

(3) The applicant or licensee is addicted to the habitual use of intoxicating liquors, narcotics or stimulants to such an extent as to incapacitate such person to the extent that he is unable to perform his professional duties.

(4) The applicant, ~~or licensee, shareholder, partner, agent, employee or independent contractor~~ has violated or is guilty of criminal attempt or conspiracy to violate any laws relating to racketeer-influenced and corrupt organizations as defined in the Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act (O.C.G.A. § 16-14-1 et seq.), crimes against the person as defined in O.C.G.A. tit. 16, ch. 5 (O.C.G.A. § 16-5-1 et seq.), sexual offenses as defined in O.C.G.A. tit. 16, ch. 6 (O.C.G.A. § 16-6-1 et seq.), gambling offenses as defined in O.C.G.A. tit. 16, ch. 12, art. 2 (O.C.G.A. § 16-12-20 et seq.), obscenity and related offenses as defined in O.C.G.A. tit. 16, ch. 12, art. 3 (O.C.G.A. § 16-12-80 et seq.), or contributing to the delinquency of a minor, all as defined by state law as it presently exists or may be hereafter amended, or has been convicted of any felony under the laws of this state or any other state or of the federal government.

(5) Failure of the applicant or licensee to have or maintain initial qualifications for obtaining the license.

(6) The applicant, ~~or licensee, shareholder, partner, agent, employee or independent contractor~~ ~~is guilty of employing~~ has employed any person who is not a licensed massage practitioner and allowing or permitting such person to administer massage in ~~the~~ an establishment except as may be allowed by state law.

(7) The premises in which the business is located are in violation of any of the federal, state, county or municipal laws designed for the health, protection and safety of the occupants.

(8) Failure of the applicant or licensee to actively supervise and monitor the conduct of the employees, customers and others on the premises in order to protect the health, safety and well-being of the general public and the customers.

...

CHAPTER 90 – PARKS AND RECREATION

ARTICLE I. – IN GENERAL

The Official Code of Cobb County, Georgia, is amended by adding a section numbered 90-1 to read as follows:

Sec. 90-1. – County PARKS Department

The county PARKS Department, formerly known as parks, recreation and cultural affairs, is the administrative department within the county which is responsible for county parks and recreational facilities.

... ARTICLE III. – PARK RULES

DIVISION 1. - GENERALLY

Section 90-52 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-52. - Hours of operation.

Normal operating hours for parks are from 6:00 a.m. until 11:00 p.m. for "active" parks and from sunrise until sunset for "passive" parks. The designation of parks as "active" or "passive" shall be the responsibility of the ~~recreation board~~ board of commissioners, in conjunction with the PARKS department director. Where passive parks have anticipated public use after dark with installed lighting, the regular 6:00 a.m. to 11:00 p.m. hours will apply. Only authorized county employees or persons engaged in activities authorized by the PARKS director are permitted in any park outside of normal operating hours.

...

Section 90-54 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-54. - Ejection of persons causing disturbances or violating law.

Any person causing a disturbance or engaging in any activity which shall unreasonably interfere with the use and enjoyment of the park by citizens or who shall violate any ordinance of the county or law of the state shall leave the park upon notification by any authorized park employee or any law enforcement officer, ~~and he shall not return to such park for a period of 24 hours.~~ Where there has been a violation of any provision of this article, or of the policies, procedures, rules and regulations adopted and ratified under this article, or of any other applicable law, authorized officials may, in addition to any warning or citation that may be issued, also bar or suspend a person from the use of any or all county parks or recreation facilities.

...

Section 90-55 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-55. - Commercial activity.

No person shall sell, offer to sell, operate a concession or engage in any commercial activity in any county park without the approval and consent of the ~~board of commissioners~~ PARKS director.

...

Section 90-56 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-56. - Swimming, bathing, wading.

It shall be unlawful for any person to swim, bathe or wade in any body of water or portion thereof owned by the county ~~or subject to the supervision of the county recreation board~~ unless designated for such use, during specified hours of the day, by the board of commissioners upon recommendation of the recreation board. It shall be the duty of the ~~recreation board~~ PARKS department, through its agents, employees and other life safety personnel, to maintain and supervise the use of all bodies of water or portions thereof so designated, and to post signs, markers and other appropriate devices giving notice of the places so designated.

...

The Official Code of Cobb County, Georgia, is amended by adding two sections numbered 90-58 and 90-59, respectively, to read as follows:

Sec. 90-58. – Golfing regulated

It shall be unlawful for any person to practice, play or otherwise participate in the game of golf in any county park, except at a recreation facility designated by the county for such use and only in accordance with the rules, regulations and restrictions established by the board of commissioners or the PARKS director. For the purposes of this section, the game of golf does not include disc golf.

Sec. 90-59. - Damaging or removal of any park property or vegetation

It shall be unlawful for any person to deface, vandalize with graffiti, harm or damage any park properties, buildings or facilities; or dig up, damage or remove any trees, shrubbery, flowers, landscaping items or historical or cultural artifacts in a park or recreation facility without the approval of the board of commissioners in conjunction with the PARKS director.

Secs. 90-58, 58-59. – Reserved.

Section 90-60 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-60. - Closure of recreation areas.

It shall be the duty of the ~~director of the parks, recreation and cultural affairs department~~ Cobb PARKS director or the director's designee, in conjunction with the department of public safety, to cause signs specifying the prohibited use of any recreation area, ball field, tennis court, building, pavilion, parking lot, or any other area within any property under the supervision of the department to be placed at the entrance of each such park or at the appropriate places within such parks so as to afford notice to the public of such prohibited use. Fields and/or facilities may be temporarily closed and posted due to weather, maintenance and/or other conditions.

...

Section 90-61 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-61. - Failure to obey officially posted signs.

It shall be unlawful for any person to utilize any recreation area, ball field, tennis court, building, pavilion, parking lot or any other area within any park under the supervision of ~~county parks, recreation and cultural affairs department~~ PARKS department, where posted signs prohibit the use of such area.

...

Section 90-62 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-62. - Violations and enforcement.

- (a) The violation of section 90-61 shall be punishable by a fine of ~~\$35.00~~ \$100.00.
- (b) If any person shall remain upon or return to any property closed pursuant to section 90-60 after being cited for violating section 90-61 by a public safety officer while that property remains closed, each such additional violation shall be punishable by a fine of ~~\$100.00~~ \$250.00 per occurrence.
- (c) After being found guilty of violating section 90-61 and/or having pled guilty to a violation of section 90-61, each subsequent violation occurring within a 12-month period from the date of the violation shall be punishable by a fine of ~~\$100.00~~ \$250.00 per occurrence.

...

The Official Code of Cobb County, Georgia, is amended by adding a section numbered 90-63 to read as follows:

Sec. 90-63. – Restricted or Prohibited Uses of Park Facilities

a) Pyrotechnics prohibited.

It shall be unlawful for any persons to attempt to or to possess, display, use, set off or ignite any firecracker, fireworks, smoke bombs, rockets, or other pyrotechnics.

b) Animals restricted.

(1) It shall be the duty of every animal owner or custodian of such animal to have physical control of the animal by leash or lead line no longer than ten feet at all times and under the immediate physical control of a person capable of preventing the animal from engaging any other human or animal when necessary within a park or recreation facility where animals are permitted, except in fenced areas designated by the county where animals are expressly permitted to be off of a leash.

(2) Other than service animals as necessary, or unless authorized by permit, it shall be unlawful for any person with a domestic animal to access areas of a park or recreation facility which are restricted to such animals.

(3) It shall be the duty of every animal owner or custodian of such animal in a park or recreation facility to have in his or her possession proof of a current rabies vaccination for the animal.

(4) It shall be the duty of every animal owner or custodian of such animal in a park or recreation facility to immediately remove such animal from the park or recreation facility upon such animal exhibiting aggressive behavior toward any person or toward any other domesticated animal. For the purposes of this subsection, aggressive behavior includes, but is not limited to growling, baring of teeth or fangs, biting or attempts to bite, or any other behavior that could reasonably be expected to scare or intimidate any person or domestic animal.

(5) It shall be the duty of every animal owner or custodian of any animal whose animal is in a park or recreation facility to immediately dispose of solid waste deposited by the animal, except for horses on designated equestrian trails.

c) Dogs in off leash areas or dog parks.

Notwithstanding b)(1) above, an owner or custodian of a dog is not required to have the dog on a leash in a park or portion of a park which has been designated as an "off-leash area" with the following restrictions:

(1) No owner or custodian of a dangerous, vicious or guard/protection canine, as defined in Section 10-10 of the Animal Control Ordinance, shall permit the canine to be in an off-leash area at any time.

(2) No person shall allow an animal other than a canine to enter or remain in an area that has been designated as an "off-leash area."

(3) The owner or custodian of a canine in an "off-leash area" shall ensure that such dog is under control at all times.

(4) An animal control officer or other officer empowered to act by law may order that a canine be put on a leash and/or order that a canine be removed from an off-leash area at any time.

d) Discharging of firearms in parks –

It shall be unlawful for any person to discharge a firearm in any park or recreation facility.

e) Camping prohibited.

It shall be unlawful for any person to camp overnight in any park or recreation facility unless such person has first obtained a permit to camp in the park or recreation facility from the Cobb PARKS director, or the director's authorized assignee, at sites or areas specifically designated by the county for camping within the park or recreation facility and then only in accordance with such rules, regulation and restrictions established by PARKS department.

f) Use of detection devices prohibited.–

It shall be unlawful for any person to use any electronic device for the detection of metals, minerals, artifacts, lost articles, or for treasure hunting in any park or recreation facility without written authorization from the Cobb PARKS director or the director's authorized designee.

g) Improper personal conduct prohibited.

It shall be unlawful for any person to engage in any violent, abusive, lewd, profane, vulgar, wanton, obscene or otherwise disorderly speech or conduct that is or may be disturbing or annoying to other persons, or that could cause injury to other persons while in a park or recreation facility, which conduct may include, but is not limited to loitering, fighting, throwing or breaking articles, indecent exposure, inappropriate sexual acts, urinating or defecating in public, or public drunkenness.

h) Use or possession of controlled substances prohibited.

No person shall possess or use any drug or any other controlled substance, as defined in the laws of this state, except as permitted by the laws of this state, in any park or recreation facility.

i) Use of e-bikes on trails –

An e-bike is defined as an “electronic assisted bicycle”, so long as the e-bikes motor is under 1,000w, has a maximum speed of 20mph and has operable pedals.

No person shall use a Class II e-bike (Bicycle equipped with a throttle-actuated motor, that ceases to provide assistance when the e-bike reaches 20 mph) or Class III e-bike (Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 28 mph) on any hard surface or soft surface trail in a county park or facility that is managed by Cobb County PARKS department.

Class I e-bikes (Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 20mph) will only be allowed on the Silver Comet Trail, Bob Callan Trail and Noonday Creek Trail.

Secs. 90-634—90-65. - Reserved.

DIVISION 2. – TRAFFIC

Section 90-66 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-66. – Driving vehicles on roadways; speed limit.

- (a) It shall be unlawful for any person to drive any vehicle upon or across any part of any public park of the county except upon roadways laid out and maintained for vehicular travel. This section shall not apply to ~~park~~ PARKS employees whose duties require them to drive park maintenance equipment over such park areas. The director of the ~~parks, recreation and cultural affairs~~ PARKS department shall coordinate with the department of public safety to assure proper, appropriate and adequate signage is in place to aid the implementation of this section.
- (b) It shall be unlawful for any person operating a motor vehicle upon any road within any park under the supervision of the county ~~parks~~ PARKS department to exceed the speed of 15 miles per hour. It shall be the duty of the director of the ~~parks, recreation and cultural affairs~~ PARKS department to cause signs specifying such limit to be placed at the entrance of each such park and at appropriate places within such parks so as to afford notice to the public of such limit.

Section 90-67 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-67. - Parking of vehicles—Generally.

The parking of automobiles shall be permitted in the public parks of the county as long as such parking is in accordance with the traffic laws, rules and regulations of ~~the parks, recreation and cultural affairs department~~ Cobb PARKS department, and the occupants of automobiles do not create a disturbance or violate any law or ordinance of the county or the state.

...

Section 90-68 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 90-68. - Same—Prohibited during closed hours.

It shall be unlawful for any automobiles or trucks to be parked on any of the drives, avenues or parking lots in any public park or recreational facility between the hours of ~~12:01 a.m. 11:01 p.m.~~ and ~~7:00 a.m. 6:00 a.m.~~ daily. It shall be unlawful for any automobile or trucks to be parked on any of the drives, avenues or parking lots in any “passive” park between sunset and sunrise.

...

The Official Code of Cobb County, Georgia, is amended by adding a section numbered 90-70 to read as follows:

Sec. 90-70. – Severability

If any part of this article is for any reason held to be void or invalid, the validity of the remaining parts of this article or its application to other persons or set of circumstances shall not be affected thereby.

...

CHAPTER 134 – ZONING

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

DIVISION 1. – GENERALLY

Section 134-36 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 134-36. – Temporary land use permits.

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(d)

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~~(5) Poultry on less than two acres subject to the following minimum requirements:~~