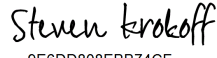




## AGENDA STAFF MEMO

**TO:** Honorable Mayor and City Council Members  
**FROM:** Steven Krokoff, City Manager  
**DATE:** Submitted on July 31, 2025, for the August 4, 2025, Regular City Council Meeting (*First Presentation*) and the August 18, 2025, Regular City Council Meeting (*Unfinished Business*).

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**AGENDA ITEM:** Consideration of an Ordinance of The City of Milton Modifying Chapter 4 of the Code of the City of Milton to Amend the Dates Related to License Renewals, Eliminate the Limited Food Service Restaurant License, and Amend the Hours of Sale for Microbreweries and Microdistilleries

### SUMMARY:

Please find below a summary of proposed amendments to Chapter 4 of our alcohol code. These changes are modest in scope and are intended to improve administrative efficiency, streamline licensing classifications, and better align operating hours with community expectations.

#### 1. Article II, Division 5 – Licensing (Renewal Deadlines)

Currently, the code requires that renewal applications must be submitted by November 15. A 10% late penalty applies to renewal applications submitted after November 15 but no later than December 15. Renewal applications are not accepted after December 15, and licensees who fail to renew by December 15 must reapply for a new alcoholic beverage license.

The proposed amendment would move the initial renewal deadline to October 31, with late applications (plus a 10% penalty) accepted through November 30. No renewal applications would be accepted after November 30, and licensees who fail to renew by November 30 would be required to apply for a new alcoholic beverage license.

#### Purpose:

This change allows staff additional time to process the high volume of annual renewal applications. Under the current schedule, we are routinely pressed for time, which increases the risk of delays and processing errors. Advancing the timeline by two weeks provides a more manageable window for staff without compromising service to our business community.

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## 2. Article III, Division 3 – On-Premises Consumption Licenses

The proposal eliminates the licensing category for *Limited Food Service Restaurants*. This license type had already been closed to new applicants, and the one establishment that held such a license is no longer in operation.

### Purpose:

This cleanup measure removes an obsolete license type from our code, ensuring clarity and simplicity in our licensing framework going forward.

## 3. Article VI, Division 2 – Manufacturing (Microbreweries and Microdistilleries)

Currently, the code requires microbreweries and microdistilleries to cease alcohol sales by 10:00 p.m. Based on feedback and increased interest in local craft beverage establishments, the proposed change would extend the permissible sale hours to midnight.

### Purpose:

Extending hours of operation reflects evolving community preferences and better supports the viability of these small manufacturing and retail businesses while remaining within reasonable limits.

### **FUNDING AND FINANCIAL IMPACT:**

Any potential financial impacts are expected to be de minimis.

### **REVIEW & APPROVALS:**

**Financial Review:** N/A

**Legal Review:** Karen Pachuta, July 29, 2025

**Concurrent Review:** Stacey Inglis, Deputy City Manager

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*Stacey Inglis*  
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### **ATTACHMENT(S):**

A. Ordinance for Chapter 4 Alcoholic Beverages Amendments

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STATE OF GEORGIA

ORDINANCE NO. \_\_\_\_\_

COUNTY OF FULTON

**AN ORDINANCE OF THE CITY OF MILTON MODIFYING CHAPTER 4 OF THE CODE OF THE CITY OF MILTON TO AMEND THE DATES RELATED TO LICENSE RENEWALS, ELIMINATE THE LIMITED FOOD SERVICE RESTAURANT LICENSE, AND AMEND THE HOURS OF SALE FOR MICROBREWERIES AND MICRODISTILLERIES**

**WHEREAS**, Milton, Georgia is a duly formed political subdivision of the State of Georgia, with all the powers attendant thereto; and

**WHEREAS**, pursuant to its Charter and other laws of the State of Georgia, the City of Milton has the power to adopt clearly reasonable ordinances, resolutions and regulations for the protection and preservation of the public health, safety and welfare of its citizens; and

**WHEREAS**, the City desires to modify amend Chapter 4 of the Code of the City of Milton (“Code”), referred to as the Alcohol Ordinance;

**NOW THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MILTON, GEORGIA, AS FOLLOWS:**

1. The text of Section 4-50(c) of the Code (Annual expiration; renewal requirements) is hereby amended by removing the strikethrough language and adding the following bold, underlined language:

Alcoholic beverage license renewal applications and payments are due on or before ~~November 15~~ **October 31** of each year. Renewal applications and payments received between November 16- ~~1~~ and ~~December 15~~ **November 30** are subject to a ten percent late fee, plus interest.

2. The text of Section 4-50(d) of the Code (Annual expiration; renewal requirements) is hereby amended by removing the strikethrough language and adding the following bold, underlined language:

Licenses failing to renew their alcoholic beverage licenses on or before ~~December 15~~ **November 30** must reapply for an alcoholic beverage license. In such cases, the application will be treated as if no previous license had been held, including the need to review the investigative, zoning, and distance requirements. Under this situation, the applicant shall be required to pay the ten percent penalty, plus interest, along with other fees associated with a new application.

3. Section 4-87 of the Code (Limited food service restaurant license) is hereby amended by striking the text in its entirety and leaving that Section as Reserved.
4. The text of Section 4-116 of the Code (Microbrewery license - Hours of sale) is hereby amended by removing the strikethrough language and adding the following bold, underlined language:
  - (a) No malt beverages by the package or ~~drink~~ **drink** may be sold at retail except during the following hours:
    - (1) Monday through Saturday, from 9:00 a.m. until ~~10:00 p.m.~~ **12:00 a.m.**; and
    - (2) Sunday, from 11:00 a.m. until ~~10:00 p.m.~~ **12:00 a.m.** provided the retailer has also applied for and received an approved Sunday sales license.
5. The text of Section 4-121 of the Code (Microdistillery license - Hours of sale) is hereby amended by removing the strikethrough language and adding the following bold, underlined language:
  - (a) No distilled spirits by the package drink may be sold at retail except during the following hours:
    - (1) Monday through Saturday, from 9:00 a.m. until ~~10:00 p.m.~~ **12:00 a.m.**; and
    - (2) Sunday, from 11:00 a.m. until ~~10:00 p.m.~~ **12:00 a.m.** provided the retailer has also applied for and received an approved Sunday sales license.
6. It is the express intent of the City of Milton that this Ordinance be consistent with both federal and state law. If any provision of this Ordinance or application thereof to any person or circumstances be held invalid, the invalidity shall not affect other provisions or

applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

7. All other ordinances shall continue in full force and effect and shall remain unaffected, except where such ordinance, or part thereof, conflicts herewith, in which case such ordinance, or part thereof, is hereby repealed.
8. This ordinance shall become effective immediately following the date of adoption.

**SO ORDAINED**, this \_\_\_\_ day of \_\_\_\_\_, 2025.

Approved:

\_\_\_\_\_  
Peyton Jamison, Mayor

Attest:

[SEAL]

\_\_\_\_\_  
City Clerk

PART II - CODE OF ORDINANCES  
Chapter 4 - ALCOHOLIC BEVERAGES  
ARTICLE II. - LICENSING  
DIVISION 5. EXPIRATION, RENEWAL, FORFEITURE, AND TRANSFER

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***DIVISION 5. EXPIRATION, RENEWAL, FORFEITURE, AND TRANSFER***

**Sec. 4-50. Annual expiration; renewal requirements.**

- (a) All licenses granted under this chapter shall expire on December 31 of each year. Licensees shall be required to file a renewal application accompanied by the requisite fee with the city manager on the form provided for a renewal license for the ensuing year.
- (b) The applicant for renewal shall be required to comply with all rules and regulations for the granting of licenses each year, including the submittal of the required forms, reports or other requested data establishing compliance with criminal history requirements of this chapter.
- (c) Alcoholic beverage license renewal applications and payments are due on or before ~~November 15~~ October 31 of each year. Renewal applications and payments received between ~~November 16~~ November 1 and ~~December 15~~ November 30 are subject to a ten percent late fee, plus interest.
- (d) Licensees failing to renew their alcoholic beverage licenses on or before ~~December 15~~ November 30 must reapply for an alcoholic beverage license. In such cases, the application will be treated as if no previous license had been held, including the need to review the investigative, zoning, and distance requirements. Under this situation, the applicant shall be required to pay the ten percent penalty, plus interest, along with other fees associated with a new application.

The city shall not be responsible for the consequences of delays in the issuance of any license under this chapter.

(Ord. No. 22-10-522, § 1(Exh. A), 10-17-2022)

**Sec. 4-51. Automatic forfeiture of license for nonuse.**

- (a) All holders of licenses under this chapter must, within six months after the issuance of said license, open for business the establishment referred to in the license. Failure to open the licensed establishment within six months after the issuance of such license shall serve as cause for the revocation of such license, and no refund of license fees or other related fees shall be made. A three-month extension to the original six-month period may be granted by the city manager if requested within the said six-month period in compliance with other sections of this chapter.
- (b) Any licensee under this chapter who shall for a period of three consecutive months after the license has been issued cease to operate the business and sale or service of the products authorized shall automatically forfeit the license without the necessity of any further action.

(Ord. No. 22-10-522, § 1(Exh. A), 10-17-2022)

**Sec. 4-52. Transferability of license.**

No alcoholic beverage license shall be transferable, except as otherwise provided in this section.

- (a) In the event of the death of a licensee, the establishment shall be allowed to continue to sell or serve alcoholic beverages, or otherwise continue to operate with a BYOB license, in accordance with this

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chapter, for a period of 45 days from the date of death, or until the expiration of the license, or until approval of a new licensee, whichever shall first occur; provided that no sale or on-premises consumption of alcoholic beverages shall be allowed until such time as a new application for a license is made. The application shall indicate that no change of ownership has occurred, except as allowed for in this section. Upon issuance of a new license, the authorization related to alcoholic beverages under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license was issued.

- (b) If a license is surrendered or a licensee severs his or her association with a licensed establishment but there is no change in ownership, the establishment may continue to sell or serve alcoholic beverages, or otherwise continue to operate with a BYOB license or other license issued under this chapter, in accordance with this chapter, for a period of 45 days from the date of surrender, or from the date determined by the city manager to be the date of severance; provided that no such establishment may sell or serve alcoholic beverages or otherwise operate pursuant to any license under this chapter until such time as a new application for a license is made. The application shall indicate that no change of ownership has occurred, except as allowed for in this section. Upon issuance of a new license, the authorization related to alcoholic beverages under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license was issued.
- (c) Nothing in this section shall prohibit one or more of the partners, members or shareholders holding a license from withdrawing from the partnership, corporation or entity in favor of one or more of the partners, members or shareholders who held an ownership interest at the time of the issuance of the license. This section shall not prohibit transfer of stock between persons who held stock in the corporation at the time of issuance of the license nor shall it prohibit transfers of stock which do not result in any person increasing his or her stock holdings to a total of ten percent or more of any class of stock.
- (d) Except as provided in subsections (a) through (c) of this section, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license pursuant to this chapter automatically, without the necessity of any hearing.
- (e) Violation of this section may result in the suspension or revocation of the license being used and/or a fine on the new ownership and the old ownership as provided in this chapter.
- (f) If a violation of this section results in revocation of the license, no license will be issued to the old or the new owner in the city for one year from the date of such violation.

(Ord. No. 22-10-522, § 1(Exh. A), 10-17-2022)

**Secs. 4-53—4-59. Reserved.**

### *DIVISION 3. NON-STANDARD CONSUMPTION ON PREMISES LICENSES*

#### **Sec. 4-86. Non-standard consumption on premises licenses.**

A non-standard consumption on-premises license may permit the sale of distilled spirits, malt beverages and wine by the drink subject to specific conditions and limitations for each license. No new applications for any non-standard licenses will be accepted and only yearly renewals for establishment that held this license on or before January 1, 2022 will be considered. Notwithstanding this Division or any other provision of the City of Milton code of ordinances, establishments holding a non-standard consumption on-premises license that was first issued on or before January 1, 2022, and have further had no changes to the ownership of the establishment, will be permitted to apply for a new license for the sole purpose of relocating the establishment.

(Ord. No. 22-10-522, § 1(Exh. A), 10-17-2022; Ord. No. 23-03-531, § 1(Exh. A), 3-20-2023)

#### **~~Sec. 4-87. Limited food service restaurant license.~~**

- ~~(a) An establishment that serves food but does not meet all of the requirements of a restaurant as defined in section 4-2 of this chapter is a limited food service restaurant. A limited food service restaurant must derive at least 30 percent of its total annual gross food and beverage sales from the sale of prepared meals or food as defined in section 4-2 of this chapter.~~
- ~~(b) A limited food service restaurant license authorizes the holder of such license to sell distilled spirits, wine, and malt beverages for on-premises consumption subject to the following limitations:~~
- ~~(1) The establishment must derive a minimum of 30 percent of its total annual gross food and beverage sales from the sale of prepared meals or food as defined in section 4-2 of this chapter;~~
  - ~~(2) It may not operate as a nightclub as defined in section 4-2 of this chapter. Nightclubs are strictly prohibited.~~
  - ~~(3) Limited food service restaurants are prohibited from applying for a Sunday sales or ancillary tasting license.~~
- ~~(c) Hours of sale of alcoholic beverages for a limited food service restaurant are Monday through Saturday, from 9:00 a.m. until 11:00 p.m., except for any limited food service restaurant that received its initial license from the City of Milton prior to October 18, 2021. These establishments' hours will be limited to Monday through Saturday, from 9:00 a.m. until 2:00 a.m. of the following day.~~

(Ord. No. 22-10-522, § 1(Exh. A), 10-17-2022; Ord. No. 23-03-531, § 1(Exh. A), 3-20-2023)

#### **Sec. 4-88. Limited tap license.**

- (a) An establishment that does not sell food prepared on the premises and that provides a limited selection of craft beers on tap for consumption on premises only. An establishment with a limited tap license is limited to having five or fewer craft beer taps.
- (b) A limited tap license authorizes the holder of such license to sell distilled craft beer on tap for on-premises consumption subject to the following limitations:

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- (1) May have five or fewer beer taps;
  - (2) Consumption is limited to 48 ounces for any individual within a calendar day;
  - (3) The establishment must obtain approval from the fire marshal and building official in accordance with applicable codes;
  - (4) Limited tap license holders are prohibited from applying for a Sunday sales license;
- (c) Hours of alcoholic beverage sales are Monday through Saturday, from 9:00 a.m. until 10:00 p.m.  
(Ord. No. 22-10-522, § 1(Exh. A), 10-17-2022; Ord. No. 23-03-531, § 1(Exh. A), 3-20-2023)

**Sec. 4-89. Reserved.**

## *DIVISION 2. MICROBREWERY LICENSE*

### **Sec. 4-115. Microbrewery license.**

- (a) A microbrewery license permits the manufacture and sale of malt beverages at retail for both on-premises consumption and by the package for off-premises consumption. An establishment that wishes to apply for this license must first meet the applicable zoning requirements.
- (b) Special provisions related to microbreweries:
- (1) As a limited exception to the provisions of state law which implement and enforce the three-tier system for the manufacture, distribution and sale of malt beverages, a microbrewery license authorizes the holder of such license to sell directly to the public on its licensed premises for personal use and not for resale, subject to following terms and conditions;
  - (2) The brewer may only make sales of malt beverages to an individual while the individual is physically on the brewer's licensed premises where the brewer produces malt beverages;
  - (3) The brewer may only make sales of malt beverages for which the brewer is the sole owner of the brand and brand label;
  - (4) Sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverages per individual per day; and
  - (5) The maximum amount of malt beverages the brewer may sell pursuant to this chapter at retail each calendar year shall be 6,000 barrels in the aggregate among all brewer's licensed premises making such sales.

(Ord. No. 22-10-522, § 1(Exh. A), 10-17-2022)

### **Sec. 4-116. Hours of sale.**

- (a) No malt beverages by the package or dink may be sold at retail except during the following hours:
- (1) Monday through Saturday, from 9:00 a.m. until ~~10:00 p.m.~~ 12:00 a.m.; and
  - (2) Sunday, from 11:00 a.m. until ~~10:00 p.m.~~ 12:00 a.m. provided the retailer has also applied for and received an approved Sunday sales license.

(Ord. No. 22-10-522, § 1(Exh. A), 10-17-2022)

### **Sec. 4-117 Distance requirements.**

Minimum distance requirements apply to this use as defined in section 4-22 of this chapter.

(Ord. No. 22-10-522, § 1(Exh. A), 10-17-2022)

### **Secs. 4-118, 4-119. Reserved.**

### *DIVISION 3. MICRODISTILLERY LICENSE*

#### **Sec. 4-120. Microdistillery license.**

- (a) A microdistillery license permits the manufacture and sale of distilled spirits at retail for both on-premises consumption and by the package for off-premises consumption. An establishment that wishes to apply for this license must first meet the applicable zoning requirements.
- (b) Special provisions applicable to microdistilleries.
  - (1) As a limited exception to the provisions of state law which implement and enforce the three-tier system for the manufacture, distribution and sale of distilled spirits, a microdistillery license authorizes the holder of such license to sell directly to the public on its licensed premises for personal use and not for resale, subject to following terms and conditions;
  - (2) A distiller may only sell up to 750 barrels of distilled spirits at retail per calendar year;
  - (3) The distiller may only make retail sales of distilled spirits to an individual while the individual is physically on the distiller's licensed premises;
  - (4) Such distiller shall only make such retail sales of distilled spirits that such distiller has distilled, rectified, blended, aged, or bottled at one or more of its licensed premises;
  - (5) The distiller may only make sales of distilled spirits for which the distiller is the sole owner of the brand and brand label;
  - (6) Sales for consumption off the premises shall not exceed a maximum of 4,500 milliliters of distilled spirits per individual per day.

(Ord. No. 22-10-522, § 1(Exh. A), 10-17-2022)

#### **Sec. 4-121. Hours of sale.**

- (a) No distilled spirits by the package or drink may be sold at retail except during the following hours:
  - (1) Monday through Saturday, from 9:00 a.m. until ~~10:00 p.m.~~12:00 a.m.; and
  - (2) Sunday, from 11:00 a.m. until ~~10:00 p.m.~~12:00 a.m. provided the retailer has also applied for and received an approved Sunday sales license.

(Ord. No. 22-10-522, § 1(Exh. A), 10-17-2022)

#### **Sec. 4-122 Distance requirements.**

Minimum distance requirements apply to this use as defined in section 4-22 of this chapter.

(Ord. No. 22-10-522, § 1(Exh. A), 10-17-2022)

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**Secs. 4-123—4-125. Reserved.**