

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, § II, 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.

(e) There is established a Fire Prevention and Protection Safety Ordinance Appeals Board. Said board shall be composed of the County Manager, Public Safety Agency Director and the Cobb County Chief Building Official. Said Appeals Board may consider appeals from any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the fire marshal. The Appeals Board should be provided notice of the decision being appealed; the relief desired; the reason(s) why such relief should be granted and the documents relative to the issues raised in the appeal.

...

CHAPTER 66 – HISTORIC PRESERVATION

ARTICLE I. – IN GENERAL

Section 66-1 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-1. 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:

Building means a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. The term "building" may include to a historically related complex such as a courthouse and jail or a house and barn.

Certificate of appropriateness means a document evidencing approval by the historic preservation commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

Commission means the county historic preservation commission created by this chapter.

Exterior architectural features means the architectural style, general design and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior environmental features means all those aspects of the landscape or the development of the site which affect the historical character of the property.

Historic district means a geographically definable area which contains structures, sites, works of art or a combination thereof which exhibit a special historical, architectural or environmental character as designated by the board of commissioners.

Material change in appearance means a change that will affect either the exterior architectural or environmental features of an historic property or any structure, site or work of art within an historic district, and may include any one or more of the following:

- (1) A reconstruction or alteration of the size, shape or facade of an historic property, including any of its architectural elements or details.
- (2) Demolition of an historic structure.
- (3) Commencement of excavation for construction purposes.
- (4) A change in the location of advertising visible from the public right-of-way.
- (5) The erection, alteration, restoration or removal of any building or other structure within an historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

Site means the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.

Structure means a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

...

ARTICLE III. – HISTORIC DISTRICT AND LANDMARK DESIGNATION PROCEDURE

Section 66-57 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-57. Designation of an historic district

- (a) Criteria for selection. An historic district is a geographically definable area which contains buildings, structures, sites, works of art, or a combination thereof, which:
- (1) Have special character or special historic or aesthetic value or interest;
 - (2) Represent one or more periods or styles of architecture typical of one or more eras in the history of the county, state or region;
 - (3) Cause such area, by reason of such factors, to constitute a visibly perceptible section of the county.

...

Section 66-58 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-58. Designation of a landmark.

- (a) Criteria for selection. An historic landmark is a building, structure, site, work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the county, state or region for one or more of the following reasons:
- (1) It is an outstanding example of a structure representative of its era.
 - (2) It is one of the few remaining examples of past architectural style.
 - (3) It is a place or structure associated with an event or person of historic or cultural significance to the county, the state or the region.
- ...

Section 66-59 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-59. Requirements for designation of historic districts and landmarks.

- (a) Application. Application for designation of an historic district or landmark shall be made by the following:
- (1) Historic district: An historical society, neighborhood association, or group of property owners may apply for designation.
 - (2) Landmark structure: An historical society or property owner may apply for designation.
- (b) Public hearings. The commission and the board of commissioners shall hold a public hearing on the proposed ordinance for designation. Notice of the hearing shall be published in at least three ~~consecutive~~ issues in the legal organ of the county, and written notice of the hearing shall be mailed by the commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than ~~ten~~ 15 days nor more than ~~230~~ 45 days prior to the date set for public hearing. A letter sent via the United States mail to the last-known owner of the property shall constitute legal notification under this chapter.

...

ARTICLE IV. – CERTIFICATES OF APPROPRIATENESS

Section 66-81 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-81. Approval of alterations in historic districts or involving landmarks.

After the designation by ordinance of an historic property or of an historic district, no material change in the appearance of such historic property, or of a building, structure, site or work of art within such historic district, shall be made or permitted to be made by the owner or occupant thereof unless or until an application for a certificate of appropriateness has been submitted to and approved by the commission.

...

Section 66-82 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-82. Approval of new construction within designated districts.

The commission shall issue certificates of appropriateness ~~to~~ for new buildings or structures constructed within designated historic districts. These buildings or structures shall conform ~~in design, scale, building materials, setback and landscaping to the character of the district specified in the commission's design guidelines to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and to any design guidelines adopted by the commission as to design, scale, building materials, setback and landscaping.~~

...

Section 66-83 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-83. ~~Guidelines and criteria~~ Approval of changes to existing buildings within designated districts.

When considering applications for certificates of appropriateness to existing buildings, the ~~s~~Secretary of the ~~i~~nterior's Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be used as a guideline along with any other criteria or design guidelines adopted by the commission.

...

Section 66-85 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 66-85. Approval or denial.

- (a) The commission ~~shall~~ may approve the application ~~as proposed or approve the application for a certificate of appropriateness with any modifications or stipulations it deems necessary~~ and issue a certificate of appropriateness if it finds that the proposed material changes in the appearance would not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangements, texture and material of the architectural features involved, ~~and the~~ if the property is located within a historic district, the relationship thereof to the exterior architectural style and pertinent features of the other structures in the historic district shall be considered. ~~immediate neighborhood.~~

...

CHAPTER 78 – LICENSES, PERMITS AND BUSINESSES

ARTICLE III. – SPECIAL LICENSES AND REGULATORY FEES

DIVISION 7. – HEALTH SPAS

SUDIVISION I. – IN GENERAL

Section 78-273 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 78-273. - List of employees to be filed with county.

It shall be the duty of all licensees under this division to file with the county, through its business license office, the names of all employees and designated managers, and their home addresses, home