~6.7.~~ Exercise the right to reject any and all bids or proposals when appropriate; should the Board of Commissioners exercise this right, Cobb County shall not be responsible for the reimbursement of any costs, fees, or other losses associated with the bid or proposals and/or the rejection thereof.

B. COUNTY MANAGER

1. Require procurement of professional services otherwise excepted from this policy to conform to this policy when deemed to be in the best interest of the County.
2. Approve exception from this policy when there are severe time constraints or there is an emergency, with subsequent ratification by the Board of Commissioners.
3. ~~Decide appeals of decisions made by the Department related to prequalification. Contract for professional services as allowed by Cobb County Code Part 2, Sec. 2-33 in compliance with this Policy.~~
- ~~4. Approve DOT's use of Georgia DOT's prequalified list when the cost of service for a single project pursuant to Section IV.C. is estimated to be between \$50,000.00 and \$100,000.00.~~
- ~~4.5. Approve the use of Selection Method One, Competitive Negotiations, when cost is expected to exceed \$500,000.00.~~
- ~~5.6. Provide approvals related to Selection Committees and any exceptions to Evaluation Criteria or Cost Methodologies as stated in this policy.~~



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7. ~~Exercise the right to reject any and all bids or proposals when appropriate; should the County Manager exercise this right, Cobb County shall not be responsible for the reimbursement of any costs, fees, or other losses associated with the bid or proposals and/or the rejection thereof.~~

C. USER DEPARTMENT

1. Notify the Board of Commissioners of the selection process method used each time an RFQ or RFP is recommended for Professional Services estimated to cost over ~~\$50,000.00~~ the formal sealed bid limit, \$250,000, and there is not a specific line item for such services in the adopted budget or amendments thereto, or as required by federal, state, or local law, rule, ordinance, or regulation.
2. Develop the scope of services, related project description, and required consultant qualification criteria and submit to Purchasing Procurement Services along with a requisition, if applicable. ~~Firms may be recommended to Purchasing for solicitation.~~
3. Ensure that funding is available for the professional services being requested.
4. Coordinate development of RFQs and/or RFPs in conjunction with the Purchasing Procurement Services Department.
5. Provide staff support and coordinate the Qualifications and/ or Proposal evaluation and selection/negotiation process in accordance with procedures and guidelines established by the Purchasing Procurement Services Department and set forth herein.
6. Recommend additions or deletions to standing lists of prequalified professional services providers to the Board of Commissioners.
7. Review and evaluate (or participate in a committee review of) responses to RFPs and RFQs in accordance with the selection process being used.
8. If the Competitive Negotiations (~~Selection Method 1~~) selection process is followed, establish ranking of finalists and negotiate contract with the top ranked firm when the cost of professional services is estimated at \$50,000.00 or less. ~~Submit the rankings to the Board of Commissioners for approval prior to contract negotiations when the cost of professional services is estimated to exceed \$100,000.00 and Selection Method 1 is utilized~~
9. Recommend award of contract to the Board of Commissioners when contract exceeds ~~\$50,000.00~~ the formal sealed bid limit, \$250,000, and there is not a specific line item for such services in the adopted budget or amendments thereto, or as required by federal, state, or local law, rule, ordinance, or regulation.
10. Negotiate Work Orders with consultants if the Task Order Contracting (~~Selection Method 4~~) selection process is followed.
11. Acquire the Board of Commissioners approval for all Work Orders exceeding \$50,000.00, ~~and all Work Orders to be paid for with SPLOST proceeds, and or all Change Orders that either i) exceed 20% of the original Work Order amount and or exceed \$5,000.00, or ii) that cause the original Work Order amount to exceed \$50,000.00.~~



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D. PURCHASING-PROCUREMENT SERVICES DEPARTMENT

1. Assist User Agency/Department in the development of RFPs and RFQs.
2. Participate on all evaluation committees (as a ~~voting~~ or non-voting member).
3. Advertise, solicit, and distribute RFPs or RFQs and distribute addenda.
4. Receive responses to RFPs and RFQs and transmit to User Agency/Department evaluation committees.
5. Maintain a file of the standing list of all prequalified firms, by category, as approved by the Board of Commissioners.
6. Approve the purchase of professional services up to ~~\$50,000.00~~ the formal sealed bid limit, \$250,000.
7. Forward a copy of the RFP/RFQ and this Policy directly to the Department evaluation committee members.

6. EXCEPTIONS

This policy shall apply to the procurement of all professional services except as set forth below:

- Attorneys, paralegals, and other legal professionals
- Court reporters, expert witnesses
- Investment services obtained from other governmental agencies or non-profit professional organizations
- Physicians, nurses, and other professional medical services

The list of exceptions above shall not, however, be construed to prohibit the use of this policy when its use is deemed by the County Manager to be in the County's best interest.

Additionally, work involving severe time constraints or of an emergency nature may be exempted from the provisions of this policy upon the approval of the County Manager with ratification by the Board of Commissioners at the next available meeting. Additionally, a department, after consultation with the County Manager, may recommend to the Board of Commissioners that a firm be selected to provide professional services outside the terms of this policy when it can be demonstrated that the particular firm possesses an in-depth knowledge of conditions regarding the specific project. This exception to the policy may apply in cases such as utility design relocation work that could benefit multiple departments or agencies or design/engineer work on prototype buildings.

7. NON-COMPLIANCE

Violations of this policy may include one or more of the following:

1. Disciplinary action according to applicable County policies;
2. Termination of employment; and/or
3. Legal action according to applicable laws and contractual agreements.

REVISION HISTORY



(Purchasing Procurement Services) Policy for Procurement of Professional Services

Version ID	Revision Date	Author	Reason for Revision
	July 22, 1997	Purchasing	Adoption
	December 13, 2005		Revised
	July 28, 2009		Revised
	November 22, 2011		Revised
	December 20, 2011		Revised
	November 25, 2014		Revised
	July 14, 2020		Revised
v.1.0-2020	October 2020	Purchasing Director	Reformat
v.2.0-2023	November 2023	Procurement Services Director	Revised
v.3.0-2025	November 20, 2025	Procurement Services Director	Revised



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ATTACHMENT ONE

Policy for the Procurement of Professional Services Guidelines for Determining Selection Method

Selection Methods				
	1. Competitive Negotiations	2. Competitive Proposals	3. Prequalified Competitive Bidding	4. Task Order Contracting
Scope of Services	Generally defined scope of work	Specifically defined scope of work	Step 1 — RFQ for Qualifications Step 2 — RFP w. specifically defined scope of work	Step 1 — RFQ for Qualifications Step 2 — Step Two; discipline-related pre- qualified Task Order Contractor Lists are established
Evaluation Criteria	Qualitative factors	Qualitative factors & price	Step 1 — Qualitative factors Step 2 — Price is determining factor	Qualitative factors
Evaluation Process	Firms rank ordered based on qualifications BOC approval of rankings required if fees are expected to exceed \$100,000.00 Negotiations of scope of work and fees w/ top ranked firm	All factors considered Final scope and price may be negotiated with top ranked proposers	Step 1 — RFQ Determine either all minimum qualified firms or top three qualified firms Step 2 — RFP Determine lowest responsive bid	Determine all minimum qualified firms Selection of the consultant will be determined by evaluating cost, the consultant's current work under contract, the consultant's performance on other contracts with the County (with emphasis on quality, schedule and maintenance of budget); the consultant's familiarity in the area of expertise needed for the project, and the consultant's specific experience on similar projects

Appendix A

Cobb County Department of Transportation operates under the authority of the O.C.G.A. Title 32 Highways, Bridges, and Ferries, Chapter 2. Cobb County Department of Transportation, for the procurement of goods and services required for the construction and maintenance of roads and bridges and any services ancillary to such work. For the procurement of engineering and design related consultant services utilizing FAHP funds, the followings regulations are applicable:

Federal Laws and Regulations:

- 23 U.S.C 112, Letting of Contracts



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- ~~23 CFR Part 172 Procurement, Management and Administration of Engineering and Design Related Services; Final Rule~~
- ~~2 CFR Chapter I, and Chapter II, Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards; Final Rule~~
- ~~40 U.S.C 1101-1104 Selection of Architects and Engineers "The Brooks Act"~~
- ~~48 CFR Part 31 Contract Cost Principles and Procedures~~
- ~~Moving Ahead for Progress in the 21st Century Act (MAP-21)~~
- ~~Repayment of Preliminary Engineering Cost (Order 2020-1)~~
- ~~FHWA Policy for Contractor Certification of Costs in Accordance with Federal Acquisition Regulations (FAR) to Establish Indirect Cost Rates on Engineering and Design-related Services Contracts Order No.4470.1A~~
- ~~FHWA Policy of Permissible Project Related Activities during the National Environmental Policy Act (NEPA) Process Order 6640.1A~~

State Regulations:

- ~~O.C.G.A Title 32, Highways, Bridges, and Ferries, Chapter 2, Department of Transportation~~
- ~~O.C.G.A Title 50, State Government, Chapter 22, Managerial Control over Acquisition of Professional Services~~
- ~~O.C.G.A Title 43, Professions and Businesses, Chapter 15, Professional Engineers and Land Surveyors~~

Cobb County Department of Transportation Policy for Competitive Negotiation Qualifications-based Selection for Projects Using Federal Aid Highway Program (FAHP) Funding

(a) ~~Procurement Methods:~~

~~The procurement of engineering and design related services funded by FAHP funds and related to a highway construction project subject to the provisions of 23 U.S.C. 12 (a) shall be conducted in accordance with one of three methods: Competitive negotiation procurement, small purchases procurement for small dollar value contracts, and noncompetitive procurement where specific conditions existing allowing solicitation and negotiation to take place with a single consultant.~~

(1) ~~Competitive negotiation:~~

~~Except as provided in (2) and (3) below, the Cobb County Department of Transportation shall use the competitive negotiation method for the procurement of engineering and design related services when FAHP funds are involved in the contract (as specified in 23 U.S.C. 112(b)(2)(A)). The solicitation, evaluation, ranking, selection, and negotiation shall comply with the qualifications based selection procurement procedures for architectural and engineering services codified under 40 U.S.C. 1101-1104, commonly referred to as the Brooks Act. In accordance with the requirements of the Brooks Act, the following procedures shall apply to the competitive negotiation procurement method:~~

(1-) ~~Solicitation:~~

~~The solicitation process shall be by public announcement, public advertisement or any other public forum or method that assures qualified in-State and out-of-State consultants are given a fair opportunity to be considered for award of the contract. If a bid or proposal opportunity is extended by the county for goods or services valued at \$10,000.00 or more, or if a bid or proposal opportunity is extended for public works construction contracts, such bid or proposal opportunity shall be advertised in the Georgia Procurement Registry, as established in subsection (b) of Code Section 50-5-69. Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid opportunity. Procurement procedures may involve a single step process with~~



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issuance of a Request for Proposal (RFP) to all interested consultants or a multiphase process with issuance of a request for statements or letters of interest or qualifications (RFQ) whereby responding consultants are ranked based on qualifications and request for proposals are then provided to three or more of the most highly qualified consultants. Minimum qualifications of consultants to perform services under general work categories or areas of expertise may also be assessed through a prequalification process whereby statements of qualifications are submitted on an annual basis. Regardless of any process utilized for prequalification of consultants or for an initial assessment of a consultant's qualifications under an RFQ, a RFP specific to the project, task, or service is required for evaluation of a consultant's specific technical approach and qualifications.

(II.) Request for Proposal (RFP).

The RFP shall provide all information and requirements necessary for interested consultants to provide a response to the RFP and compete for the solicited services. The RFP shall:

- (A) Provide a clear, accurate, and detailed description of the scope of work, technical requirements, and qualifications of consultants necessary for the services to be rendered. The scope of work should detail the purpose and description of the project, services to be performed, deliverables to be provided, estimated schedule for performance of the work, and applicable standards, specifications, and policies;
- (B) Identify the requirements for any discussions that may be conducted with three (3) or more of the most highly qualified consultants following submission and evaluation of proposals;
- (C) Identify evaluation factors including their relative weight of importance in accordance with subparagraph (a)(1) (III) of this section;
- (D) Specify the contract type and method(s) of payment to be utilized in accordance with § 172.9;
- (E) Identify any special provisions or contract requirements associated with the solicited services;
- (F) Require that submission of any requested cost proposals or elements of cost be in a concealed format and separate from technical/qualifications proposals as these shall not be considered in the evaluation, ranking, and selection phase; and
- (G) Provide a schedule of key dates for the procurement process and establish a submittal deadline for responses to the RFP which provides sufficient time for interested consultants to receive notice, prepare, and submit a proposal, which except in unusual circumstances shall be not less than 14 days from the date of issuance of the RFP.

(III.) Evaluation Factors.

- (A) Criteria used for evaluation, ranking, and selection of consultants to perform engineering and design related services must assess the demonstrated competence and qualifications for the type of professional services solicited. These qualifications-based factors may include, but are not limited to, technical approach (e.g., project understanding, innovative concepts or alternatives, quality control procedures), work experience, specialized expertise, professional licensure, staff capabilities, workload capacity, and past performance.
- (B) Price shall not be used as a factor in the evaluation, ranking, and selection phase. All price or cost related items which include, but are not limited to, cost proposals, direct salaries/wage rates, indirect cost rates, and other direct costs are prohibited from being used as evaluation criteria.
- (C) In-State or local preference shall not be used as a factor in the evaluation, ranking, and selection phase. State licensing laws are not preempted by this provision and professional licensure within a jurisdiction may



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be established as a requirement which attests to the minimum qualifications and competence of a consultant to perform the solicited services.

(D) The following non-qualifications based evaluation criteria are permitted under the specified conditions and provided the combined total of these criteria do not exceed a nominal value of ten percent of the total evaluation criteria to maintain the integrity of a qualifications based selection:

(1) A local presence may be used as a nominal evaluation factor where appropriate. This criterion shall not be based on political or jurisdictional boundaries and may be applied on a project-by-project basis for contracts where a need has been established for a consultant to provide a local presence, a local presence will add value to the quality and efficiency of the project, and application of this criteria leaves an appropriate number of qualified consultants, given the nature and size of the project. If a consultant outside of the locality area indicates as part of a proposal that it will satisfy the criteria in some manner, such as establishing a local project office, that commitment shall be considered to have satisfied the local presence criteria.

(2) The participation of qualified and certified Disadvantaged Business Enterprise (DBE) sub-consultants may be used as a nominal evaluation criterion where appropriate in accordance with 49 CFR Part 26 and the Cobb County Department of Transportation's FHWA approved DBE program.

(IV.) Evaluation, Ranking, and Selection:

(A) Consultant proposals shall be evaluated by the Cobb County Department of Transportation based on the criteria established and published within the public solicitation.

(B) While the contract will be with the prime consultant, proposal evaluations shall consider the qualifications of the prime consultant and any sub-consultants identified within the proposal with respect to the scope of work and established criteria.

(C) Following submission and evaluation of proposals, the Cobb County Department of Transportation shall conduct interviews or other types of discussions with the three consultants determined to be the most highly qualified consultants to clarify the technical approach, qualifications, and capabilities provided in response to the RFP. Discussion requirements shall be specified within the RFP and should be based on the size and complexity of the project as defined in Cobb County Department of Transportation written policies and procedures (as specified in § 172.5(c)). Discussions may be written, by telephone, video conference, or by oral presentation/interview. Discussions following proposal submission are not required provided proposals contain sufficient information for evaluation of technical approach and qualifications to perform the specific project, task, or service with respect to established criteria.

(D) From the proposal evaluation and any subsequent discussions which have been conducted, the Cobb County Department of Transportation shall rank, in order of preference, at least three consultants determined most highly qualified to perform the solicited services based on the established and published criteria.

(E) Notification must be provided to responding consultants of the final ranking of the three most highly qualified consultants.

(F) The Cobb County Department of Transportation shall retain acceptable documentation of the solicitation, proposal, evaluation, and selection of the consultant accordance with the provisions of 49 CFR 18.42.

(V.) Negotiation:



(Purchasing Procurement Services) Policy for Procurement of Professional Services

(A) Independent estimate. Prior to receipt or review of the most highly qualified consultant's cost proposal, the Cobb County Department of Transportation shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct costs, and consultant's fixed fee for the defined scope of work. The independent estimate shall serve as the basis for negotiation and ensuring the consultant services are obtained at a fair and reasonable cost.

(B) Elements of contract costs (e.g., indirect cost rates, direct salary or wage rates, fixed fee, and other direct costs) shall be established separately in accordance with § 172.11.

(C) If concealed cost proposals were submitted in conjunction with technical/qualifications proposals, only the cost proposal of the consultant with which negotiations are initiated may be considered. Concealed cost proposals of consultants with which negotiations are not initiated should be returned to the respective consultant due to the confidential nature of this data (as specified in 23 U.S.C. 112(b)(2)(E)).

(D) The Cobb County Department of Transportation shall retain documentation of negotiation activities and resources used in the analysis of costs to establish elements of the contract in accordance with the provisions of 49 CFR 18.42. This documentation shall include the consultant cost certification and documentation supporting the acceptance of the indirect cost rate to be applied to the contract (as specified in § 172.11(c)).

(2) Small Purchases.

The small purchase method involves procurement of engineering and design related services where an adequate number of qualified sources are reviewed and the total contract costs do not exceed an established simplified acquisition threshold. The Cobb County Transportation Department may use the State's small purchase procedures which reflect applicable State laws and regulations for the procurement of engineering and design related services provided the total contract costs do not exceed the Federal simplified acquisition threshold (as specified in 48 CFR 2.101). When a lower threshold for use of small purchase procedures is established in State law, regulation, or policy, the lower threshold shall apply to the use of FAHP funds. The following additional requirements shall apply to the small purchase procurement method:

(I.) The scope of work, project phases, and contract requirements shall not be broken down into smaller components merely to permit the use of small purchase procedures.

(II.) A minimum of three consultants are required to satisfy the adequate number of qualified sources reviewed.

(III.) Contract costs may be negotiated in accordance with State small purchase procedures; however, the allow ability of costs shall be determined in accordance with the Federal cost principles.

(IV.) The full amount of any contract modification or amendment that would cause the total contract amount to exceed the established simplified acquisition threshold would be ineligible for Federal aid funding. The FHWA may withdraw all Federal aid from a contract if it is modified or amended above the applicable established simplified acquisition threshold.

(3) Noncompetitive.



(Purchasing Procurement Services) Policy for Procurement of Professional Services

The noncompetitive method involves procurement of engineering and design related services when it is not feasible to award the contract using competitive negotiation or small purchase procurement methods. The following requirements shall apply to the noncompetitive procurement method:

(I.) The Cobb County Department of Transportation may use their own noncompetitive procedures which reflect applicable State and local laws and regulations and conform to applicable Federal requirements:

(II.) The Cobb County Department of Transportation shall establish a process to determine when noncompetitive procedures will be used and shall submit justification to, and receive approval from, the FHWA before using this form of contracting:

(III.) Circumstances under which a contract may be awarded by noncompetitive procedures are limited to the following:

(A) The service is available only from a single source;

(B) There is an emergency which will not permit the time necessary to conduct competitive negotiations; or

(C) After solicitation of a number of sources, competition is determined to be inadequate:

(IV.) Contract costs may be negotiated in accordance with the Cobb County Department of Transportation noncompetitive procedures; however, the allow ability of costs shall be determined in accordance with the Federal cost principles.

Additional Procurement Requirements:

(1) Common Grant Rule:

(I.) The Cobb County Department of Transportation must comply with procurement requirements established in State and local laws, regulations, policies, and procedures which are not addressed by or in conflict with applicable Federal laws and regulations (as specified in 49 CFR 18.36).

(II.) When State and local procurement laws, regulations, policies, or procedures are in conflict with applicable Federal laws and regulations, the Cobb County Department of Transportation must comply with Federal requirements to be eligible for Federal aid reimbursement of the associated costs of the services incurred following FHWA authorization (as specified in 49 CFR 18.4).

(2) Disadvantaged Business Enterprise (DBE) program:

(I.) The Cobb County Department of Transportation shall give consideration to DBE consultants in the procurement of engineering and design related service contracts subject to 23 U.S.C. 112(b)(2) in accordance with 49 CFR part 26. When DBE program participation goals cannot be met through race-neutral measures, additional DBE participation on engineering and design related services contracts may be achieved in accordance with the Cobb County Department of Transportation's federal DBE program through either:

(A) Use of an evaluation criterion in the qualifications-based selection of consultants (as specified in § 172.7(a)(1)(iii)(D)); or

(B) Establishment of a contract participation goal.

(II.) The use of quotas or exclusive set asides for DBE consultants is prohibited (as specified in 49 CFR 26.43).



(Purchasing Procurement Services) Policy for Procurement of Professional Services

(3) ~~Suspension and Debarment.~~

~~The Cobb County Department of Transportation must verify suspension and debarment actions and eligibility status of consultants and sub-consultants prior to entering into an agreement or contract in accordance with 49 CFR 18.35 and 2 CFR part 180.~~

(4) ~~Conflicts of interest.~~

~~(I) The Cobb County Department of Transportation shall maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of engineering and design related services contracts under this part and governing the conduct and roles of consultants in the performance of services under such contracts to prevent, identify, and mitigate conflicts of interest in accordance with 2 CFR 200.112, 23 CFR 1.33 and the provisions of this paragraph (b)(4).~~

~~(II) No employee, officer, or agent of the Cobb County Department of Transportation shall participate in selection, or in the award or administration of a contract supported by Federal aid funds if a conflict of interest, real or apparent, would be involved. Such a conflict arises when there is a financial or other interest in the consultant selected for award by:~~

~~(A) The employee, officer, or agent;~~

~~(B) Any member of his or her immediate family;~~

~~(C) His or her partner, or~~

~~(D) An organization that employs or is about to employ any of the above.~~

~~(III) The Cobb County Department of Transportation officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from consultants, potential consultants, or parties to sub-agreements. The Cobb County Department of Transportation may establish dollar thresholds where the financial interest is not substantial or the gift is an unsolicited item of nominal value.~~

~~(IV) The Cobb County Department of Transportation may provide additional prohibitions relative to real, apparent, or potential conflicts of interest.~~

~~(V) To the extent permitted by State or local law or regulations, the standards of conduct required by this paragraph shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the Cobb County Department of Transportation officers, employees, or agents, or by consultants or their agents.~~

~~(VI) The Cobb County Department of Transportation shall promptly disclose in writing any potential conflict of interest to FHWA.~~

(5) ~~Consultant services in management support roles.~~

~~(I) When FAHP funds participate in a consultant services contract, the Cobb County Department of Transportation shall receive approval from FHWA, or the recipient as appropriate, before utilizing a consultant to act in a management support role for the Cobb County Department of Transportation; unless an alternate~~



(Purchasing Procurement Services) Policy for Procurement of Professional Services

approval procedure has been approved. Use of consultants in management support roles does not relieve the Cobb County Department of Transportation of responsibilities associated with the use of FAHP funds, as specified in 23 U.S.C. 302(a) and 23 U.S.C. 106(g)(4) and should be limited to large projects or circumstances where unusual cost or time constraints exist, unique technical or managerial expertise is required, and/or an increase in contracting agency staff is not a viable option.

(II) Management support roles may include, but are not limited to, providing oversight of an element of a highway program, function, or service on behalf of the Cobb County Department of Transportation or may involve managing or providing oversight of a project, series of projects, or the work of other consultants and contractors on behalf of the Cobb County Department of Transportation. The Cobb County Department of Transportation's written policies and procedures as specified in §172.5(c) may further define allowable management roles and services a consultant may provide, specific approval responsibilities, and associated controls necessary to ensure compliance with Federal requirements.

(III) Use of consultants or subconsultants in management support roles requires appropriate conflicts of interest standards as specified in paragraph (b)(4) of this section and adequate Cobb County Department of Transportation staffing to administer and monitor the management consultant contract, as specified in §172.9(d). A consultant serving in a management support role may be precluded from providing additional services on projects, activities, or contracts under its oversight due to potential conflicts of interest.

(IV) FAHP funds shall not participate in the costs of a consultant serving in a management support role where the consultant was not procured in accordance with Federal and State requirements, as specified in 23 CFR 1.9(a).

(V) Where benefiting more than a single Federal aid project, allocability of consultant contract costs for services related to a management support role shall be distributed consistent with the cost principles applicable to the Cobb County Department of Transportation, as specified in 2 CFR part 200, subpart E—Cost Principles.



COBB COUNTY
BOARD OF COMMISSIONERS

100 Cherokee Street, Suite 300
Marietta, Georgia 30090-7000
770.528.3305 • fax: 770.528.2606

Lisa Cupid
Chairwoman

CERTIFIED MAIL
7020 0090 0000 6545 4462

November 14, 2025

The Honorable Al Thurman
Mayor
City of Powder Springs
P.O. Box 46
Powder Springs, Georgia 30127

Re: Petition for Annexation –19th District, Land Lot 911, Parcel 040; 19th District, Southside of Flint Hill Road West of Sanders Road, Cobb County, Georgia; Notice of Non Objection with Stipulations

Dear Mayor Thurman:

We are in receipt of the above-referenced annexation request. Please accept this response to the annexation and rezoning proposal for the 5.76 acres of land located on the southern side of Flint Hill Road, west of Sanders Road. There are no county buildings or facilities on this property. This property is located within a large unincorporated island. Most of this property is currently zoned HI (Heavy Industrial), with approximately 1.26 acres designated as R-20 (Single Family Residential). The applicant is requesting to rezone the 1.26 acres to the LI (Light Industrial) zoning district to develop a towing dispatch office. The applicant intends to operate a wrecked motor vehicle compound on the existing HI (Heavy Industrial) zoned property. The applicant is using the 100% annexation method.

The Cobb County Future Land Use Plan designates this area as (PIA-IC) Priority Industrial Area with a subcategory of Industrial Compatible. Exhibit A of the HB 489 Intergovernmental Agreement allows the LI (Light Industrial) zoning district within this designated Industrial Compatible area. A wrecked motor vehicle compound is permitted within the HI (Heavy Industrial) zoning district with approval of a Special Use Permit. Heavy Industrial is not an allowable zoning district according to Exhibit "A" of the HB 489 Intergovernmental Agreement. However, the applicant intends to develop this portion of the land for a heavy industrial use, consistent with the existing county zoning district.

Based on this information, Cobb County does not object to the pending request with the following stipulation in accordance with the Intergovernmental Agreement and O.C.G.A. § 36-36-112:

Equal Opportunity Employer

Cobb County...Expect the Best!
www.cobbcounty.org

Reference No.

19

Petition for Annexation –19th District, Land Lot 911, Parcel 040; 19th District, Southside of Flint Hill Road West of Sanders Road, Cobb County, Georgia; Notice of Non Objection with Stipulations

1. Applicants apply for a Special Use Permit on the HI (Heavy Industrial) portion of this request only;
2. All equipment and vehicle parts shall be stored within a fully enclosed building or structure. PS-UDC 4-330(a);
3. Vehicles shall be stored in a fully screened and fenced area on the lot. PS-UDC 4-330(b);
4. No retail and/or wholesale sales of new or used automobile parts and supplies.

In summary, please accept this letter as the County's formal **notice of non-objection with stipulations** to the proposed annexation. Please see the attached comments from the Cobb County departments below. If you have any questions or need additional information, please contact Donald Wells, Intergovernmental Coordinator, at (770) 528-2199 or donald.wells@cobbcounty.org.

Petition for Annexation –19th District, Land Lot 911, Parcel 040; 19th District, Southside of Flint Hill Road West of Sanders Road, Cobb County, Georgia; Notice of Non Objection with Stipulations

Sincerely,

Lisa Cupid, Chairwoman

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, AICP, Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Thomas Neaves, Community Planning & Programs Specialist, City of Powder Springs- Via Email

Petition for Annexation –19th District, Land Lot 911, Parcel 040; 19th District, Southside of Flint Hill Road West of Sanders Road, Cobb County, Georgia; Notice of Non Objection with Stipulations

[signature page continued]

Sincerely,

Keli A. Gambrell

Keli Gambrell, District 1 Commissioner

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, AICP Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Thomas Neaves, Community Planning & Programs Specialist, City of Powder Springs- Via Email

Petition for Annexation –19th District, Land Lot 911, Parcel 040; 19th District, Southside of Flint Hill Road West of Sanders Road, Cobb County, Georgia; Notice of Non Objection with Stipulations

[signature page continued]

Sincerely,

Erick Allen, District 2 Commissioner

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, AICP, Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Thomas Neaves, Community Planning & Programs Specialist, City of Powder Springs- Via Email

Petition for Annexation –19th District, Land Lot 911, Parcel 040; 19th District, Southside of Flint Hill Road West of Sanders Road, Cobb County, Georgia; Notice of Non Objection with Stipulations

[signature page continued]

Sincerely,



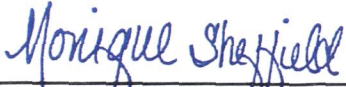
JoAnn K. Birrell, District 3 Commissioner

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, AICP, Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Thomas Neaves, Community Planning & Programs Specialist, City of Powder Springs- Via Email

Petition for Annexation –19th District, Land Lot 911, Parcel 040; 19th District, Southside of Flint Hill Road West of Sanders Road, Cobb County, Georgia; Notice of Non Objection with Stipulations

[signature page continued]

Sincerely,



Monique Sheffield, District 4 Commissioner

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, AICP, Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Thomas Neaves, Community Planning & Programs Specialist, City of Powder Springs- Via Email

County Staff Comments and Recommendations

Southside of Flint Hill Rd, west of Sanders Rd
City of Powder Springs

Water System- Christopher Duggan

Water service for the proposed annexed properties is provided by the existing CCWS water main in Flint Hill Rd. Wastewater for the parcel is treated at the South Cobb WRF, where there currently is sufficient capacity. Permit issuances are subject to continued WRF compliance with EPD discharge requirements. Because CCWS will continue to own and maintain water and sewer facilities in public rights-of-way and public easements, there would be no infrastructure loss

Planning- Historic Preservation- Mandy Elliot

No Comment

Cobb County Fire Marshal's Office- Rock Toler

No Comment

GIS- Brad Gordon

No Comment

Code Enforcement- Brent Farrell

No Comment

County Staff Comments and Recommendations

Southside of Flint Hill Rd, west of Sanders Rd
City of Powder Springs

Cobb DOT-Wilson Collins

Flint Hill Road, classified as a Minor Collector, is located within the existing right-of-way and will continue to be owned and maintained by Cobb County. If additional adjacent parcels are annexed into the City of Powder Springs, Cobb DOT will reevaluate ownership and maintenance responsibilities at that time.

No known drainage infrastructure has been identified by Cobb DOT within or adjacent to Parcel PIN: 19091100040. Any existing or proposed drainage infrastructure located within the parcel or the adjacent right-of-way will become the responsibility of the City of Powder Springs upon annexation, transferring ownership and maintenance obligations accordingly.

Since Cobb DOT will retain ownership and maintenance responsibility for the existing right-of-way and no county-maintained drainage infrastructure is present, no infrastructure loss is anticipated at this time.

Site Plan Review- Dave Griffith

Cobb County issued a Land Disturbance Permit in 2019 for this parcel for the construction of a semi-truck parking facility. Site work took place intermittently for approximately two years. The project has been idle since then and the permit has now expired.

Cemetery Preservation Committee- Helga Hong

No comment

Annexation Location Map

November 2025

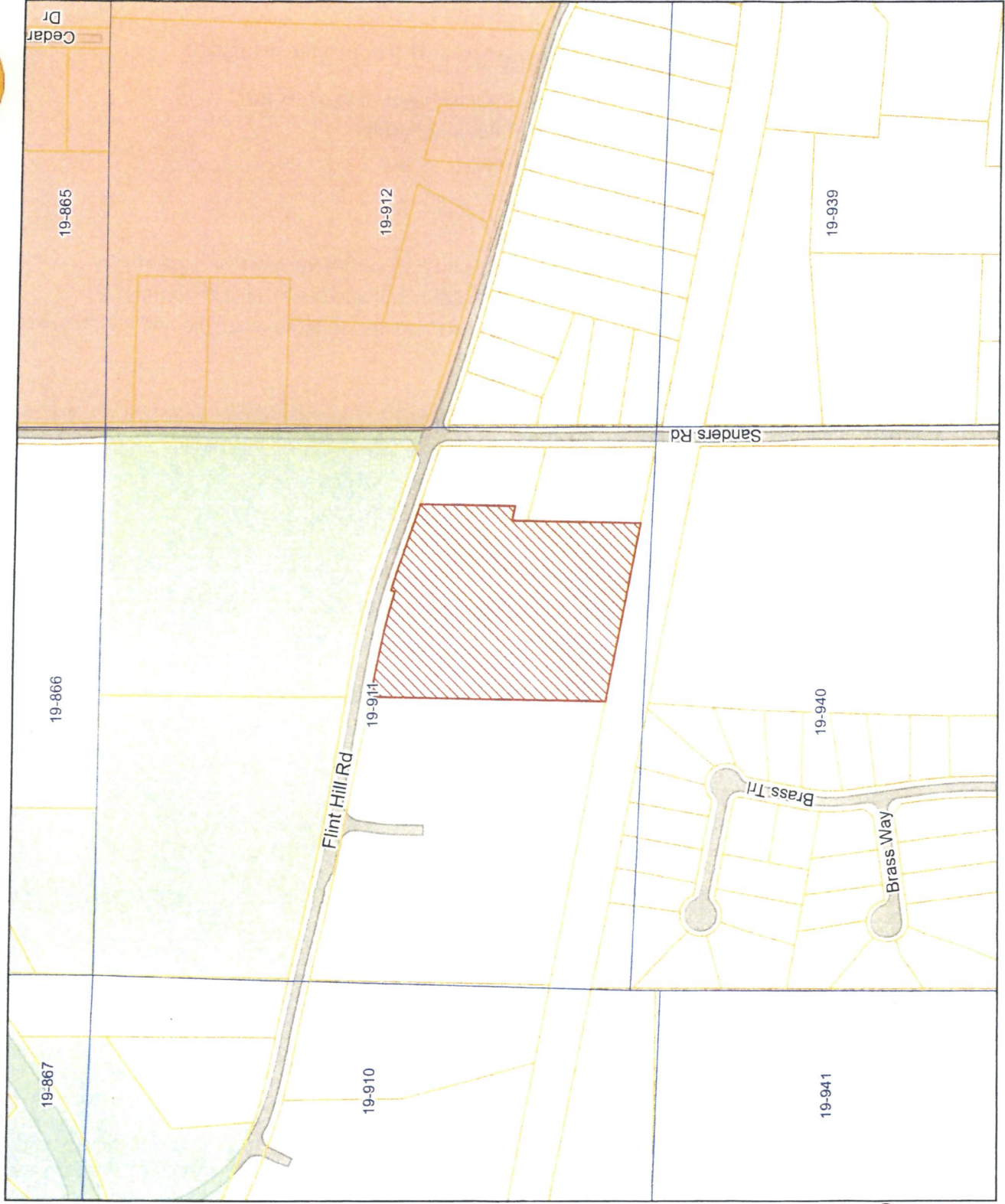


19th District
Land Lots: 911
Parcel: 19091100040

Acreage: $\approx$ 10.41

Legend

- De/Annexations
- Acworth
- Austell
- Kennesaw
- Mableton
- Marietta
- Powder Springs
- Smyrna
- Unincorporated
- Parcels



Resolution

COBB COUNTY BOARD OF COMMISSIONERS

RESOLUTION

ADOPTING ALL BUDGET AMENDMENTS SET
FORTH IN AGENDA ITEMS ON THIS DATE

WHEREAS, Georgia Law, O.C.G.A. § 36-81-3 (b), requires each unit of government to operate under an annual balanced budget adopted by ordinance or resolution; and

WHEREAS, Cobb County Code 2-49 provides for revisions to the adopted budget during the year only by formal action of the commission in a regular meeting; and

WHEREAS, in official opinion date February 24, 1999, the Attorney General of the State of Georgia concluded that all amendments to the budgets of local government must be adopted by ordinance or resolution;

NOW, THEREFORE, BE IT RESOLVED the Cobb County Board of Commissioners does hereby adopt all such budget amendments as are set forth in agenda items which are adopted by the Board of Commissioners without change this date, as well as other such budget amendments as shall be specifically detailed in motions adopted by the Board of Commissioners this date.

This 20th of November 2025

Reference No.

22



COBB COUNTY GOVERNMENT 2026 LEGISLATIVE AGENDA

TRANSPORTATION

Local Maintenance and Improvement Grant (LMIG) Cobb County opposes any changes to the LMIG program that reduce current county funds or reduce counties' proportionate share of such grants. Cobb County requests the minimum percentage of funding generated from motor fuel sales appropriated for LMIG be increased from 10% to 15% and encourages GDOT to allow for the use of LMIG funds for the purchase/lease of transportation equipment.

GENERAL GOVERNMENT

Annexation – Annexation should solely be allowed to provide public services not otherwise available from the county or to incorporate an unincorporated island.

Additionally, annexations should: require that economic and fiscal impacts be assessed and reported; require that annexing cities reimburse counties to the extent of any negative fiscal impacts resulting, including the cost of any stranded infrastructure, infrastructure improvements, and long-range planning activities; ensure the county's land use planning process is not undermined; bar the effective date of annexation until such time that an annexing city provides the same level of service to areas proposed for annexation as it does within the balance of the city; strengthen the signature verification process in those annexation methods that require signatures; require sufficient notification to the county prior to annexation of any unincorporated islands; prohibit cities from using public property to meet contiguity requirements when property proposed for annexation does not otherwise touch the city boundary; require that affected counties be given advance notice of any annexation or boundary adjustments proposed by local legislation; and assist the DCA in better complying with its statutory obligations in administering Georgia's annexation arbitration process, such as allowing city/county managers and administrators to serve as panelists.

Deannexation – The General Assembly should protect property rights by authorizing property owners to deannex themselves from a municipality under the same conditions and safeguards as annexation, particularly if the city has not provided the property owner with the services that were promised within a given time frame. Any such procedure should allow for a property owner to deannex without obtaining the approval of the municipality or General Assembly as current law requires.

Evictions Process - Cobb County supports revisions to the evictions process that equally preserves landlord and tenant rights. Legislation should be passed to increase coordination of efforts between landlords and tenants prior to the tenant's possessions being placed on the street.

Restrictions on the use of Speed Detection Cameras in School Zones – Cobb County opposes any legislation that seeks to eliminate the ability for local governments to use speed detection cameras and/or speed detection technology in school zones. Cobb County also opposes any legislation that seeks to restrict/eliminate the use of speed detection cameras or technology by penalizing local governments through the removal of state funding for any local government violation of state laws regarding the use of speed detection cameras or technology (i.e., inaccurate speeding ticket, unlawful additional fees, etc.) Lastly, Cobb County opposes any legislation that appropriates revenue directly to schools, school systems, or school boards of a respected county or municipality.

Implementation of Next Generation 911 Systems - Cobb County encourages the Governor and General Assembly to continue appropriating funds to build the infrastructure for a statewide Next Generation 911 system following the passage of House Bill 423 during the 2025 Session. Cobb County will continue to collaborate and support Georgia Emergency Communications Authority's initiatives and appropriations for the implementation of Next Generation 911.

Increase of 911 fees - Cobb County supports increasing the 911 fee on phone system to enhance lifesaving services to those citizens using the 911 system.

Electric Franchise Fees - Counties are unable to charge electric franchise fees, unlike municipalities. This is true even in instances where the customer is in an unincorporated area of the county. With several large load customers coming online, Cobb County asks for the General Assembly to improve parity by allowing the county to receive a portion of this franchise fee for users in the unincorporated area.

Waiver of Sovereign Immunity – County Governments make decisions that have an impact on a wide array of citizens and entities. Sovereign immunity protects taxpayer dollars against an onslaught of litigation that may come from impacted parties. In recent years, the General Assembly has introduced numerous bills inviting litigation for policy actions at the local level, that the legislature does not agree with, seeking to waive a counties' sovereign immunity as a deterrent from taking such actions. Such legislation would invite plaintiffs' attorneys to file lawsuits against counties claiming the waiver of immunity applies, even where the lawsuit claims to have no relationship to the local policy decisions that the General Assembly is trying to deter. Cobb County opposes legislative attempts to waive county sovereign immunity.

Special Election Cost Reimbursement – Under current law, counties must bear the cost of special elections. As a result, affected counties must allocate funds away from essential, state-required public services to pay for these elections over which they have no control. Cobb County supports legislation requiring the state to reimburse counties for all expenses incurred in the preparation for and conduct of special elections to fill a vacancy in any statewide office, the Georgia General Assembly, the offices of U.S. Senator for Representative, or to approve a statewide referendum.

Continued Support for Dobbins Air Reserve Base - Cobb County encourages the Governor, state leaders, and the Georgia Joint Defense Commission to continue providing necessary support for Dobbins Air Force Base.

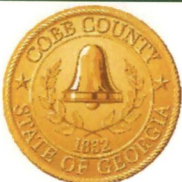
MENTAL HEALTH

Mental Health Reform - Cobb County encourages the General Assembly to address mental health reform through the expansion of crisis centers, co-responder programs, accountability courts, jail diversion initiatives, and supportive housing.

Support for First Responders – Cobb County encourages the General Assembly to continue to support programs for first responders, including: peace officers, correctional officers, emergency health workers, firefighters, highway emergency response operators, jail officers, juvenile correctional officers, probation officers, emergency services dispatchers, and coroners.

GENERAL LEGISLATION

Term of Commissioners – The County requests the General Assembly pass legislation allowing a sitting district commissioner, drawn out of their district through the reapportionment process, to serve the remainder of their duly elected term of office.



BOARD OF COMMISSIONERS
LISA N. CUPID, CHAIRWOMAN
KELI GAMBRILL, DISTRICT 1
ERICK ALLEN, DISTRICT 2
JOANN K. BIRRELL, DISTRICT 3
MONIQUE SHEFFIELD, DISTRICT 4
DR. JACKIE MCMORRIS, COUNTY MANAGER

Street Light District Rate Adjustments			
Rate Category	Methodology (Unchanged)	Current Rate	Adjusted Rate
Residential	Per Parcel	\$3.80	\$4.90
Commercial	Per 50-feet of frontage	\$3.80	\$4.90
Cumberland Community Improvement District (Street Lights)	Per 50-feet of frontage (CID member properties only)	\$5.88	\$7.35
Cumberland Community Improvement District (Pedestrian Lights)	Per 50-feet of frontage (CID member properties only)	\$3.77	\$4.75
Town Center Community Improvement District (Street Lights)	Per 50-feet of frontage (CID member properties only)	\$7.35	\$9.20
Town Center Community Improvement District (Pedestrian Lights)	Per 50-feet of frontage (CID member properties only)	\$5.91	\$7.40

**COBB COUNTY WATER SYSTEM
RATES, CHARGES, AND FEES
JUNE 1, 2026**

MONTHLY SERVICE CHARGE

The monthly service charge is assessed by meter size. This charge is to recover administrative, customer service, billing and meter-related costs, bond interest and some depreciation expenses. This fee is billed to all active accounts and does not include consumption.

METER SIZE	RESIDENTIAL	NON-RESIDENTIAL	IRRIGATION
5/8" & 3/4"	\$8.00	\$8.00	\$22.00
1"	\$17.00	\$17.00	\$25.00
1 1/2"	\$30.00	\$30.00	\$47.00
2"	\$51.00	\$51.00	\$72.00
3"		\$75.00	\$140.00
4"		\$114.00	\$210.00
6"		\$236.00	\$370.00
8"		\$367.00	\$515.00
10"		\$528.00	\$745.00
12"		\$550.00	\$915.00

FIRE PROTECTION SERVICE

This is a monthly fee for water availability on demand for fire protection. It is associated with DCDA, backflow devices, and other metering devices for fire protection.

LINE SIZE	DOUBLE CHECK DETECTOR ASSEMBLY	DOMESTIC OR FIRE METER (NO BACKFLOW) ¹	UNMETERED FIRE LINE (NO BACKFLOW) ¹
5/8" & 3/4"		\$19.00	
1"		\$19.00	
1 1/2"		\$19.00	
2"	\$20.00	\$24.00	
3"	\$20.00	\$32.00	
4"	\$20.00	\$40.00	
6"	\$50.00	\$151.00	\$200.00
8"	\$60.00	\$201.00	\$250.00
10"	\$80.00	\$251.00	\$300.00
12"	\$110.00		\$350.00

¹ These rates are no longer available; they only apply to accounts established before backflow regulations.

STREET LIGHT CHARGE

Customers who are in a designated Street Light District will be assessed a monthly fee, as approved by the Board of Commissioners, on their water bill. This is a fee that is passed through the Water System to the County's Special Revenue Fund for Street Lights for costs associated with the street light program.

COMMODITY CHARGES

The commodity charges are based upon metered water consumption. These charges are billed to the consumer on a per thousand gallon basis. Wastewater charges are billed equal to metered water use.

RETAIL RATES

RESIDENTIAL WATER	TIER	RATE
	Tier 1 (1,000-3,000)	\$3.85 per 1,000 gallons
	Tier 2 (4,000-15,000)	\$5.95 per 1,000 gallons
	Tier 3 (16,000-29,000)	\$7.40 per 1,000 gallons
	Tier 4 (30,000-49,000)	\$8.66 per 1,000 gallons
	Tier 5 (50,000 and above)	\$11.25 per 1,000 gallons
NON- RESIDENTIAL WATER		\$5.84 per 1,000 gallons
IRRIGATION WATER		\$11.25 per 1,000 gallons
WASTEWATER		\$7.51 per 1,000 gallons

WATER AND SEWER ACCOUNT DEPOSIT CHARGES

RESIDENTIAL ACCOUNTS	Single Family	\$50.00
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NON- RESIDENTIAL ACCOUNTS**	METER SIZE	DEPOSIT*
	1"	\$180.00
	1 1/2"	\$400.00
	2"	\$700.00
	3"	\$1,600.00
	4"	\$2,800.00
	Greater Than 4"	Calculated by CCWS

*Amount listed or equal to 2 months billing, whichever is greater.

**Deposits for Multi-Family and Permitted Industries are calculated by CCWS.

IRRIGATION METER DEPOSITS	METER SIZE	DEPOSIT
	1"	\$200.00
	1 1/2"	\$400.00
	2"	\$600.00
	3"	\$1,100.00
	4"	\$1,600.00
	6"	\$3,400.00
	8"	\$5,300.00
	10"	\$7,700.00

Customer deposits are refundable upon 24 months of continuous excellent payment history. If the account becomes delinquent, another deposit will be required to be reinstated.

OTHER CHARGES AND CREDITS

SENIOR CITIZEN DISCOUNT	(\$7.00) per month
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To qualify the customer must be 65 years of age or older and have a gross annual income of less than \$17,240 annually (2020). This figure will be updated annually with HHS Poverty Index.

HIGH SERVICE AREA CHARGE	\$7.00 per month
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A service charge for the customers that have water service in one of the identified high service area districts. This is to recover costs associated with having water available for potable and fire protection uses in these districts. (This charge is not currently being assessed. It is being evaluated. Board of Commissioners approval is required to reinstate this charge.)

WATER RETENTION CREDIT	Commercial, industrial, or institutional users of wastewater system will only be billed for wastewater service equal to the pre-determined percentage of water which is returned to the wastewater system. This credit is typically used in situations of product manufacturing or loss through evaporation (chillers or boilers).
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SEPTAGE DISPOSAL FEE	\$11.00 per 100 gallons. (Maximum of \$110.00 per load.)
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This is the amount billed for septage delivered to our wastewater plants for treatment and disposal.

INDUSTRIAL SURCHARGE RATES	BOD	Above 250 mg/l	\$0.0936
	TSS	Above 275 mg/l	\$0.1752
	NH3 (AMMONIA)	Above 15 mg/l	\$0.9934
	PHOS	Above 7.5 mg/l	\$1.7482
	Computation: Measured Strength (mg/l) - High Strength Limit (mg/l) x Wastewater Volume (millions of gallons) x 8.34 (conversion factor) x High Strength surcharge (\$ per pound).		

FIRE HYDRANT METER RENTAL	DEPOSIT	\$1,500.00
	SERVICE FEE	\$20.00/meter
	WATER	Equal to In-City Irrigation Rate \$10.87 /1,000 gallons
	DAILY RENTAL	\$5.00
	LOST METER	Cost of Equipment plus estimated usage of 500 gallons per day

TOILET REBATE PROGRAM FOR PROPERTIES BUILT IN 1992 OR BEFORE.	Eligibility is subject to program requirements.		
	SINGLE-FAMILY RESIDENTIAL	(\$100.00)/Toilet	Maximum 3 toilets per property
	NON-SINGLE-FAMILY RESIDENTIAL	(\$50.00)/Toilet	Maximum 100 toilets per property

WATER CONNECTION AND TAP FEES

WATER METER CONNECTION FEES				
WATER METER SIZE	DOMESTIC METER INSTALLATION ONLY (DROP IN METER)	SERVICE LINE & DOMESTIC METER INSTALLATION	IRRIGATION INSTALLED WITH DOMESTIC METER	IRRIGATION METER INSTALLATION ONLY³
3/4"	\$525.00	\$1,650.00		
1"	\$830.00	\$1,700.00	\$1,300.00	\$1,800.00
1 1/2"	\$1,200.00	\$1,800.00	\$1,600.00	\$1,950.00
2"		\$1,950.00	\$1,850.00	\$2,250.00
3"		\$4,000.00	\$2,680.00	\$4,250.00
4"		\$4,500.00	\$3,570.00	\$4,700.00
6"		\$10,000.00	\$9,370.00	\$11,000.00
8"		\$14,000.00	\$12,220.00	\$12,220.00
10"		\$19,500.00	\$17,960.00	\$17,960.00
12"		\$24,000.00		
³ If a new long-side service is required, then all the costs associated with the service line will be charged in addition to the irrigation meter fee.				
RESIDENTIAL WATER LINE FEE (County Installed Water Mains Only)			\$1,000.00	
COMMERCIAL WATER LINE FEE			\$25.00 per foot (100 ft. minimum) Churches \$1,000.00	

Typical Water Meter Installation Costs:

1. Developer installed water distribution system: water meter installation fee (by meter size) + Deposit
2. CCWS Installed distribution system: water meter installation fee (by meter size) + Water line fee (defined by type of installations) + Deposit

DOUBLE CHECK DETECTOR ASSEMBLY (DCDA) FEES		
DCDA SIZE	DCDA INSTALLATION	DCDA DEPOSIT
2"	\$4,500.00	\$50.00
3"	\$4,750.00	\$50.00
4"	\$5,000.00	\$50.00
6"	\$7,500.00	\$125.00
8"	\$9,500.00	\$150.00
10"	\$14,500.00	\$200.00
12"	\$21,500.00	\$250.00
Add deposit and applicable water line fee. This is a backflow prevention device.		

SPECIAL WATER ASSESSMENT AREAS	
Lost Mountain High Service Water Assessment	\$3,000.00 per Equivalent Residential Unit
Sweat Mountain High Service Water Assessment	\$3,000.00 per Equivalent Residential Unit
Brushy Mountain High Service Water Assessment	Within Contracted area (Shiloh Valley S/D, Phase I & II and the Columns at Shiloh Valley Apartments): \$681.00 per single family residence. Outside Contracted area: \$4,000.00 per acre.
Equivalent Residential Unit (ERU) = 400 gallons per day.	

WASTEWATER CONNECTION FEES

The System Development Fee (SDF) is based on Equivalent Residential Units (ERU) for single and multi-family residential units and for non-residential properties served by water meters greater than 4 inches in size. Fees are provided below.

FEE	RATE
Typical Single Family Residential SDF	\$2,900.00
Multi-Family SDF	Calculated by CCWS
Commercial 1" Meter SDF	\$5,220.00
Commercial 1 1/2" Meter SDF	\$11,600.00
Commercial 2" Meter SDF	\$20,300.00
Commercial 3" Meter SDF	\$46,400.00
Commercial 4" Meter SDF	\$81,200.00
Commercial Meter Greater than 4" SDF	Calculated by CCWS
Permitted Industry SDF	Calculated by CCWS
Willeo Basin SDF – Applies to All Residential and Non-Residential Properties Regardless of Meter Size	\$2,900.00 per ERU
Cobb to Paulding Pumpkinvine Creek SDF– Applies to All Residential and Non-Residential Properties Regardless of Meter Size	\$5,600.00 per ERU
Sewer Extension Fee	\$2,300.00 per connection plus SDF
Special Sewer Assessment Area Fee	Fee as defined in table below plus SDF
Residential Sewer Tap Installation Fee	\$1,100.00
Convenience Sewer Tap Installation Fee	Actual cost to CCWS

SPECIAL SEWER ASSESSMENT AREAS	
Brown Deer	\$2,300.00 per lot
Clark Creek Area Sewer Assessment	\$1,500.00 per acre/less flood plain
Due West Area Sewer Assessment	\$2,200.00 per acre/less flood plain (\$215.00 per acre for Area 1)
Elmwood Extension Sewer Assessment.	\$1,500.00 per acre
Flint Hill Road Sewer Assessment Area	Area # 1 - \$600.00 per acre Area # 2 - \$2,900.00 per acre
Hartman Road	\$2,400.00 per acre
Liberty Hill Sewer Assessment	\$14,200.00 per acre
Northwest Cobb Commercial Sewer Assessment Area	\$17,900.00 per acre
Old Highway 41 Sewer Assessment	\$13,000.00 per acre
Vinings Library Outfall Sewer Assessment	\$3,000.00 per acre
Winfred Drive Sewer Assessment	\$9,000.00 per acre
Woodland Brook	\$23,300.00 per lot

SERVICE CHARGES

Water Service $\leq$ 4" Service Establishment	\$25.00 per trip
Water Service $\geq$ 6" Service Establishment	\$50.00 per trip
Water Service Transfer to New Location	\$25.00
Same Day Service Request Fee (Water turn-on)	\$25.00
Service Termination Recheck	\$25.00
Water Running Recheck	\$25.00
Return Trip Fee	\$25.00
Weekend Service Turn-on Fee	\$75.00
Late Fee	\$10.00
Processing Fee - Delinquent Accounts (Dispatched)	\$50.00
Surcharge Same Day Restoration after 6 PM - Delinquent Accounts	\$75.00
Returned Checks	\$30.00
Broken Lock and Cap (Delinquent Accounts)	\$30.00
Reinstall Pulled Water Meter (Delinquent Accounts)	\$50.00
Lost / Stolen / Damaged Meter	\$300.00
Meter Testing / Reading Verification ³	\$25.00
Meter Installation Additional Trip Fee	\$25.00
³ Fee may be assessed for excessive verifications of accurate readings.	

UNAUTHORIZED WATER USE
Customer is notified to apply for water service.
Penalty for theft is \$250.00 plus estimated usage at irrigation rate
Citizen is also subject to prosecution of misdemeanor with penalty up to \$500.00 or 6 months imprisonment.

UNAUTHORIZED WATER USE DURING CURTAILMENT BAN	
This is for the enforcement of customers violating the outdoor watering ban and conservation policies per code section 122-61 and 122-84(k).	
First Violation	Customer is provided or it will be posted on the property a written notice of violation.
Second Violation (same property)	\$100.00
Third Violation (same property)	\$250.00
Fourth Violation and all others (same property)	\$500.00 Service Disconnect

UNAUTHORIZED DOMESTIC WASTEWATER USE
Customer is notified to apply for service and to pay connection fees.
Penalty for theft of service is \$250.00 plus estimated usage.
Citizen is also subject to prosecution of misdemeanor with penalty up to \$500.00 or 6 months imprisonment.

GOVERNMENT RATES

These rates apply only to local government customers with a wholesale wastewater contract with Cobb County Water System.

WATER GOVERNMENT RATES	
WATER METER SIZE	MONTHLY SERVICE CHARGE
5/8" & 3/4"	\$8.00
1"	\$17.00
1 1/2"	\$30.00
2"	\$51.00
3"	\$75.00
4"	\$114.00
6"	\$236.00
8"	\$367.00
10"	\$528.00
12"	\$550.00

WASTEWATER GOVERNMENT RATES EFFECTIVE MAY 1, 2025	
Wastewater	\$5.60 per 1,000 gallons
Fulton County <10.32 MGD	\$3.02 per 1,000 gallons (Per Contractual Agreement)
Fulton County > 10.32 MGD	\$5.60 per 1,000 gallons (Per Contractual Agreement)

LEAK CREDIT GUIDELINES

Customers may be eligible for a credit on wastewater charges on water lost through a system leak or a damaged pool, subject to certain conditions. Customers may receive a credit no more than once annually and are required to submit documentation of repairs. The credit, if awarded, is based on no more than two billing periods and calculated from the difference between the subject period and 150% of the use for the same period during the previous year. The Water System has established a committee to evaluate requests.

STORMWATER SERVICE FEE

The Stormwater Service Fee is based on an Equivalent Residential Unit (ERU) of 3,700 ft² of impervious surface, which is the median square footage of impervious surface for single-family residential properties in unincorporated Cobb.

FEE	RATE
Residential	\$4.75 per month
Non-Residential	\$4.75 per ERU per month Calculated by dividing the square footage of impervious area by 3,700 ft ² then multiplying by \$4.75.

COBB COUNTY

STORMWATER CREDIT MANUAL

Administered by
Cobb County Water System
Stormwater Management Division
Effective June 1, 2026



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SECTION 1

General Information

The Stormwater Credit Manual, initially approved by the Cobb County Board of Commissioners on November 20, 2025, is effective June 1, 2026. Stormwater service fee credits are offered as an incentive to customers for being good stewards of the Cobb County stormwater resources. The benefit to customers is a reduction in the stormwater utility bill. The Stormwater Credit Manual outlines the criteria and procedures for residential and non-residential customers to obtain and maintain a stormwater credit(s) for the property account.

Stormwater credits are only applicable for County approved stormwater control facilities, best management practices (BMPs), activities, and programs that are properly designed, constructed, implemented, and maintained in accordance with this manual. Property owners should note that local ordinances and/or homeowner association regulations may not allow the installation of some types of stormwater BMPs. Before proceeding with design or installation of any BMP, property owners should check to make certain that their actions will not violate any local requirements.

The goal of this credit program is to encourage better site design and property owner action. Benefits are summarized in the following list of objectives:

- Reduce the impact of development caused by impervious areas,
- Provide public education and outreach related to stormwater management,
- Promote activities designed to improve water quality,
- Diminish environmental impacts, and
- Reduce the County's maintenance burden.

With Board of Commissioners approval, changes may be made to the Credit Manual to reflect changes in stormwater regulations, emerging stormwater treatment technologies, and Cobb County's goals and objectives. In some instances, changes to the Credit Manual may cause a property to be ineligible for credits they were once receiving under a previous version. In these cases, the Water System may continue to grant credits to the property owner depending on the situation.

Customers with questions about any of the credits offered or the applicability to their situation or general stormwater funding information may contact the Water System's Stormwater Management Division at 770-419-6205 or SWFunding@cobbcounty.gov.

1.1 Definitions

Credit: A conditional reduction allowed against the stormwater service fee charged to an individual parcel based upon the technical requirements and the design and performance standards contained in the Cobb County Stormwater Credit Manual, as it may be updated or amended from time to time.

Customer: The owner of a developed parcel(s) in and any person, company, or other entity contracted to pay for stormwater services on the owner's behalf.

Developed parcel: A parcel with 500 square feet or more of impervious surface.

Georgia Stormwater Management Manual (GSMM): A technical guidance document governing stormwater management design, construction, and long-term maintenance activities in Georgia. The latest edition of the GSMM can be found online at <https://atlantaregional.org/natural-resources/water/georgia-stormwater-management-manual/>.

Impervious surfaces: Any paved, hardened, graveled, compacted, or structural surfaces, including, but not limited to, buildings, dams, decks, driveways, parking areas, patios, streets, tennis courts, walkways or other structures which prevent or impede the infiltration of stormwater into the soil.

Low impact parcel: A land parcel that has reduced land disturbance and minimal impervious surfaces.

Membership Based Service Organization: An organization whose membership gathers on a regular basis and has the unique ability to partner with the Water System and support our mission in Watershed Stewardship and Education.

Non-residential: A classification in which the customer is the owner, owner's agent, or occupant of a commercial, industrial, governmental, or institutional property; a property or community with multi-family dwelling units; a property or community with an attached single-family dwelling unit served by a master water meter; a mobile home park; or any other properties not included in the residential definition below.

Parcel: A designated lot, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Private stormwater management systems and facilities: Those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, headwalls, storm drains, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff or water quality that are not public.

Residential: a classification in which the customer is an owner or occupant of a detached single-family dwelling unit or an owner or occupant of an attached single-family dwelling unit served by an individual water meter. In addition, the principal use of the property shall be residential.

Stormwater best management practices (BMPs): Practices defined in the GSMM which provide the best available and reasonable physical, structural, managerial, or behavioral activity to reduce or eliminate pollutant loads and/or concentrations leaving the site. BMPs can be structural or non-structural.

Stormwater service fee: The periodic service charge imposed by the County to a parcel of developed land for providing the stormwater management services and stormwater management systems and facilities.

Undeveloped: A parcel with less than 500 square feet of impervious surface.

Water quality: The chemical, physical, and biological characteristics of a body of water.

Watershed – The geographic region which drains toward a central collector such as a stream, river, or lake. Large watersheds may be composed of smaller “sub-watersheds”, each of which contributes runoff to different locations that ultimately combine at a common delivery point.

1.2 Summary of Stormwater Service Fee Credits

The following table summarizes stormwater service fee credits that are available to residential and non-residential customers. Specific details on these activities and the application procedures can be found in Section 2 of this Stormwater Credit Manual. The maximum total stormwater service fee credit most residential or non-residential customers can receive is 40%. Customers who qualify for the Exceeds GSMM & Cobb Development Standards credit (as defined in Section 2.2) can receive an additional 10% credit, for a maximum credit of 50%.

Credit Activity	Eligible Properties		Credit Term Year(s)	Maximum Prorated User Credit	Annual Certification Required
	Residential	Non-Residential			
Georgia Stormwater Management Manual (GSMM) Unified Stormwater Criteria					
Runoff Reduction Volume & Water Quality	X	X	5	10%	Yes
Channel Protection	X	X	5	10%	Yes
Overbank Flood Protection	X	X	5	10%	Yes
Extreme Flood Protection	X	X	5	10%	Yes
Exceed GSMM & Cobb Development Standards	X	X	5	10%	Yes
Septic Tank Maintenance	X	X	5	10%	No
Impervious Surface Reduction		X	5	40%	No
NPDES Industrial Stormwater General Permit Compliance		X	5	10%	Yes
Low Impact Parcel	X	X	5	15%	No
Watershed Improvement Project	X	X	5	10%	Yes
Watershed Stewardship	X	X	1	10%	No
Watershed Education	X	X	1	10%	No
Adopt-A-Pond	X		5	10%	Yes

1.3 Stormwater Service Fee Credit Policies

The Cobb County Board of Commissioners establishes the following general policies regarding the consideration and approval of stormwater credits:

- Credits are only applied to eligible properties that meet applicable criteria as set forth in the Credit Manual and approved by the Water System.

- A stormwater service fee is assessed on an individual water and/or sewer account or a stormwater-only account. Credit applications must be made by the entity responsible for payment of that account (account holder) or the property owner. If the account holder changes, the new entity must re-apply for the credit with the Water System, whether the term has expired or is still active. The new applicant may be able to rely on the information from a previous credit application package, but it will be the responsibility of the applicant to verify the information within the submitted credit application package.
- Application for a stormwater credit for existing facilities may be submitted to the Water System at any time. Upon approval, credit will be applied to the account within 45 days.
- Applications for a stormwater credit associated with new development (or redevelopment) sites may be submitted once the parcel has been recorded; the BMP has been constructed, inspected, and approved by the Water System; and a maintenance agreement has been recorded.
- Any property issued a notice of noncompliance or notice of violation by Cobb County for stormwater issues or by the Health Department for septic tank issues shall have stormwater credits voided and may not be eligible for a stormwater credit for up to five years. Eligibility may be reinstated only if the property owner responds timely with a responsible and adequate plan of action to fully restore the issues brought up by the notice of noncompliance or notice of violation. The Water System has the right to make maintenance inspections under Cobb County Code Section 50-162.
- The Water System may, at its discretion, undertake periodic inspections of properties receiving credits to ensure compliance with the Credit Manual. If these practices are found to be intact and functional, the credit will remain in effect. If the practice is not functional or not being maintained, the Water System has the authority to void the credit on the next billing cycle. Before a credit is re-instated, a property owner must reapply for the credit as outlined in this Credit Manual.
- The term of the credit varies depending upon the credit type. As such, the Water System may require an annual certification from the applicant that the approved credit continues to meet the criteria outlined in the credit application and in the credit manual. Failure of the property owner to certify his/her credit as required in the Credit Manual could result in credit revocation. It will be the responsibility of the applicant to ensure compliance with the annual certification requirement.

1.4 Stormwater Service Fee Credit Application Procedures

All credits available require an application, and some of the credit applications require engineering analysis to demonstrate and verify credit eligibility. The credits associated with engineering analysis are identified in Section 2. The credit application is included In Appendix A and is available on the Water System website for download. The following is an overview of the stormwater service fee application procedures that a customer should follow to obtain and maintain credits.

- Obtain a copy of this Credit Manual from the Water System and determine what, if any, credits the account holder may be eligible to receive.
- If required by the credit, retain a Georgia Professional Engineer to perform engineering analyses and/or a Georgia Land Surveyor to perform site surveys.
- The account holder seeking the credit must submit a complete application package to the Water System's Stormwater Management Division for review, based on procedures outlined in the Credit Manual. The completed credit application must have all sections appropriately filled out and all required supporting documentation attached.
- Upon receipt of the credit application, the Water System shall review the package for completeness and establish whether the request adheres to the applicable criteria in the credit manual. Incomplete application packages will not be considered by the Water System and will be returned to the applicant for completion and/or revision.
- The applicant will be notified within 60 days of receipt of the application package whether the request is approved or denied. If the credit application is approved, the applicant will be notified of approval and of the expected billing cycle on which the credit will appear. If the credit application is not approved, the Water System will provide an explanation as to why the credit application was not approved or request additional information.
- The Water System may elect to perform an inspection of the applicant's/property owner's site and proposed activity or to review the structural and/or non-structural practices being implemented, to ensure conformance with the credit criteria.
- Approved credits will result in a corresponding reduction in the stormwater fee.
- Stormwater credits expire automatically at the end of the credit term. Applicants wishing to reapply should do so at least 30 days before the expiration of credits. It will be the responsibility of the account holder to renew the credit at the appropriate time by resubmitting a new credit application and required documentation for review and approval by the Water System.

SECTION 2

Available Credits and Eligibility

This section explains the available stormwater service fee credits, eligibility requirements, and required documentation that should be submitted along with the stormwater service fee credit application. Applicants should follow the credit application procedures outlined in Section 1.4 and provide the required documentation as specified in this section for each credit being requested.

2.1 GSMM Unified Stormwater Sizing Criteria

Eligible Customer Classes: Residential and Non-Residential

Residential and non-residential customers with a privately maintained on-site structural stormwater facility that is designed to meet current Georgia Stormwater Management Manual (Volume 2, 2016) requirements and Cobb County Development Standards may be eligible for a stormwater service fee credit. Stormwater facilities in residential developments that have been dedicated or deeded to the County are not eligible to receive this credit.

The Unified Stormwater Sizing Criteria, as defined in the GSMM is an integrated approach in addressing stormwater runoff impacts associated with both water quality and quantity issues. Each the sizing criterion is intended to be used in conjunction with others to address overall stormwater runoff impacts. When used as an overall set of criteria, the unified stormwater sizing criteria control and manage the entire range of stormwater runoff events from the smallest storms to the largest storm events (i.e. the 100-year storm).

To be eligible for this credit, customers must demonstrate that the facility is in good working condition and functioning as designed. Water System staff may perform an on-site inspection to verify the current condition before approving credits. Credits will be granted in increments of 10% for each treatment level/criteria outlined below, to a maximum of 40% for a period of five (5) years.

- Runoff Reduction/Water Quality Volume –10% credit if stormwater facilities are designed to retain and reduce the runoff for the first 1.0 inch of rainfall, or to the maximum extent practicable. If the entire 1.0-inch runoff reduction cannot be achieved, the remaining runoff from the 1.2-inch rainfall must be treated to reduce average annual post-development TSS loadings by 80%.
- Channel Protection –10% credit if stormwater facilities provide extended detention of the 1-year storm event, released over a period of 24 hours to reduce bankfull flows and protect downstream channels from erosive velocities and unstable conditions.
- Overbank Flood Protection –10% credit if stormwater facilities provide peak discharge control of the 2-year, 5-year, 10-year, 25-year, and 50-year storm events such that the post-development peak rate does not exceed the predevelopment rate.

**GSMM requires peak discharge control of the 25-year storm event. Cobb County Development Standards additionally requires peak discharge control of the 2, 5, 10, 50-year storm events.*

- Extreme Flood Protection - 10% credit if stormwater facilities provide peak discharge control of the 100-year storm event such that the post-development peak rate does not exceed the pre-development rate.

All developments, designed and permitted after January 1, 2021, are required to install on-site stormwater facilities that meet the current GSMM requirements and Cobb County Development Standards for runoff reduction/water quality, channel protection, overbank flood protection, and extreme flood protection. These developments are eligible to receive the maximum 40% reduction in stormwater service fee provided they are being maintained and are functioning properly. Facilities constructed prior to this time that do not meet the current requirements in all four criteria are eligible to earn a 10% credit for each level that is met provided they are being maintained and are functioning properly.

To obtain this credit, the property owner or customer is required to submit a complete credit application and additional information as outlined below. Property owners' associations or homeowner's associations that own eligible structural stormwater facilities should contact the Water System's Stormwater Management Division to determine if the association members, or common development customers, are also eligible for a credit. For the purposes of the credit, the stormwater facility must be located on a parcel that is platted within the common development and owned by the association. If a credit is to be applied to individual customer accounts for association members, a list of addresses must be provided with the credit application.

Required documentation:

(On-site structural facilities designed and permitted January 2021 or later)

- Complete credit application as outlined in Section 1.4.
- Documentation that each facility has been inspected and maintained in accordance with the Maintenance Agreement. This shall include documentation of any maintenance performed within the previous 12 months, date stamped photographs, and the most recent inspection check list or report for each facility.

**The Water System should already have the hydrology report and Maintenance and Access Easement Agreements on file for newer developments but may request copies if needed.*

(On-site structural facilities designed and permitted prior to January 2021)

- Complete credit application as outlined in Section 1.4.
- A hydrology report (or comparable document) prepared, signed, and sealed by a Georgia Professional Engineer with the following.
- As-built volume certification with a stage storage table provided by a qualified professional within the previous 12 months.
- Date stamped photographs documenting current conditions of all stormwater facilities.
- Recorded Maintenance and Access Easement Agreement(s), if not already on file.
- If a proprietary device is used to meet the Water Quality requirement criteria, provide, at a minimum:
 - vendor/manufacture design data
 - installation location(s)
 - recommended maintenance activities

- expected useful life, and replacement costs, as applicable.
- For HOA and property association owned facilities, a list of addresses that should receive the credit, if applicable.

Credit Retention: Any credit allowed is conditioned upon (1) continued compliance with performance standards, as stated in the GSMM and Cobb County Development Standards, as may be updated or amended from time to time; and (2) continued operation and maintenance in accordance with the Maintenance Agreement. The Water System may inspect the facility at any time and may revoke the credit for non-compliance with these conditions.

In addition, the applicant shall submit an annual report to the Stormwater Management Division that includes date stamped photos to show current conditions, copies of most recent inspection checklists or reports as required in the Maintenance Agreement, and documentation of any maintenance activities performed during previous 12 months. Failure to make the required submittals could result in forfeiture of the stormwater service fee credit.

Credit Renewal: The applicant may reapply for the credit every five (5) years after the initial approval by submitting a new credit application. If site conditions have not changed, the applicant shall submit an updated as-built volume certification with a stage storage table, date stamped photos to show current conditions, copies of most recent inspection checklists or reports as required in the Maintenance Agreement, and documentation of any maintenance activities performed during previous 12 months. If significant changes to the site layout and/or site stormwater controls have occurred, the updated design should be submitted to document compliance with applicable standards, along with the previously mentioned items.

Additional Note:

Existing facilities that do not meet current design standards* may consider retrofitting the stormwater facility, if feasible. Voluntary retrofitting of an existing facility may qualify a customer to receive a full or partial service fee credit. Property owners interested in retrofitting a stormwater facility should contact the Stormwater Management Division to discuss the process for determining feasibility and permitting.

** Current design standards as required by Cobb County code and the latest edition of the Georgia Stormwater Management Manual.*

2.2 Exceed GSMM & Cobb Development Standards

Eligible Customer Classes: Residential and Non-Residential

Residential and non-residential customers with a privately maintained on-site structural stormwater facility that is designed to exceed current Georgia Stormwater Management Manual (Volume 2, 2016) requirements and Cobb Development Standards may be eligible for up to a 10% stormwater service fee credit, for a period of five (5) years. This is the only credit offered in which a customer may be eligible to receive a 50% stormwater service fee credit, provided that all treatment levels/criteria have been met as outlined in Section 2.1.

Customers wishing to apply for this credit may contact the Stormwater Management Division prior to applying for this credit to discuss eligibility. These circumstances may be unique and will be reviewed on a case-by-case basis. Some examples of exceeding GSMM and development standards include, but are not limited to:

- Water Quality – 10% credit for providing 20% additional runoff reduction volume (if hydrology report shows no negative downstream impact)
- Channel Protection – Up to a 10% credit for exceeding Cobb County stream buffer requirements
 - 10% credit for providing an additional 50 feet
 - 5% credit for providing an additional 25 feet
 - 10% credit for providing at least a 200-foot buffer on Sweetwater Creek
- Overbank and Extreme Flood Protection – 10% credit for providing detention for off-site runoff while still meeting pre-development peak rate.

Required documentation:

- Complete credit application as outlined in Section 1.4
- All items as required in Section 2.1. The hydrology report must demonstrate that the facility exceeds at all treatment level/criteria as outlined Section 2.1

Credit Retention: Refer to Section 2.1 *Credit Retention*

Credit Renewal: Refer to Section 2.1 *Credit Renewal*

2.3 Septic Tank Maintenance

Eligible Customer Classes: Residential and Non-Residential

Residential and non-residential customers with septic systems may be eligible to receive a 10% stormwater service fee credit, for a period of up to five (5) years if the system is functioning properly and the tank is pumped out on a regular basis (a minimum of once every five years). A licensed waste hauler must perform the pumping of the septic tank. It is the applicant's responsibility to confirm and obtain, if required, documentation that the hauler has secured the required State and/or local permits and license to haul and dispose of septic wastes.

Customers wishing to apply for this credit must submit documentation in the form of a receipt or invoice for tank pumping from a licensed hauler of septic wastes. The receipt should be submitted within twelve (12) months of the pumping of the septic tank. Any unclaimed years between the date of the pumping and the date of the credit application will not be eligible for backdated credit. These unclaimed years also cannot be used to extend the credit beyond its expiration date which is set at 5 years after the date the septic tank was pumped.

Required documentation:

- Complete credit application as outlined in Section 1.4.
- Dated invoice or receipt showing the septic tank was pumped. The invoice should contain the following:
 - the name of the company performing the work
 - the date the pumping was performed
 - the property address where the maintenance was performed.

Credit Retention: To maintain eligibility for the credit during the five (5) year credit term, the applicant shall continue to maintain the septic tank in good working order.

Credit Renewal: The applicant may reapply for the credit every five years after the initial approval by submitting a new Stormwater Credit Application and a newly dated invoice showing the septic tank was pumped again.

2.4 Impervious Surface Reduction

Eligible Customer Classes: Non-Residential

Non-residential customers may be eligible to receive a stormwater service fee credit by reducing the amount of impervious surface area on the parcel. This credit is offered to encourage customers to reduce stormwater runoff and lessen the burden on the public stormwater management system.

A minimum of 10% impervious area (of the total impervious area) must be removed to be eligible for the credit. The credit applied will be equal to the percentage of impervious surface area removed and replaced with greenspace, up to a maximum credit of 40%. If the impervious surface is removed and replaced with a pervious surface such as pervious pavers, the credit applied will be equal to 60% of the amount of impervious surface area removed.

Example:

- Customer A removes 20% of impervious surface and replaces it with greenspace – credit applied is 20%
- Customer B removes 20% of impervious surface and replaces it with pervious pavers – credit applied is $20 \times 60\% = 12\%$

The credit will be applied to the newly calculated stormwater fee for a period of five (5) years and is non-renewable. Additionally, the fee calculation will be revised based on the reduced impervious area to represent the new conditions resulting in a reduced fee going forward provided the impervious area is not increased in the future.

To ensure credit eligibility, non-residential customers who wish to apply for this credit shall submit a complete credit application and all required documentation outlined below **prior to beginning demolition of any parking areas or other impervious surfaces**. The applicant is responsible for acquiring any necessary permits required by Community Development. Once the request has been reviewed and approved by the Water System, the applicant shall proceed with the impervious surface removal. Following establishment of the permanent vegetation or installation of pervious pavers, an as-built survey of the final conditions shall be submitted to the Water System. The newly calculated fee and credit will be applied within 45 days of receiving the as-built survey.

Required documentation (prior to impervious surface removal):

- Complete credit application as outlined in Section 1.4 .
- A site map (one can be printed from <http://gis.cobbcountyga.gov>) showing the entire parcel and all impervious areas on the property.
- A sketch of the proposed reduction in impervious surface area listing the square footage to be removed.
- Copies of any permits or approval obtained from Community Development, if required for the project.

Required documentation (after impervious surface removal):

- As-built survey of the final conditions, stamped by a qualified professional, unless otherwise approved by the Water System.

Credit Retention: To maintain eligibility for the credit, during the five (5) year credit term, the applicant shall not add impervious area to the property.

Credit Renewal: Non-renewable

2.5 NPDES Industrial Stormwater General Permit Compliance

Eligible Customer Classes: Non-Residential

Non-residential customers may be eligible to receive a 10% stormwater service fee credit, for a period of five (5) years, by complying with applicable National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater General Permit requirements for industrial facilities. Implementation of the applicable compliance requirements assists the Water System in addressing water impairment issues at the source prior to discharge into the Cobb County drainage system and/or State waters.

Customers who wish to apply for this credit must demonstrate coverage under the NPDES Industrial Stormwater General Permit for their Standard Industry Code (SIC) and compliance with all applicable requirements (i.e., development and implementation of a Stormwater Pollution Prevention Plan (SWP3)).

For information regarding NPDES Industrial Stormwater Permit compliance requirements, please go to the Georgia Environmental Protection Division website or the following link: <https://epd.georgia.gov/forms-permits/watershed-protection-branch-forms-permits/storm-water-forms/npdes-industrial-storm>

Required documentation:

- Completed credit application as outlined in Section 1.4.
- Contact Information: name of company, facility address, facility point of contact, contact's title, contact's e-mail and/or phone number.
- Copy of the Stormwater Pollution Prevention Plan (SWP3).
- Copy of the current NPDES Industrial Stormwater General Permit Notice of Intent (NOI).
- Copy of the annual report of compliance submitted to the State.
- Certification by the responsible party/permit holder that the NOI is current and the SWPPP is being implemented.
- Executed Right-of-Entry Agreement.

Credit Retention: To maintain eligibility for the credit during the five (5) year credit term, the applicant shall send a copy of an annual report of compliance to the Stormwater Management Division each year. Failure to make the required submittals could result in forfeiture of the stormwater service fee credit.

Credit Renewal: The applicant may reapply for the credit every five years after the initial approval by submitting a new credit application and providing updated copies of all required documentation.

2.6 Low Impact Parcel

Eligible Customer Classes: Residential and Non-Residential

There are several areas in the County where parcels are relatively large and the amount of impervious area, in comparison to the total lot size, is relatively small. These parcels generally have reduced runoff impacts since most of the parcel is in an undeveloped or low impact condition.

Residential and non-residential customers who can demonstrate that their parcel complies with the “low impact” development provisions presented herein may be eligible to receive a 15% stormwater service fee credit, for a period of five (5) years. Low impact parcel requirement requirements are included in the following table.

Stormwater Service Fee Credit Criteria for Low-Impact Parcels	
Parameter	Requirements
Total Impervious Area (%)	Must be less than 10% of the total parcel area
Total Site Area (Acres)	Must be greater than 2 acres

Impervious surface area includes the structure, driveway, parking, sidewalk (do not include sidewalk in the County right-of-way), pool deck, patio, shed, and any other accessory impervious areas. Gravel areas are also considered impervious. Adjacent undeveloped properties owned by the same person or family may be included in the calculation of percent impervious. Each residential or non-residential customer who wishes to apply for this credit shall be responsible for calculating the percentage of impervious area on the parcel(s) as follows:

- **% impervious surface area:** Total area (square footage) of impervious on the parcel, divided by the total area (square footage) of the parcel.

$$(\% \text{ impervious} = \text{Total Impervious Area} / \text{Total Parcel Area})$$

- Applicant may use the County’s impervious area and parcel area data for calculation if no changes have been made to parcel since the County last collected impervious data. Go to <https://geo-cobbcountyga.hub.arcgis.com/pages/all>.

Required documentation:

- Completed credit application as outlined in Section 1.4.
- Calculation of % impervious surface area.
- If changes have been made to parcel since the County last collected impervious data, provide a site map showing the entire parcel and all impervious areas on the property.

Credit Retention: To maintain eligibility for the credit, during the five (5) year credit term, the applicant shall not add impervious area to the property.

Credit Renewal: The applicant may reapply for the credit every five years after the initial approval by submitting a new credit application. If site conditions have not changed since the original application, submit the application

and a signed statement that no impervious surface has been added since the original application. If changes have been made to the site, the site map and calculation of impervious surface should be updated and submitted along with the application.

2.7 Watershed Improvement Project

Eligible Customer Classes: Residential and Non-Residential

Residential and non-residential customers may be eligible for a 10% stormwater service fee credit, for a period of five (5) years, by demonstrating participation in a watershed improvement project initiated by the Water System, or other State and federal agencies. This credit is offered as a one-time incentive for property owners to grant access to their property for construction of approved projects aimed to improve water quality, stabilize streambanks, and/or provide flood mitigation.

Customers wishing to apply for this credit must show participation in an approved project through the donation of property and/or providing any necessary easements. This credit may also be available to property owners who grant the Water System an easement on their parcel so that the County can perform necessary maintenance and repair of existing public stormwater management systems or facilities on a neighboring property.

Required documentation:

- Complete credit application as outlined in Section 1.4.
- A copy the appropriate legal documents, such as executed deeds, easements, and/or agreements.

Credit Retention: N/A

Credit Renewal: Non-renewable

2.8 Watershed Stewardship

Eligible Customer Classes: Residential and Non-Residential

Residential and non-residential customers may be eligible for a 10% stormwater service fee credit, for a period of one (1) year, by participating in watershed stewardship events. Watershed stewardship events provide an opportunity to take action to protect the watershed, increase public awareness about watershed management, and encourage participants to practice good pollution prevention practices on their own properties and at home. Eligible watershed stewardship activities are facilitated by the Water System throughout the year and include, but are not limited to, storm drain marking events, demonstration project workdays, privet/invasive plant pulls, waterways cleanups, and watershed data collection. Participation at events not sponsored by the Water System shall only be eligible for a credit if the event is pre-approved by the Water System. For pre-approval, email water_RSVP@cobbcounty.gov.

Each customer who wishes to apply for this credit must participate in the required hours of activity as outlined in the customer categories below and is responsible for obtaining documentation of attendance at approved events. Refer to Appendix B for a sample certificate of attendance. A minimum of four hours of participation from a representative population of the property must be documented and submitted with the credit application, as follows:

Residential Customers: At least one person (in the household and living on the property) must attend and submit signed certificate(s) of participation documenting a minimum of four hours of engagement. Attendance by multiple members of one household at an event is encouraged but only one participation certification will be provided per household, per event.

- 10% credit for 8 or more hours of activity
- 5% credit for four to seven hours of activity

Non-residential Customers: Participation is calculated based on the number of parking spaces seen on most recent aerial imagery of the property. Watershed Stewardship credits are awarded in 5% increments (5% or 10%).

- 10% credit: 50% participation ($\frac{1}{2}$ of the number of parking spaces visible in aerial imagery) X 4 hours of watershed stewardship activities = total number of watershed stewardship activities hours needed)
- 5% credit: 25% participation ($\frac{1}{4}$ of the number of parking spaces visible in aerial imagery) X 4 hours of watershed stewardship activities = total number of watershed stewardship activities hours needed)

The Water System encourages and supports the efforts of school facilities and membership-based service organizations in educating and informing the public on the importance of water conservation and water resource issues. To encourage stewardship partnerships, the Water System developed the following toolkits to provide guidance on obtaining a reduction on the stormwater service fee for these entities:

- School Facility Toolkit (Appendix C)
- Membership-Based Service Organization (Appendix D)

Note: If your organization is interested in utilizing the Membership-Based Service Organization toolkit, contact the Water System to discuss eligibility and obtain approval prior to using the toolkit.

Required documentation:

- Complete credit application as outlined in Section 1.4.
- Certificate(s) of participation, with the following information:
 - Activity name, date, and number of hours,
 - Participant name, address of parcel/property participant is representing, and
 - Signature of event facilitator.
- If approved to use a toolkit, submit documentation specified in toolkit.

Credit Retention: N/A

Credit Renewal: The applicant may reapply for the credit annually by participating in additional watershed stewardship events each year and submitting the certificates of participation with a new credit application.

2.9 Watershed Education

Eligible Customer Classes: Residential and Non-Residential

Residential and non-residential customers may be eligible for up to a 10% stormwater service fee credit, for a period of one (1) year, by attending and/or participating in approved watershed education programs and workshops. Watershed education programming educates and informs the public on the importance of water conservation, water resource management, and pollution prevention. Eligible watershed education programs and workshops are facilitated each month by the Water System and are listed on the Water System's website at <https://www.cobbcounty.gov/water>. Programs and workshops not sponsored by the Water System shall only be eligible for a credit if they are pre-approved by the Water System. For pre-approval, email water_RSVP@cobbcounty.gov.

Each customer who wishes to apply for this credit must participate in the required hours as outlined in the customer categories below and is responsible for obtaining documentation of attendance at approved events. Refer to Appendix B for a sample certificate of attendance. A minimum of five hours of participation from a representative population of the property must be submitted with the credit application, as described below.

Residential Customers: At least one person (in the household and living on the property) must attend and submit signed certificate(s) of participation documenting a minimum of five hours of engagement. Attendance by multiple members of one household at an event is encouraged but only one participation certification will be provided per household, per event.

- 10% credit for 10 or more hours of educational activity
- 5% credit for 5 to 9 hours of educational activity

Non-residential Customers: Participation is calculated based on the number of parking spaces seen on most recent aerial imagery of the property. Education credits are awarded in 5% increments (5% or 10%).

- 10% credit: 80% participation (4/5 of the number of parking spaces visible in aerial imagery) X 5 hours of education programming = total number of education hours needed
- 5% credit: 40% participation (2/5 of the number of parking spaces visible in aerial imagery) X 5 hours of education programming = total number of education hours needed

The Water System encourages and supports the efforts of school facilities, and other special service organizations, in educating and informing the public on the importance of water conservation and water resource issues. To encourage educational partnerships, the Water System has developed the following toolkits to provide guidance on how-to obtain a reduction on the stormwater service fee for these entities.

- School Facility Toolkit (Appendix C)
- Membership-Based Service Organization (Appendix D)

Note: If your organization is interested in utilizing the Membership-Based Service Organization toolkit, contact the Water System to discuss eligibility and obtain approval prior to using the toolkit.

Required documentation:

- Completed credit application as outlined in Section 1.4
- Certificate(s) of participation, with the following information:
 - Activity name, date, and number of hours,
 - Participant name, address of parcel/property participant is representing, and
 - Signature of event facilitator.

Credit Retention: N/A

Credit Renewal: The applicant may reapply for the credit annually by participating in additional watershed education events each year and submitting the certificates of participation with a new credit application.

2.10 Adopt-A-Pond

Eligible Customer Classes: Residential and Homeowner's Associations

Residential customers who conduct approved maintenance activities on County-owned detention ponds within their subdivision are eligible for up to a 10% stormwater service fee credit, for a period of five (5) years. The detention pond must be located on an individual parcel that is platted within the subdivision. The following credit is offered based on maintenance activity performed:

- 5% credit for mowing the grass in and around the pond
- 5% credit for removing debris from the Outlet Control Structure (OCS)

If an entity representing a subdivision, such as a homeowner's association (HOA), wants to take responsibility for the maintenance of a County-owned detention pond, a special maintenance agreement (i.e., Stormwater Facility Maintenance and License Agreement) between the entity and the County will be required. The HOA should determine whether the credit is to be applied to the HOA account or to individual customer accounts. The credit is limited to a maximum of 50 individual customer accounts per detention pond.

Required documentation (prior to beginning any maintenance activities):

- Completed credit application as outlined in Section 1.4.
- Detention pond information:
 - Name of subdivision
 - Name of HOA, if applicable
 - Address of detention pond property, parcel number, or address of adjacent lot.
- A plan outlining the proposed maintenance tasks and frequency of each task.
- List of property owner(s) and addresses who should receive the credit.

Once the credit application and all required documentation has been approved, including an executed Stormwater Facility and License Agreement, maintenance activities can begin. The credit will be applied to the assigned account(s) within 45 days of approval.

Credit Retention: To maintain eligibility for the credit during the five (5) year term, the applicant must provide documentation of maintenance activities. An annual report shall be submitted, including photos as necessary, and certification that the pond continues to be maintained. It is the applicant's responsibility to submit the annual report and certification. Failure to make the required submittals could result in forfeiture of the stormwater credit.

In addition, the Water System may conduct periodic inspections. If the pond is not being maintained as required in the Agreement, the Water System has the right to rescind the credit. If rescinded, the applicant must perform necessary maintenance and submit a new credit application before the credit would be reinstated.

Credit Renewal: The applicant may reapply for the credit every five years after the initial approval by submitting a new credit application and continuing maintenance as outlined in the maintenance agreement.

APPENDIX A

STORMWATER SERVICE FEE CREDIT APPLICATION



Cobb County Water System

Stormwater Service Fee Credit Application

Instructions:

Fill out this form completely and follow the application instructions as outlined in Section 1.4. Include all required documentation for each credit requested. Submit online form and upload required documentation, or print then mail or hand-deliver the completed application and required documentation to:

Cobb County Water System
Stormwater Management Division
688 South Cobb Drive
Marietta, GA 30060

I hereby request Cobb County Water System to review this application for a stormwater credit(s). I further authorize the County to investigate the site characteristics of the identified parcel for the purpose of evaluation for a stormwater credit(s). I certify that I have the authority to make such a request and grant such authority for County staff to evaluate this property for the purposes of approving or denying the requested credit. The attached information is true and correct to the best of my knowledge and belief. I agree to provide corrected information should there be any change in the information provided herein.

Type or print name of Applicant

Signature of Applicant

Date

Property Address

Account No.

This form must be signed by an individual person who is responsible for the site operations and/or payment of the stormwater bill. If the responsible entity is a government entity, religious institution, non-profit organization, or corporation, then the form must be signed by an officer, director, partner, or registered agent with authority to execute instruments for the customer account.

For Cobb County Water System's Use Only

- ☐ Approved
- ☐ Not Approved – See attached comments
- ☐ Incomplete – Revise and resubmit

Stormwater Management Division

Date

Stormwater Service Fee Credit Application – Page 2

Customer Information:

Customer Name:
Water/Stormwater Account Number:
Mailing Address (number and street):
Mailing Address (City, State and Zip):
Contact Phone Number:
Contact E-mail Address:

Property Information:

Parcel Address (number and street):
Parcel Address (City, State, and Zip):
Parcel Identification Number:
Parcel Location/Name of Development:
Authorized Property Owner Contact: (If different than Customer Information above)

Place a check next to the credit requested with this application:

☒	Credit Type	Applicability	Maximum Prorated User Credit	Credit Earned for use by Water System staff
	GSMM Unified Sizing Criteria			
	Runoff Reduction Volume/Water Quality	Residential/Non-Residential	10%	
	Channel Protection	Residential/Non-Residential	10%	
	Overbank Flood Protection	Residential/Non-Residential	10%	
	Extreme Flood Protection	Residential/Non-Residential	10%	
	Exceeds GSMM and Cobb Development Standards	Residential/Non-Residential	10%	
	Septic Tank Maintenance	Residential/Non-Residential	10%	
	Impervious Surface Reduction	Non-Residential	40%	
	NDPES Industrial Stormwater General Permit Compliance	Non-Residential	10%	
	Low Impact Parcel	Residential/Non-Residential	15%	
	Watershed Improvement Project	Residential/Non-Residential	10%	
	Watershed Stewardship	Residential/Non-Residential	10%	
	Watershed Education	Residential/Non-Residential	10%	
	Adopt-A-Pond	Residential	10%	
			TOTAL %	

APPENDIX B

SAMPLE CERTIFICATE OF ATTENDANCE

**This serves as official verification of participation
in the following CCWS sponsored activity:**



Participant Name: _____

Address Participant
Represents: _____

Activity: _____

Date: _____ Number of Hours: _____

Facilitator Signature: _____

**In order to receive Stormwater fee credit for this activity, you must submit a copy of this
certificate with your application. This certificate will not be reproduced if lost.**

APPENDIX C

SCHOOL FACILITY TOOLKIT

School Facility

Stormwater Service Fee Credit Toolkit

Cobb County Water System has developed a stewardship and education toolkit to provide schools with guidance on how to obtain a reduction on the stormwater service fee. The per-parcel credit may not total more than 20%, and the credit may only be applied to the property where the educational activities are taught. Credits cannot be applied to administrative facilities, bus lots, parking lots that are not associated with the educational facility, or warehouse/facility operations related parcels. Schools that are housed on/with larger facilities such as faith-based institutions are not eligible to receive this credit but may be eligible to utilize the Membership-Based Service Organization Toolkit.

K-12

Fee credits are based on a public or private K-12 school's annual participation in the Water System's Green School Initiative, earning 5% for each award level achieved, up to a maximum of 20%.

To qualify as a Green School, a prescribed percentage of classrooms in each school must each complete Blue Earth Activities and participate in approved Watershed Stewardship service projects and Water System School Contest/Competition during the school year. Each classroom will record their activities on a collaborative document allowing the school to track progress. Once all classrooms have completed their Green School activities, the file is submitted to the Water System. The deadline for submission of documentation is the last school day in March. Schools successfully fulfilling the requirements will be awarded as follows:

- 20% Credit - Platinum Award: 50+% classrooms fulfill requirements
- 15% Credit - Gold Award: 40-49% classrooms fulfill requirements
- 10% Credit - Silver Award: 30-39% classrooms fulfill requirements
- 5% Credit - Green Award: 20-29% classrooms fulfill requirements
- 0% Credit - Green Teacher: <20% of classrooms fulfill requirements, but individual classes fulfill requirements

Credits are based on the percentage of classrooms participating in three factors:

1. Two Blue Earth Activities (at least one outdoors)
2. Two Watershed Stewardship service projects, totaling at least 4 hours of service/classroom
3. One or more Water System school contest/competitions

Postsecondary Institutions

The Water System will work with postsecondary institutions to develop annual stewardship and education benchmarks to earn up to a 20% credit.

How-to Utilize the School Facility Stormwater Service Fee Credit Toolkit

- Complete the online Cobb County Green School Initiative (GSI) enrollment form, providing basic demographic data. This information is used to provide a benchmark for engagement numbers needed to achieve each credit level.
 - Elementary School Form:
<https://cobbcounty.seamlessdocs.com/f/WatershedGreenSchoolApplicationElementary>
 - Middle/High School Form:
<https://cobbcounty.seamlessdocs.com/f/WatershedGreenSchoolApplicationMiddle>
- The Water System will calculate the number of hours and participant reach needed for each award level.
- Utilize the reporting spreadsheet file sent by CCWS to track progress and document implementation.
- All activities must occur and be submitted within a school year and documentation submitted after all credit-qualifying events have been completed.
- The credit application and documentation will be reviewed by the Water System to determine award level.
- Credits will be scheduled and shown as a reduction on the account for the following 12 months.
- Annual re-application is required annually for credit renewal.

APPENDIX D

MEMBERSHIP-BASED SERVICE ORGANIZATION TOOLKIT

Membership-Based Service Organization Facility Stormwater Service Fee Credit Toolkit

Cobb County Water System has developed a stewardship and education toolkit to provide membership-based service organizations with guidance on how to obtain a reduction on the stormwater service fee. Fee credits are based on the facility's participation in watershed activities, earning 5% for each engagement level achieved up to a maximum of 20%.

To qualify, a prescribed percentage of the membership must participate in approved Watershed Stewardship Service Projects and be reached by Watershed Education Campaigns. Facilities log their activities on the reporting form provided by the Water System to track progress. Once all activities are completed, the reporting form is submitted to the Water System. Facilities will receive credits as follows:

- 20% Credit: fulfills 10% requirements in both stewardship & education
- 15% Credit: fulfills 10% requirements in one area & 5% requirement in one area
- 10% Credit: fulfills 10% requirement in only one area or 5% requirement in both areas
- 5% Credit: fulfills 5% requirement in only one area

Credits are based on:

- Achieving at least 4 hours of service completing Watershed Stewardship Service Projects
 - 5% credit: 25-49% participation ($\frac{1}{4}$ of the number of parking spaces visible in aerial imagery) X 4 hours = total number of watershed stewardship activities hours needed
 - 10% credit: 50+% participation ($\frac{1}{2}$ of the number of parking spaces visible in aerial imagery) X 4 hours = total number of watershed stewardship activities hours needed
- Implementing at least 6 Watershed Education Campaigns (utilizing a minimum of 3 outreach methods from provided toolkit resources) to reach membership with education & messaging
 - 5% credit: 40% reach ($\frac{2}{5}$ of the number of parking spaces visible in aerial imagery) = 40-79% of the membership reached
 - 10% credit: 80% reach ($\frac{4}{5}$ of the number of parking spaces visible in aerial imagery) = 80+% of the membership reached

If your organization is interested in utilizing the toolkit, contact the Water System to discuss eligibility and obtain approval prior to using the toolkit.

The per-parcel credit may not total more than 20% and credit may only be applied to the property where the membership-based services are offered. Credits cannot be applied to administrative facilities, bus lots, parking lots that are not associated with membership-based services, or warehouse/facility operations related parcels.

How-to Utilize the Membership-Based Service Organization Facility Stormwater Service Fee Credit Toolkit

- Complete the online toolkit enrollment form, providing basic demographic data.
- The Water System will calculate the number of hours and participants reach needed to qualify for the discount.
- Toolkit Resources include:

- Slides to be shared during meetings/services
- Videos to be viewed by members
- Articles to be published in member newsletter
- Posts to be published on social media platforms + tagging the Water System (currently active on Facebook and Instagram)
- Documented participation in Water System qualifying stewardship and education programs can be utilized toward required hours and reach.
- Utilize the reporting spreadsheet file sent by CCWS to track progress and document implementation.
- All activities must be completed, and documentation submitted within one year of enrollment and after all credit-qualifying events have been completed.
- The credit application and documentation will be reviewed by the Water System to determine credits earned.
- Credits will be scheduled and shown as a reduction on the account for the following 12 months.
- Annual re-application is required.

Required Documentation:

- Certificate(s) of Participation issued by the Water System for programs attended.
- Three outreach methods used for each focus area along with:
 - Attendance records for resources shared at a meetings/services
 - Date stamped images of the slides/video shared during meetings/services
 - E-copies of the newsletter articles with publication date and distribution data

Snips for each recorded post with interactions for each post or the analytics showing engagement for each post

RESOLUTION

WHEREAS, it continues to be the desire of Cobb County to support the preservation of County infrastructure; and

WHEREAS, the Georgia Department of Transportation (GDOT) has been delegated authority to award State financial assistance for a transportation project; and

WHEREAS, the grant or cooperative agreement for State financial assistance will impose certain obligations upon Cobb County, and may require Cobb County to provide the local share of the project cost; and

WHEREAS, Cobb County has provided or will provide all annual certifications and assurances to the GDOT required for the project.

NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners authorize the filing of a grant application with the GDOT, in an amount not to exceed \$7,420,390.68; and

1. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file an application with the GDOT for State assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other State statutes authorizing a project administered by the GDOT, on behalf of Cobb County.
2. That the Chairwoman of the Cobb County Board of Commissioners is authorized to execute and file with its application the annual certifications, assurances, and other documents the GDOT requires before awarding a State assistance grant or cooperative agreement.
3. That the Chairwoman of the Cobb County Board of Commissioners is authorized to execute grant and cooperative agreements with the GDOT, on behalf of Cobb County.

CERTIFICATION

The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on November 20, 2025.

This 9th day of December, 2025

JoAnn K. Birrell, Vice Chair
Cobb County Board of
Commissioners



Attest:

Clerk

Cobb County Board of Commissioners

Robin L. Stone

Deputy County Clerk

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS

**CERTIFICATION OF COMPLIANCE WITH
ANNUAL IMMIGRATION REPORTING REQUIREMENTS/
NO SANCTUARY POLICY/FEDERAL LAW ENFORCEMENT COOPERATION**

By executing this document, the undersigned duly authorized representative of the Local Governing Body, certifies that the Local Governing Authority:

- 1) has filed a compliant Annual Immigration Compliance Report with the Georgia Department of Audits & Accounts ("GDA&A") for the preceding calendar year required by O.C.G.A. § 50-36-4(b), or has been issued a written exemption from GDA&A from doing so;
- 2) has not enacted a "Sanctuary Policy" in violation of O.C.G.A. § 36-80-23(b); and,
- 3) is in compliance with O.C.G.A. §§ 35-1-17 et seq. regarding its obligation to cooperate with federal immigration enforcement authorities to deter the presence of criminal illegal aliens.

As an ongoing condition to receiving funding from the Georgia Department of Transportation, the Local Governing Body shall continue to remain fully compliant with O.C.G.A. §§ 50-36-4, 36-80-23 and 35-1-17 et seq. for the duration of time the subject agreement is in effect.

JoAnn K. Birrell
Signature of Authorized Officer or Agent



JoAnn K. Birrell, Vice Chair Cobb
County Board of Commissioners

Printed Name of Authorized Officer or Agent

Title of Authorized Officer or Agent

12/9/25
Date

Form Date - May 10, 2024

FY26 LMIG Application
List of Streets
Cobb County, GA

No.	ROAD NAME	BEGIN	END	COMM. DIST.	LENGTH (miles)	TYPE OF WORK	COST
1	Acworth Due West Road	North Cobb Parkway	Stilesboro Road	1	2.64	Mill, Patch, Resurface	2,321,240
2	Burnt Hickory Road	Acworth Due West Road	Old Mountain Road	1	1.45	Mill, Patch, Resurface	1,274,930
3	Friendship Church Road	Villa Rica Road	Dallas Highway	1	2.28	Mill, Patch, Resurface	2,004,710
4	Atlanta Road	Ridge Road	Spring Hill Road	2	0.47	Mill, Patch, Resurface	413,250
5	Cooper Lake Drive	Cooper Lake Road	Atlanta Road	2	0.94	Mill, Patch, Resurface	826,500
6	Bells Ferry Road	Shiloh Road	I-575	3	0.81	Mill, Patch, Resurface	712,200
7	Providence Road	Roswell Road	Roswell Road	3	1.25	Mill, Patch, Resurface	1,099,070
8	East-West Connector	Powder Springs Road	Austell Road	4	1.98	Mill, Patch, Resurface	1,740,930
9	Riverside Parkway	Cityview Drive	Hartman Road	4	1.12	Mill, Patch, Resurface	984,770
ESTIMATED TOTAL:					12.94		11,377,600



COBB COUNTY BOARD OF COMMISSIONERS

100 CHEROKEE STREET, SUITE 300
MARIETTA GEORGIA 30090-7000
Phone: (770) 528-3305 Fax: (770) 528-2606

Lisa N. Cupid
Chairwoman

December 5, 2025

Mr. Chartrae Kent
Department of Transportation State of Georgia
District State Aid Coordinator – District 7
600 West Peachtree Street, NW
Atlanta, Georgia 30308

**Re: Local Maintenance and Improvement Grant (LMIG) Program
Application for FY26 LMIG Projects
Resurfacing Contract 2026-4, Cobb Project No: B2926**

Dear Mr. Kent:

The attached application is being submitted in conjunction with our 2026-4 Resurfacing project. This project includes the milling, patching, and resurfacing of 9 major thoroughfares located throughout the County. The above referenced application for Cobb County Department of Transportation's LMIG Resurfacing Project is being submitted electronically via the Georgia Department of Transportation's LMIG Grant website.

The County has closed, or is in the process of closing, the following LMIG funded projects:

- FY24 LMIG funded – Resurfacing Contract 2024-4, Cobb Project No. B2913, project complete, final change order to close the project received November, 2025 (final expenditures attached)
- FY24 Supplement LRA funded – Chastain Road at Busbee Drive, Cobb Project No. B2445, project complete, pending final change order anticipated December, 2025
- FY24 Supplement LRA funded - Cobb Parkway Pedestrian Bridge, Cobb Project No. B2443, project complete, pending final change order anticipated December, 2025
- FY24 Supplement LRA funded - Little Willeo Road at Johnson Ferry Road, Cobb Project No. B2444, project complete, pending final change order anticipated December, 2025
- FY25 LMIG funded – Resurfacing Contract 2025-4, Cobb Project No. B2919, project complete, pending final change order Fall, 2026

The following projects are currently under construction:

- FY25 Supplement LRA funded – East-West Connector, Burnt Hickory Rd, Herodian Way, Shallowford Rd, Shallowford Rd, Cobb Project No. B2929, added as Supplemental Agreement to Resurfacing Contract 2025-4, anticipated completion, Fall 2026

FY26 LMIG Application
Cobb County, GA
December 5, 2025

The following FY24 Supplement LRA funded projects are in development:

- Barrett Parkway at Burnt Hickory Road, Cobb Project No. B2441
- Lost Mountain Road at Amberton Drive/Hopeton Drive, Cobb Project No. B2442
- Trickum Road at Eula Drive/Rocky Mountain Road, Cobb Project No. B2446
- Veterans Memorial Highway at Burrus Road, Cobb Project No. B2447
- Florence Road at Hiram Road/Gaydon Road, Cobb Project No. B2448

The following FY25 Supplement LRA funded project is in design:

- Blair Bridge Road, Cobb Project No. B2456

And the following FY26 LRA funded project is in development:

- Cobb Parkway (SR3/US41) Pedestrian Bridge – North, Cobb Project No. TR535

The Georgia Department of Transportation's assistance with these FY 26 LMIG funded projects is greatly appreciated. If you have any questions or need further information, please contact Denise Hatabian at 770-528-3656.

Sincerely,

Joann K. Birell

Cobb County Board of Commissioners

LNC/GCV/WCK/dh



Attachments

cc: Russell R. McMurry, P.E., Commissioner, GDOT
Paul DeNard, P.E. District 7 Engineer
Cobb County Board of Commissioners
Dr. Jackie R. McMorris, County Manager, Cobb County
Andrew Raessler, Director, CCDOT
Michael Francis, Transportation Division Manager, CCDOT
Gabriel Colon Vega, Construction Engineer, CCDOT
Wade Kelly, SPLOST Program Manager, CCDOT
Denise Hatabian, Contract Administrator, CCDOT

Cobb County...Expect the Best!

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL MAINTENANCE & IMPROVEMENT
GRANT (LMIG) APPLICATION FOR FISCAL YEAR 2026
TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.**

LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION

I, Lisa N. Cupid (Name), the Chairwoman (Title), on behalf of Board of Commissioner, Cobb County, Georgia (Local Government), who being duly sworn do swear that the information given herein is true to the best of his/her knowledge and belief. Local Government swears and certifies that it has read and understands the LMIG General Guidelines and Rules and that it has complied with and will comply with the same.

Local government further swears and certifies that it has read and understands the regulations for the Georgia Planning Act (O.C.G.A. § 45-12-200, et seq.), Service Delivery Strategy Act (O.C.G.A. § 36-70-20, et seq.), Immigration Sanctuary Policies; prohibition; penalties (O.C.G.A. § 36-80-23), and the Local Government Budgets and Audits Act (O.C.G.A. § 36-81-7 et seq.) and will comply in full with said provisions. Local government further swears and certifies that the roads or sections of roads described and shown on the local government's Project List are dedicated public roads and are part of the Public Road System in said county/city. Local government further swears and certifies that it complied with federal and/or state environmental protection laws and at the completion of the project(s), it met the match requirements as stated in the Transportation Investment Act (TIA) (O.C.G.A. § 48-8-240).

Further, the local government shall be responsible for any claim, damage, loss or expense that is attributable to negligent acts, errors, or omissions related to the designs, drawings, specifications, work and other services furnished by or on behalf of the local government pursuant to this Application ("Loss"). To the extent provided by law, the local government further agrees to hold harmless and indemnify the DEPARTMENT and the State of Georgia from all suits or claims that may arise from said Loss.

If the local government fails to comply with these General Guidelines and Rules, or fails to comply with its Application and Certification, or fails to cooperate with the auditor(s) or fails to maintain and retain sufficient records, the DEPARTMENT may, at its discretion, prohibit the local government from participating in the LMIG program in the future and may pursue any available legal remedy to obtain reimbursement of the LMIG funds. Furthermore, if in the estimation of the DEPARTMENT, a project shows evidence of failure(s) due to poor workmanship, the use of substandard materials, or the failure to follow the required design and construction guidelines as set forth herein, the Department may pursue any available legal remedy to obtain reimbursement of the allocated LMIG funds or prohibit local government from participating in the LMIG program until such time as corrections are made to address the deficiencies or reimbursement is made. All projects identified on the Project list shall be constructed in accordance with the Department's Standard Specifications of Transportation Systems (Current Edition), Supplemental Specifications (Current Edition), and Special Provisions.

Local Government:

JoAnn K. Birrell (Signature)
JoAnn K. Birrell, Vice Chair Cobb
County Board of Commissioners (Print)
 Mayor / Commission Chairperson
12/9/25 (Date)



35131

E-Verify Number

Sworn to and subscribed before me,

This ____ day of _____, 20____.
 In the presence of:

NOTARY PUBLIC

My Commission Expires:

NOTARY PUBLIC SEAL (required):

LOCAL GOVERNMENT SEAL (required):