2026
CODE AMENDMENTS

Official Code of Cobb County
Part I. – Chapter 78

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Board of Commissioners Public Hearing Dates
October 13, 2026 – 9:00 a.m.
October 27, 2026 – 7:00 p.m.

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Chapter 78 – LICENSES, PERMITS AND BUSINESSES

The Official Code of Cobb County, Georgia, is amended adding Chapter 78, Article VIII, Sec. 78-560 – 78-576, to read as follows:

ARTICLE VIII. – VAPOR PRODUCT RETAILERS

Sec. 78-560. Definitions.

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

Alternative nicotine product means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.

Church means a permanent building where persons regularly assemble for religious worship and shall be publicly designated as a church, but shall not include a residence also used for religious purposes.

Closed-system vapor product means any disposable vapor product or pre-filled cartridge system that is sealed by the manufacturer and not intended to be refilled by the consumer or retailer.

College means only such state, county, city, church or other colleges as teach the subjects commonly taught in the common colleges of this state, and shall not include private colleges where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught. The definition of college shall include a university.

Distance means the measurement in lineal feet from the center of any door of customer entry of the proposed premises of a licensee to the nearest property line of any church, library, school, park, public housing, public hospital, vapor product retailer or private residence as defined in this section. A radius shall be measured from the center of any door of customer entry of the proposed premises of any licensee to the nearest property line of any church, library, school, park, public housing, public hospital, vapor product retailer or private residence as defined in this section.

E-liquid or E-juice means any liquid, gel, or substance intended to be aerosolized and inhaled using a vapor product, whether or not it contains nicotine.

License review board means the board created under section 6-90.

Minor means a person less than 21 years of age.

Open-system vapor product means any electronic device, mod, or tank system designed to be manually filled or refilled with e-liquids by a consumer or retail operator.

Private residence means a house or dwelling wherein not less than one or more than two families customarily reside and shall not include a mobile home, an apartment house having facilities for housing more than two families, a boardinghouse or roominghouse where there are five or more boarders or roomers, any residence which has been unoccupied for a period of six

consecutive months immediately prior to the filing of any application for license, or any residence that shall be a nonconforming use in a commercial zone.

Retail sale means selling or offering for sale vapor products to any member of the public.

School means only such state, county, city, church, private, or other schools, including day care facilities as teach Georgia State accredited curriculum taught in the common public schools of this state. This definition shall not include private post-secondary schools where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

Underage person means a person who is less than 21 years of age.

Vape lounge or consumption on-premises establishment means any commercial establishment holding a valid local permit where patrons are permitted to sample, test, or consume aerosolized vapor products inside the physical structure.

Vapor Product means any noncombustible product that uses a heating element, battery, or electronic circuit to produce a vapor from nicotine or other solutions. This includes electronic cigarettes, cigars, pipes, and related cartridges. Vaping is legally classified as **smoking.**

Vapor Product Retailer License means a license issued by Cobb County authorizing a person to engage in the retail sale, offer for sale, display for sale, exchange, or distribution of vapor products to consumers from a fixed place of business located within the unincorporated area of Cobb County. A Vapor Product Retailer License authorizes only those activities permitted by this Article and shall not relieve the licensee from obtaining any permit, registration, certificate, or license required by federal, state, or local law.

Vape shop or retail establishment means any commercial enterprise whose primary business model, 75% or more of its total annual sales is from the retail sale, display, or distribution of vapor products, e-liquids, devices, and associated hardware to the public for off-premises use.

Sec. 78-561. Purposes of chapter.

This chapter has been enacted for the purposes, among others, of promoting the health and general welfare of the community; to establish reasonable and ascertainable standards for the regulation and control of the licensing and sales of vapor products; to protect and preserve schools and churches; to give effect to existing land use and preserve the sanctity of certain residential areas, with reasonable consideration being given, among others, to the character of the areas and their peculiar suitability for particular uses, the congestion in the roads and streets, and with a general view of promoting desirable living conditions and sustaining stability of neighborhoods and property values; and to protect against concentration of the retail outlets for vapor products in one-family residential areas or to prevent undesirable persons from engaging in or having any interest in vapor products.

Sec. 78-562. Distance requirements—From residences.

No license under this chapter shall be issued to any location which is within a 300-foot radius of a property line of a private residence; however, upon appeal, if the license review board, at a public hearing, shall determine that the property values of the residence or residences will not be affected, that the quiet enjoyment of the premises by the residents thereof shall not be

adversely affected, and that the grant of such license shall have no other adverse effect on the residents, the license review board or the board of commissioners may waive this provision of this section by granting a distance waiver. A distance waiver remains in effect for any vapor product retailer license for that location provided that the establishment does not cease operation for 12 or more months, and the business activity does not change. This section shall not apply to residences located within commercial zones. The distance requirements from residences sited in this section do not apply to any residentially used structures that are contained in the PVC, RRC, UVC, and ROD zoning categories

Sec. 786-563. Distance requirements—From schools, churches, parks or libraries.

No license shall be issued under this chapter where the place of business of the applicant is located within a radius distance of 600 feet of a public library, church, public park, or school or college. However, at a public hearing the license review board or the board of commissioners may waive the distance requirements of this section by granting a distance waiver if satisfactory evidence shall be produced before the license review board or the board of commissioners that no adverse effect to property values or the use of the facilities for the purposes aforesaid would occur if a license was granted. A distance waiver remains in effect for any vapor product retailer license for that location provided that the establishment does not cease operation for 12 or more months, and the business activity does not change.

Sec. 78-564. Distance requirements—From vapor retailer.

No license shall be issued under this chapter where the place of business of the applicant is located within a radius distance of 2,500 feet of another vapor retailer. However, at a public hearing the license review board or the board of commissioners may waive the distance requirements of this section by granting a distance waiver if satisfactory evidence shall be produced before the license review board or the board of commissioners that no adverse effect to property values or the use of the facilities for the purposes aforesaid would occur if a license was granted. A distance waiver remains in effect for any vapor product retailer license for that location provided that the establishment does not cease operation for 12 or more months, and the business activity does not change.

Sec. 78-565. Distance requirements—Exemption for existing establishments.

Any application for renewal or transfer of license under this chapter on an existing licensed location shall not be required to meet the distance requirements from churches, schools, private residences, vapor retailers, and other distance requirements set forth in this chapter. An application filed under this section shall meet and qualify under all other requirements of this chapter for the granting of a new license.

Sec. 78-566. Filing of plats.

(a) Each application for an vapor product retailer license at a location for which there is no existing county license within the preceding 12 consecutive months from the date the application was filed with the Cobb County Business License Division for the same type of vapor product retailer license in effect shall include a blue line copy of a surveyor's plat, 8½ inches by 11 inches in size, with a scale of one inch equals 200 feet, showing the location of the building or proposed building and location of all customer entries in relation and distance to all real property and buildings on such real property which fall within the distance requirements set forth in sections 78-562, 78-563, and 78-564, together with the zoning classifications and present uses of all such real property. Each application for a vapor product retailer license at a location which has not previously been occupied for other than residential purposes or on which there is or is to be new construction shall also include a copy of a site plan approved by the community development department.

(b) All real property, locations, structures and improvements thereon shall comply with all county building codes, zoning and planning ordinances and requirements, and all other county ordinances. After issuance of any license under this article, no change in the location of the building or customer entry locations may be made which would affect compliance with any distance requirements of this article. Any such change must be pre-approved by the business license division manager or processes described in this article.

Sec. 78-567. Additional architectural standards for retail sales establishments.

No screen, blind, curtain, partition, article or thing which prevents a clear and unobstructed view into the interior shall be permitted in the window or upon the doors of any retail store for the sale of vapor products, and no booth, screen, partition or other obstruction shall be permitted within the interior of any such store. Each such store shall be so lighted that the interior of the store is visible day and night.

Sec. 78-568. Administration of this article.

(a) *Authority of business license division manager.* The business license division manager shall administer and enforce the provisions of this article for the levy and collection of the tax imposed by this article.

(b) *Rules and regulations.* The business license division manager shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of the county and the state, or the constitution of this state or the United States, for the administration and enforcement of the provisions of this article and the collection of taxes under this article.

Sec. 78-569. Enforcement

(a) The Cobb County Police Department and any other regulatory agency in the county shall enforce this ordinance.

(b) Authorized officers may conduct compliance inspections, investigations, and age-verification checks in a manner consistent with Georgia State law.

Sec. 78-570. Violations of chapter.

The violation of any of the provisions of this article by the holder of a license under this article or the licensee's agents or employees, whether compensated or not, shall subject the holder of such license to revocation, suspension or probation of the license.

Sec. 78-571. Prohibited Acts

(a) No retailer shall sell, furnish, distribute, or permit the purchase of any vapor product to anyone
under 21 years of age.
(b) No minor shall purchase, attempt to purchase, or possess any vapor product, except as otherwise permitted under Georgia law.
(c) No retailer shall sell a vapor product without first verifying the age of the purchaser by means of a valid, government-issued photographic identification.

Sec. 78-572. Keeping or storing vapor products.

It shall be unlawful for any person or licensee to keep, possess or store any vapor products where 75% of total annual sales is from vapor product sales without appropriate, valid and current state and local licenses for such products.

Sec. 78-573. Removal of signs and vapor products from unlicensed premises.

When any license for selling vapor products is revoked, suspended or denied, or there is no valid state and county license in existence for the sale of those vapor products, the sale of those vapor products at that location shall immediately cease; and all signs indicating that such products may be sold or purchased at the location and all such vapor products shall be removed from the place of business, both outside and inside.

Sec. 78-574. Administrative penalty.

Any person or retailer violating this ordinance shall be subject to the following administrative penalty.

(1) An administrative penalty of $300.00 for the first violation of this chapter.
(2) An administrative penalty of $600.00 for the second violation of this chapter in 12 months.
(3) An administrative penalty of $1,200.00 for the third or subsequent violation of this chapter in 12 months.

(4) Upon a fourth violation of this chapter occurring within any 12-month period, the licensee shall be subject to a hearing before the license review board, at which time the license review board may suspend or revoke the applicable license.

Sec. 78-575. – Issuance; appeals.

(a) *Application, issuance, denial.* Except as otherwise provided, no person may operate a vape shop without a vapor product retailer license. The business license division manager shall review all applications and determine whether to issue the license. Any applicant who is denied shall have the right to appeal such decision to the license review board. Appeals to the license review board must be filed with the business license division within 30 days of the denial. After a hearing, the license review board may approve or deny the license. The decision shall be final unless appealed as set forth below.

(b) A decision of the license review board shall be final unless appealed to the board of commissioners within ten days of the date of decision by the license review board. The board of commissioners shall review a summary of the hearing before the license review board within 30 days of the date of the license review board's recommendation to waive the distance requirements of sections 78-562, 78-563, or 78-564 or direct the business license division manager to place the matter down for a hearing and take any authorized action concerning the applicant's requested license. If the board of commissioners opt to review a summary of the hearing before the license review board, it may, after such review, place the matter down for a hearing and take any authorized action concerning the applicant's requested license. No license shall be issued until the board of commissioners has reviewed the summary and made a decision on whether to place the matter down for hearing. In the event the board of commissioners affirms the decision of the license review board to issue a license, the appropriate license or licenses shall be issued.

(c) The decision of the board of commissioners on an appeal under this article shall be final unless appealed. Any aggrieved party may appeal a decision of the board of commissioners by filing a petition for review pursuant to O.C.G.A. § 5-3-1 *et seq*. to the superior court within 30 days of the decision of the board of commissioners.

Sec. 78-576. – Effective date.

This article shall be effective April 1, 2027.