2026 CODE AMENDMENTS

Official Code of Cobb County
Part I. – Chapter 50

Package I
Version I - distributed on September 4, 2026
Version II – distributed on October 21, 2026
Adopted –October 27, 2026

Board of Commissioners Public Hearing Dates
October 13, 2026 – 9:00 a.m.
October 27, 2026 – 6:00 p.m.

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

Cobb County...Expect the Best!

Chapter 50 – ENVIRONMENT

ARTICLE III. - LAND DISTURBING ACTIVITIES

Sec. 50-76 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 50-76. Application; plan requirements; permit process.

(a) *General.* The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. Cobb County shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this article, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of Cobb County. However, the owner and/or operator are the only parties who may obtain a permit.

(b) *Application requirements.*

(1) No person shall conduct any land disturbing activity within the confines of the unincorporated areas of Cobb County without first obtaining a permit, where required, from the Cobb County Community Development Agency to perform such activity and providing a copy of the notice of intent submitted to the Georgia EPD, if applicable. A land disturbance permit for clearing and grading projects may only be obtained if such projects are part of a complete site/project plan review and approval (allowing for clearing and grading only phases, including a time table for final completion). Any clearing and grading activities permitted under this section shall comply with the provisions found in article III, section 50-75 of this chapter. In no event shall any portion of this article be interpreted in any manner to reduce or diminish the use or density of any project where the county board of commissioners has approved such use or density.

(2) The application for a land disturbance permit shall be submitted to the Cobb County Community Development Agency and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection (c) of this section. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of section 50-75 of this article will be met. Applications for a permit will not be accepted unless accompanied by a copy of the applicant's erosion, sedimentation and pollution control plans and by such supportive data as will affirmatively demonstrate that the land-disturbing activity proposed will be carried out in such a manner that the minimum requirements shall be met. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

(3) In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed $80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. Per subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a local issuing authority in the jurisdiction.

(4) If a permit applicant has had two or more violations of previous permits, this section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, Cobb County may deny the permit application.

(5) Cobb County may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, Cobb County may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site.

(6) Any application for a land disturbance permit involving a development expected to generate more than 3,000 vehicle trips during a single day and/or more than 250 vehicle trips during a single hour shall be required to submit a traffic impact study (prepared in accordance with industry accepted standards, including at a minimum, level of service impacts for adjacent roadways and intersections), the scope of which shall be determined by the Director of the Cobb County Department of Transportation or his/her designee and shall at a minimum address conditions and impacts resulting from the project. A trip means a single one-way journey between two points by a specified travel mode and for a defined purpose. A trip is the standard unit of measure for trip generation used in traffic studies. Said applicant shall also be required to coordinate and fund any recommended mitigation measures limited to project related improvements with applicable federal, state and local agencies including the Georgia Transportation Efficiency Authority and the Atlanta Regional Commission. The applicant shall prepare an assumptions technical memorandum for approval by the county department of transportation before proceeding with the traffic study.

(c) *Plan requirement.*

(1) *Standards and specifications.* Plans for land disturbing activities shall contain soil erosion and sedimentation control measures and practices which conform to the publication entitled Manual for Erosion Control in Georgia or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices which is on file in the office of the issuing authority. The publication is hereby incorporated by reference in this article. The plan for the land disturbing activity shall consider the interrelationship of the soil types, geological, and

hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances, and state laws.

(2) Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the applicable land-disturbing activity was permitted.

(3) *Maintenance.*

a. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the owner. It shall be the responsibility of the owner or his/her designee to post a maintenance log on site at all times. Said log will be posted on site with the land disturbance permit from the issuing authority. Said log must also be initialed on a weekly basis by the owner or his/her designee to indicate compliance with best management practices and the approved maintenance schedule.

b. All plans must contain the following maintenance statement: "Erosion control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sedimentation control measures will be installed if deemed necessary by on-site inspection. On-site inspectors may add items to plans as necessary. On-site inspectors may delete items from plans subject to approval by the director of Cobb County Community Development or his/her designee."

(4) *Permits.*

a. Permits issuance or denial. A permit is issued after Cobb County has determined that the plan for erosion and sedimentation control complies with the requirements of section 50-75, and after Cobb County has affirmatively determined that the plan complies with all other development ordinances, rules and regulations in effect within the unincorporated areas of the county. Permits will be issued or denied as soon as practical after the permit is filed with Cobb County, but in any event not later than 45 days after receipt by Cobb County of a completed application; providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken. If the permit is denied, the reasons for the denial shall be furnished to the applicant.

b. No permit shall be issued unless Cobb County has affirmatively determined that the plan is in compliance with this ordinance, any variances required by section 50-75(c)(15), (16) and (17) are obtained, bonding requirements, if necessary, as per 50-76(b)(6) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of Cobb County are met.

c. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.

d. Staged developments. If the tract is to be developed in stages, then a separate permit shall be required for each phase.
e. Responsibility. Neither the issuance of the permit nor compliance with the conditions thereof, nor with the provisions of this article, shall relieve any person of any responsibility otherwise imposed by law for damage of persons or property; nor shall the issuance of any permit pursuant to this article serve to impose any liability upon the county, its officers, board members or employees, for injury or damage to persons or property. The permit issued pursuant to this article does not relieve the applicant of the responsibility of complying with any other county ordinance or state law.
f. Special conditions. A permit issued by Cobb County shall specify any special conditions under which the land disturbing permit may be undertaken.
g. The permit may be suspended, revoked, or modified by the Local Issuing Authority ("LIA"), as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
h. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, pursuant to O.C.G.A. § 12-7-7(f)(1).

ARTICLE IV. – POST CONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT

DIVISION 1. – GENERALLY

Sec. 50-112 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 50-112. - Maintenance of stormwater facilities—Privately owned.

(a) All private stormwater management facilities in the county shall be maintained by the owners thereof in such a manner as 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. All such maintenance of such facilities shall be at the sole cost and expense of the owners thereof.
(b) It shall be unlawful for the owner or the occupant of any property upon which is located a stormwater management facility to fail to maintain such facility in such a manner that the

facility does not create a danger to the public health, safety or welfare. Should the owner fail to so maintain such facility, such failure shall constitute a public nuisance. The manager shall be entitled to inspect all stormwater management facilities subject to this article at all reasonable times in order to determine compliance or noncompliance with the terms and provisions of this article.

(c) ~~Subject to the terms of subsection (d) of this section,~~ Tthe manager shall provide written notice to the owner or the person in possession, charge or control of any property constituting a public nuisance under this article, stating that in the best professional judgment of the manager the conditions existing upon the property constitute a nuisance, setting forth action to be taken to eliminate the objectionable conditions, and requesting that such action be undertaken within the number of days specified in the notice. When the property is in a residential subdivision, the manager shall provide all properties associated with the stormwater management facility a copy of said notice. If the conditions constituting a public nuisance are not abated by the owner or the person in possession, charge or control of the property within the amount of time specified in the notice, then the county may address the nuisance ~~under Chapter 83, Nuisance~~ pursuant to subsection (d) of this section. Under emergency circumstances where there exists the danger of bodily injury or death, the manager is not required to provide a written notice before the county addresses the nuisance.

(d) Nothing contained in this article shall impair the right of the county to exercise any and all other remedies available at law or in equity, including, without limitation, the pursuit of injunctive relief, under emergency circumstances where there exists the danger of bodily injury or death.

(Ord. of 9-28-93; Code 1977, § 3-22.5A-39; Ord. of 4-13-04; Amd. of 11-20-25)

DIVISION 3. – INSPECTION AND MAINTENANCE

Subdivision II. – On-Site Facilities

The Official Code of Cobb County, Georgia, is amended by adding a section numbered 50-163 to read as follows:

Section 50-163. – Owner's Failure to Maintain Private Stormwater Management Systems.

The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain private stormwater management system and the enforcement options available to the county. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

(a) An owner's failure to maintain the stormwater facility so that it performs as it was originally designed shall constitute and be addressed as a violation of or failure to comply with this article and owner's property maintenance obligations pursuant to Section 18-186.

(b) To address such a failure to maintain the stormwater management system, the county shall have all the powers and remedies that are available to it, pursuant to Sections 50-112 and 50-113 or through the adopted International Property Maintenance Code.

Secs. 50-16~~3~~4—50-180. - Reserved

ARTICLE VII. - NOISE

Sec. 50-257 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 50-257. Violations and penalty.

…

(b) Except as otherwise provided herein, it shall be unlawful for any person to make, continue or cause to be made or continued any loud noise which either disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the unincorporated areas of the county which:

~~(1) From 7:00 a.m. until 10:59 p.m., exceeds 70 dBA measured from the complainant location;~~

~~(2) From 11:00 p.m. until 6:59 a.m., exceeds 65 dBA measured from the complainant location.~~

(1) Exceeds 70 dBA, measured from the complainant's location:

a. From 7:00 a.m. until 9:59 p.m. on Sunday through Thursday; or
b. From 7:00 a.m. until 10:59 p.m. on Friday and Saturday.

(2) Exceeds 65 dBA, measured from the complainant's location:

a. From 10:00 p.m. until 6:59 a.m. on Sunday through Thursday; or
b. From 11:00 p.m. until 6:59 a.m. on Friday and Saturday.

Sec. 50-258 of the Official Code of Cobb County, Georgia, is amended, to read as follows:

Sec. 50-258. Enumeration of prohibited noises.

…

(15) *Consumer fireworks.* Covered under chapter 10 of title 25, O.C.G.A. § 25-10-2, prohibited fireworks activities; application of noise ordinance. It shall be unlawful for any person to ignite or otherwise use consumer fireworks as defined in O.C.G.A. § 25-10-1(a)(1) within 200 yards of a facility housing equines in a confined area. Except as otherwise provided in this paragraph, it shall be unlawful for any person to use, ignite, or cause to be ignited any consumer fireworks, as defined in O.C.G.A. § 25-10-1, outside the hours beginning at 10:00 a.m. and continuing through 8:59 p.m. on any day of the week. Notwithstanding the foregoing restriction, consumer fireworks may be used, ignited, or caused to be ignited:

a. On January 1, the last Saturday and Sunday in May, July 3, July 4, the first Monday in September, and December 31 of each year, beginning at 10:00 a.m. and continuing through 11:59 p.m., as provided in O.C.G.A. § 25-10-2(b)(3)(B)(ii);
b. On January 1 of each year, beginning at 12:00 midnight and continuing through 1:00 a.m., as provided in O.C.G.A. § 25-10-2(b)(3)(B)(iii); or

c. On such additional dates, at such additional times, and at such locations as may be expressly authorized by a special-use permit issued by the county pursuant to O.C.G.A. § 25-10-2(b)(3)(D) and any applicable county permit requirements.

The use or ignition of consumer fireworks during any otherwise permitted date or time shall remain subject to all other applicable provisions of this Code and state law.