

Chapter 54 – FIRE PREVENTION AND PROTECTION

ARTICLE III. – FIRE SAFETY STANDARDS

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 Sections 103, 105, 108, 109, 110, and 111 of Chapter 1 of such International Fire Code for administration of such code, unless in conflict with Georgia Law or rules promulgated in accordance with Georgia Law. In such case, Georgia Law or rules promulgated in accordance with Georgia Law shall govern.

The county further amends Section 111.4 of Chapter 1 of the International Fire Code 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.

Section 54-58 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 54-58. – Use of three-inch fire hydrant meter.

- (a) *Purpose of section.* The purpose of this section is to require the use of a three-inch fire hydrant meter when using water from a public hydrant.
- (b) *Meter required.* All fire hydrant water supplies must be metered with a proper fire hydrant meter, with the exception of emergency fire units.
- (c) *To be supplied by county; deposit; billing period.* The county shall have the authority to contract with commercial businesses and private citizens to supply such three-inch meters as are necessary for the

customers' use and to inspect and repair at the customer's expense meters that are damaged through negligence. The county shall also collect and account for a deposit on each meter maintained by the county. The customer will be billed for metered water on a six-month basis, or when the meter is returned for refund on deposit, whichever occurs first.

- (d) *Charges; return of meter.* The charges and deposits for three-inch meter usage are as established by the board of commissioners. The customer shall be required to return the meter every six months for issuance of another meter and billing for usage at that time.
- (e) *Unauthorized use of water; penalty.* No person shall make an unauthorized water connection nor obtain unauthorized or unmetered water service. Persons obtaining unauthorized water service shall be subject to a penalty fee of ~~\$250.00~~ as established in the county water system's current rate and fee schedule and/or shall be punished as provided in section 1-10.
- (f) *Enforcement.* Enforcement of this section shall be the responsibility of all employees of the community development department. The community development department shall be responsible for delivery and preparation of citations to persons violating this section.

Section 54-62 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Section 54-62. – Fire watch, special fire services.

- (a) The fire department, fire marshal, fire official, fire chief or their designee, shall have the authority to require, assess and collect fees for special fire services, including, but not limited to fire watch, fire standby, the cleanup of hazardous materials, lift assist standby fire personnel, and/or an approved fire watch when potentially hazardous conditions or a reduction in a life safety feature exist due to the type of performance, display, exhibit, occupancy, contest or activity; or an impairment to a fire protection feature; or the number of persons present.
- (b) Where special fire services, standby fire personnel or an approved fire watch is required or requested:
 - (1) When required by the fire marshal, the business, owner, agent, or lessee shall identify and designate employ one or more qualified persons, as required and approved to be on duty;
 - (2) The cost of special fire services and/or standby fire personnel shall be at no cost to the fire department and shall be assessed as provided in this section;
 - (3) Such standby fire personnel or fire watch personnel shall be subject to the orders of the fire marshal, or his/her designee, at all times and shall be identifiable and remain on duty during the times such places are open to the public, when such activity is being conducted, or while such impairment or condition remains, as required by the fire marshal, or his/her designee;
 - (4) The fire watch and/or special fire services shall be documented using a fire watch log or other record to be maintained at the protected facility and available to fire department personnel at all times. ~~during the fire watch.~~ The fire watch log or record shall contain, but not be limited to, the following information: date and time of the special fire service or fire watch duty, beginning and ending times of each patrol, any fire safety hazards found, record of communication with the fire department and alarm monitoring company, and a record of other information as required by the fire marshal, fire chief, or his their designee; and

- (5) The fire department shall be authorized to establish and collect fees to recover costs for providing special fire services, including, but not limited to equipment, supplies, and/or personnel affiliated with special fire services, fire or medical services, fire standby, fire watch, fire inspections, lift assist, responding to a hazardous condition and/or similar special fire services requested by an entity doing business or providing services in Cobb County or where required by the authority having jurisdiction to protect public safety pursuant to fee schedule(s) established under this section., beyond the normal scope of emergency operations.
- (6) Fee schedule(s). The fire department and/or fire marshal shall establish a separate or combined fee schedule for all special fire services under this section and present said fee schedule(s) to the Board of Commissioners for initial approval and for any amendment to the same. The assessment of such fees shall be made against the person, firm, partnership, corporation or organization requesting or responsible for the special fire service within six (6) months from the last date of service. Notice of assessment shall be in writing and sent to the responsible entity and/or individual 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 section.
- (7) Payment of costs. Costs assessed pursuant to this article, including reasonable attorney fees, court costs and administrative costs shall be payable by the person, firm, partnership, corporation, insurance company or organization requesting or responsible for the Fire Service(s). These costs shall be paid within sixty (60) days of the date of the notice of assessment and shall bear interest at ten percent per annum from the date when same becomes due and payable. The county may pursue collections and/or proceed in a court of valid jurisdiction to collect any fees or monies remaining unpaid under this section from a responsible party and shall have any and all other remedies provided by and subject to law for the collection of said charges.
- (8) Lien. In addition to any civil remedy allowed by law, the assessment under this section shall constitute a lien in favor of the county on any property, real or personal, owned by the person, firm, corporation, partnership or organization which shall be enforceable pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes, which may include all amounts due under this article. 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.
- (9) 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 and/or Section 54-87.
- (10) Non-exclusive remedy. The penalties and remedies provided by this article shall be in addition to any other remedies or penalties provided by law.

(c) For the purposes of this section, the terms used herein are defined as follows:

- (1) “Fee schedule” means the separate or combined fee schedule(s) prepared and presented by the fire chief, fire marshal and/or their designee to the Board of Commissioners for approval by resolution, which may be amended from time to time.
- (2) “Fire watch” means a temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and

controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department. Fire watch shall be approved and performed by a currently certified Georgia Fire Inspector working within the Cobb County Fire Marshal's Office.

- (3) “Hazardous condition” means a response to any request for special fire services or emergency that involves the disposal, removal, storage, investigation, remediation or cleanup of:
- a) Any substance or mixture of substances which is toxic, corrosive, an irritant, a strong sensitizer, flammable or which generates pressure through decomposition, heat or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during, or as a proximate result of, any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children; and/or
- b) Any substances, elements, or compounds which are contained in the list of hazardous substances adopted by the United States Environmental Protection Agency (EPA) and the list of toxic pollutants defined by the United States Congress.
- (4) “Lift assist” means a request for and response by fire department personnel to assist in physically moving a person who has fallen and who does not require emergency care or medical transportation and who is located in a hospital, group home, continuing care retirement community, assisted living facility, independent living facility, nursing home, adult family home and/or rest home, or as otherwise defined in Cobb County Code Sec. 134-1, as amended.
- (5) “Special fire service” means those special fire services designated and listed in the fee schedule(s), as amended, including, but not limited to fire watch, fire standby, the cleanup of hazardous materials, lift assist, and the equipment, supplies, and/or personnel affiliated with such special fire services.

The Official Code of Cobb County, Georgia is amended by adding Section 54-63 to read as follows:

Section 54-63. – Addressing and occupant directions within multi-building developments

Additional directional signage conveying addressing and location of buildings and/or occupants shall be required for developments within the Cobb County Fire District to assist with responding to alarms and other emergencies. Failure to comply once notified shall be punishable in accordance with Section 54-3.

The Official Code of Cobb County, Georgia, is amended by adding Section 54-64 through Section 54-66, to read as follows:

ARTICLE IV. – ~~FIRE PROTECTION CONTRACTORS~~ – AUTOMATIC EXTERNAL DEFIBRILLATOR DEVICES

Section 54-64. – Definitions.

- (a) Automatic external defibrillator device (AED). For the purposes of this section, an AED is a defibrillator as defined by O.C.G.A. 31-11-53.1 and shall be commercially available.
- (b) Occupancy. For the purposes of this section, a certificate of occupancy is defined as the joint Building and Fire Certificate of Occupancy issued by the County and based on rules promulgated by the fire marshal pursuant to Code section 54-82(e).

Section 54-65. – Installation and operation.

- (a) AEDs shall be required and installed by the property owner or occupant in all commercial businesses and buildings that are open to the public, located within unincorporated Cobb County, and have an occupancy load of 300 or more as defined and established by the Cobb County fire marshal pursuant to Code section 54-51 and based on rules promulgated by the fire marshal pursuant to Code section 54-82(e).
- (b) The installation and maintenance of the AED(s) shall be the responsibility of the owner and occupant prior to the issuance of each certificate of occupancy.
- (c) Owners and occupants shall comply with all applicable state laws, including, but not limited to O.C.G.A. 31-11-53.2, governing the installation and use of automated external defibrillators by lay rescuers. The owner and occupant shall be responsible for maintaining AED(s) in an approved location in accordance with manufacturer recommendations and applicable laws.
- (d) ~~CCFES~~ The fire department and/or the fire marshal shall verify the installation of required AED device(s) prior to the issuance of a certificate of occupancy as defined by the code section 54-51.
- (e) ~~CCFES~~ The fire department and/or the fire marshal may conduct regular inspections for the purpose of ascertaining the availability of the AED after the date of installation.
- (f) ~~CCFES~~ The fire department and/or the fire marshal may monitor and utilize information on the location of AEDs as a tool in the determination of County emergency response resources and to assess the overall status of public health and emergency medical response effectiveness.
- (g) ~~CCFES~~ The fire department and/or the fire marshal may establish the necessary rules, guidelines and requirements for the use and placement of AEDs as required by this section.
- (h) ~~CCFES~~ The fire department and/or the fire marshal shall serve as the official registrar of AEDs installed in buildings as defined by this section and in accordance with O.C.C.A. §31-11-53.2.
- (i) Sections 54-63 through 54-66 shall apply to commercial businesses that obtain a certificate of occupancy issued and dated on or after March 9th, 2021.

Section 54-66. – Penalties.

Any person who shall violate any of the provisions of this article or fail to comply herewith, or who shall violate or fail to comply with any order made hereunder shall be subject to the penalties set forth in Section 54-3 and/or Section 54-87.

Secs. ~~54-63~~67 – 54-80. – Reserved.

Chapter 54, Article IV of the Official Code of Cobb County, Georgia, is amended to read as follows:

ARTICLE IV. – FIRE PROTECTION CONTRACTORS [3]

Chapter 54, Article V of the Official Code of Cobb County, Georgia, is amended to read as follows:

ARTICLE VI. – FIRE PROTECTION SPRINKLER SYSTEM REQUIREMENTS

Chapter 54, Article VI of the Official Code of Cobb County, Georgia, is amended to read as follows:

ARTICLE VII. – ALARM SYSTEMS

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) ~~(a) Fines/Fees for silencing or resetting an alarm without prior approval.~~
- (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 fine 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 fine 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 fine 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 fine of not more than \$1,000.00 assessed against the business and/or property owner. or 60 days imprisonment or both.
- (c) ~~(b) Fines/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 fine.
 - (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 fine 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 fine 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 fine of not less than \$500.00 nor more than \$1,000.00 assessed against the business and/or property owner. or 60 days imprisonment or both.
- (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 (3) 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 thirty (30) days of from the date of the notice of fees and shall bear interest at one and one-half percent (1.5%) 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.

Chapter 54, Article VII of the Official Code of Cobb County, Georgia, is amended to read as follows:

ARTICLE VIII. – OUTDOOR BURNING