

ORDINANCE NO. 2018-02-012

AN ORDINANCE AMENDING CITY CODE CHAPTER 3

(Pedal Bus Operating and Liquor Licenses)

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, Section 4-1 of the Liquor Control Act of 1934, 235 ILCS 5/4-1, gives the City Council the power by general ordinance or resolution to establish such regulations and restrictions upon the issuance of and operations under local liquor licenses not inconsistent with law as the public good and convenience may require; and

WHEREAS, the City Council has adopted and, from time to time, has amended Urbana City Code Chapter 3 concerning the regulation of the sale and service of alcoholic beverages; and

WHEREAS, the City Council finds that the public health, safety, and welfare will best be protected by amending Urbana City Code Chapter 3 to regulate the operation of pedal buses on the City’s public rights-of-way and the consumption of alcoholic beverages by passengers on such pedal buses while being operated on the City’s public rights-of-way.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 3, “Alcoholic Liquors”; Article 1, “In General”; Section 3-5, Transporting in motor vehicle; Section 3-8, “Location”; Section 3-39, “License required”; Section 3-41 “Classification”; Section 3-43, “Limitations on number issued”; Section 3-59, “Prohibited; exceptions; affirmative defense”; and Section 3-60, “Open containers outside premises” shall be and hereby are amended with underlined language signifying inclusions and with strike-through language signifying deletions as set forth in Exhibit A appended hereto and made a part hereof.

Section 2.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective

date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Diane Wolfe Marlin, Mayor

EXHIBIT A

Chapter 3 - ALCOHOLIC LIQUORS

ARTICLE 1. – IN GENERAL

Sec. 3-5. - Transporting in motor vehicle.

Except as otherwise expressly provided in this Chapter, ~~No~~ no person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle except in the original package and with the seal unbroken. Wine that is resealed in accordance with the provisions of section 3-60 of this chapter, and not tampered with shall not be deemed to be in violation of this section.

Sec. 3-8. - Location.

Except as otherwise expressly provided in this Chapter, ~~A~~ a licensee to sell at retail alcoholic liquors shall be permitted to sell such alcoholic liquors only in the premises described in the application and license, and such location may be changed only upon written permit issued by the mayor.

ARTICLE III. - RETAIL LICENSE

Sec. 3-39. - License required.

It shall be unlawful to sell or offer for sale at retail in the city any alcoholic liquor or allow the consumption of any alcoholic liquor on a pedal bus operated in the city without having a retail liquor dealer's license, or in violation of the terms of such license.

Sec. 3-41. - Classification.

Licenses issued pursuant to this article shall be divided into the following classes and shall be subject to the limitations set forth:

- (a) Class A licenses shall permit the licensee to sell at retail alcoholic liquors in package for consumption on or off the premises where sold, or by drink for consumption on the premises.
- (b) Class AA licenses (hotel-motel licensee) may be issued to regularly established hotels and motels and shall authorize the sale of alcoholic liquors in package form or by drinks for consumption on or off the premises where sold, from one (1) permanent location in such hotel or motel building or complexes of buildings which together constitute a single hotel or motel operation and from other temporary locations for special occasions or functions actually occurring in such hotel or motel and which are not open to the general public, but are limited to special groups of persons, for such periods prior to, during and after such function, as might be reasonable, whether such hotel or motel operates its business from one (1) or more buildings. The words "hotel" and "motel" mean every building, structure or group of complexes of buildings kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations for guests, and having one (1) or more public dining rooms where meals are served to such guests and the general public, such sleeping accommodations and dining rooms being conducted in the

same building or complex or group of buildings in connection therewith so as to constitute a single hotel or motel operations, and such building, complex or group of buildings being provided with an adequate and sanitary kitchen, dining room equipment and capacity.

(c) Additional location permits.

(1) Class AA license holders have the option of being issued an additional location permit which shall authorize the sale of alcoholic liquors at an additional permanent location in the hotel or motel on the same terms and conditions as authorized in the Class AA license. However, no more than two (2) such location permits shall be issued to any Class AA license holder. The charge for such Class AA location permits shall be as set forth in the schedule of fees.

(2) Class BW (sidewalk cafe) licenses shall permit the retail sale of alcoholic liquor by any person holding a Class A, AA, B, BB, R-1, or R-2 license in that area for which such licensee holds a valid sidewalk cafe permit issued by the director of public works. The holder of the BW license shall be strictly responsible that no customer, employee, or other person, be permitted to remove alcoholic liquor from the area designated in the outdoor cafe permit. Prior to the issuance of the Class BW license, the licensee shall provide proof of dram shop insurance which names the City of Urbana as an additional insured, and will indemnify and hold the city harmless from any action, proceeding of claim of liability asserted against the city as the result of the operation of an outdoor cafe. Failure by the licensee to continue to maintain such insurance shall result in the revocation of the BW license.

(d) Class B licenses (beer only license) shall permit the retail sale of beer only, to be consumed on or off the premises where sold.

(e) Class BB licenses (beer and wine only) shall permit the retail sale of beer and wine only, to be consumed on or off the premises where sold.

(f) Class BBB licenses (off-premises only—beer and wine) shall permit the retail sale of beer and wine only, to be consumed off-premises only.

(g) Class C licenses (package store) shall permit the licensee to sell at retail alcoholic liquors in package only. No on-premises consumption shall be allowed.

(h) Class D licenses (club licenses) shall permit the licensee to sell at retail alcoholic liquors by clubs and to members only to be consumed in the clubrooms only.

(i) Class HL license, to be known as the hotel-motel limited license, shall permit the licensee to sell at retail alcoholic liquor under the conditions set forth in this subsection. Any person or corporation who is not ineligible to be licensed to sell alcoholic liquor at retail under the provisions of Illinois State Statutes and who is the operator of a hotel or motel which is subject to the Urbana Hotel/Motel Tax, may be granted a Class HL license. A Class HL license shall permit the sale of alcoholic liquor in the area specifically designated in the application for the four-hour time period between 4:00 p.m. and 8:00 p.m. each day. The licensee need not have a manager on the premises, but a person of the minimum age of twenty-one (21) years must be present in the designated area at all times while the liquor is available to the public. The licensee shall provide proof of dram shop insurance coverage. The Class HL license shall also

permit the sale of alcoholic liquor in a sealed container at retail by means of a locked liquor cabinet in a guest room wherein the key to such cabinet is made available by the licensee only to persons of the minimum age of twenty-one (21).

Banquet option. If the additional fee for this option set forth in section 14-7 of the Urbana City Code is paid to the city, the HL license shall also permit the sale of alcoholic liquor by the licensee for any continuous six-hour period between the hours of 6:00 a.m. and following 1:00 a.m. in conjunction with the banquet food function held on the licensee's premises for which banquet the licensee gave notice to the mayor's office twenty-four (24) hours in advance. Sales of alcoholic liquor under this option shall be restricted to those persons attending the banquet only; no service shall be available to the general public by the licensee who is selling liquor pursuant to this option.

(j) Class T license (temporary licenses) shall permit the licensee to sell at retail alcoholic liquor under the terms and conditions set forth in section 3-42.

(k) Class GC license, to be known as the "golf course license" can be issued only to the operator of a clubhouse located on a golf course, which golf course is comprised of fifty (50) acres or more. A GC license shall permit the licensee to sell at retail alcoholic liquor for consumption within the clubhouse and any defined area adjacent thereto (as described in the application) or pavilion and to sell alcoholic liquor from mobile carts with the number of such mobile carts to be operated on the golf course limited to not more than four (4). In addition to such mobile carts, the licensee may sell alcoholic liquor at fixed refreshment stands at locations approved by the mayor. The sale of alcoholic liquor on the golf course outside of the clubhouse and adjacent enclosed areas or pavilion shall be subject to any further conditions and regulations required by the mayor to promote public safety and welfare.

(l) Class URO license (university-related organization) shall permit the licensee to sell at retail, alcoholic beverages by the drink for consumption on the premises. To qualify for a URO license, the applicant must be a 501(c)(3) corporation and a university-related organization as defined in the University Guidelines 1982, as amended, adopted by the legislative audit commission pursuant to the Legislative Audit Commission Act (25 ILCS 150/0.01 et seq.). A URO license is not required to own the licensed premises, nor have a valid lease if the licensed premises are located on property owned by the University of Illinois.

(m) Caterer licensee, CA.

(1) There shall be two (2) classes of caterer's licenses: (i) existing liquor license holders and (ii) the caterer that does not hold any liquor license other than the caterer's liquor license.

(2) Existing liquor license holders may acquire a CA license as an additional license which shall permit them to sell alcoholic beverages at a catering location. Fees for such license shall be as set forth in section 14-7.

(3) A bona fide caterer that has been issued an Illinois Department of Revenue Sales Tax number may acquire a CA license which shall permit them to sell any alcoholic beverages at a catering location. Fees for such license shall be as set forth in section 14-7.

(4) Applicants and holders of a CA license must comply with all other requirements for license applications and licensed premises in this chapter.

(5) The CA license shall permit the sale of alcohol beverages at the catering location. The catering location is defined as a location which is not open to the general public where, pursuant to an agreement with an event sponsor, the licensee is providing prepared food for serving at private parties, such as wedding receptions or other similar events.

(6) No person shall possess alcoholic beverages other than those provided by the licensee on the premises of the catering location.

(7) Possession of alcoholic beverages other than that served by the caterer at the catering location is not allowed and such is in violation of this section.

(8) Alcoholic beverages to be served by the caterer shall be marked in a manner to identify such as alcoholic beverages provided by the caterer.

(9) Gross revenues from the sale of alcoholic liquor at any event catered by a Class CA licensee shall not exceed forty (40) percent of the total gross revenues generated from the sale of alcohol and food at that event.

(10) A Class CA licensee shall submit an affidavit on a quarterly basis on a form provided by the liquor commissioner certifying compliance with this requirement.

(11) If the Class CA licensee has entered into a contract with another individual or entity for the service of food at the catered event, the copy of the contract shall be available for inspection on the premises of the catered event during the event.

(12) No event catered by a Class CA licensee shall exceed seventy-two (72) hours in length, nor shall alcoholic liquor be served at any catered event for more than eight (8) consecutive hours.

(n) Class R-1 licenses (restaurants) shall permit the retail sale of alcoholic liquor by restaurants for consumption on the premises, where sold, and not for resale in any form. Class R-2 licenses (restaurants - beer and wine only) shall permit the retail sale of beer and wine only by restaurants for consumption on the premises, where sold, and not for resale in any form. No part of this subsection shall be construed as forbidding patrons of a restaurant, who have ordered a bottle of wine with their meal but have only partially consumed the contents, from exiting the restaurant with said bottle, corked or sealed, as may be allowed by law.

a. At Class R-1 and R-2 licensed restaurants, the total sales of alcoholic liquor may not exceed forty (40) percent of the total combined sales of food and alcoholic liquor.

b. For purposes of this classification, a "restaurant" shall be defined as a public place having, or contained in, all of the following:

1. Space kept, used, maintained, advertised, and held out to the public as a place where meals are served;

2. Space where meals are actually regularly served;
3. Space without sleeping accommodations;
4. Space that has adequate and sanitary kitchen and dining room equipment/furnishings and capacity; and
5. A sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.

(o) Class N licenses (retirement communities) shall permit the retail sale of alcoholic liquor by retirement communities for consumption on the premises, where sold, and not for resale in any form.

(p) Class G-1 licenses (video gambling, excluding gaming halls) shall permit the licensee to operate video gambling terminals upon the premises, subject to the following conditions:

(1) A Class G-1 licensee must also possess valid liquor licenses issued by the city and the State of Illinois which are limited to the drawing, pouring, mixing, or otherwise serving of alcoholic liquor on the premises where video gambling terminals are to be operated. Notwithstanding the foregoing, in the event the applicant does not already possess another form of liquor license other than a Class G-2 license at the time the applicant applies for a Class G-1 license, the applicant may apply simultaneously for a Class G-1 license and such other class of liquor license as is appropriate.

(2) Prior to displaying any video gambling terminal to be played or operated by the public, each Class G-1 licensee shall obtain from the city a video gambling permit for each terminal which the licensee intends to display for play or operation. Applications for permits shall be made in the same manner as provided for licenses under section 3-40. Class G-1 licensees shall pay such permit fee per video gambling terminal as set forth in section 14-7. Each permit shall be in the form of a gummed sticker, which shall be serially numbered and securely affixed in plain view to the terminal for which it is issued. No person shall display any video gambling terminal or allow any member of the public to play or operate any such video gambling terminal in violation of this section. Video gambling terminal permit stickers are not transferable to any other video gambling terminal or person.

(3) Any person who displays a video gambling terminal for play or operation by the public shall have, as a prerequisite to receiving any video gambling permit from the city, a valid license issued by the Illinois Gaming Board for each such video gambling terminal. The cancellation, suspension, or revocation of any such license by the Illinois Gaming Board shall result in the automatic cancellation, suspension, or revocation of the city's video gambling permit without refund of any portion of the permit fee. An applicant for a video gambling permit shall submit to the finance director a copy of the license issued by the Illinois Gaming Board for each video gambling terminal to be played or operated on the licensed premises.

(4) Any liquor license issued by the city to any liquor licensee pursuant to this chapter 3, including but not limited to any licensed fraternal establishment or licensed veterans establishment (as defined in the Video Gaming Act, 230 ILCS 40/5), that displays a

video gambling terminal for play or operation within its premises in violation of this subsection (p) shall be immediately revoked.

(5) No more than five (5) video gambling terminals may be located on any Class G-1 licensee's premises.

(6) Every Class G-1 licensee shall comply with the provisions of the Video Gaming Act, 230 ILCS 40/1 et seq., as amended, and all rules, regulations, and restrictions imposed by the Illinois Gaming Board, as amended.

(7) The operation of video gambling terminals shall not be permitted during the hours alcoholic liquor sales are prohibited, as provided in section 3-3 of this chapter 3.

(8) Video gambling shall be located in a clearly demarcated area that is restricted to persons over twenty-one (21) years of age.

(9) The finance director shall provide each Class G-1 licensee with signs in English and in Spanish describing the symptoms of a problem gambler and containing contact information for Gamblers Anonymous. Each licensee shall post such signs in conspicuous locations clearly visible to the public at the location of the video gambling terminal(s) and inside each public restroom on the licensed premises. Each such sign shall provide, in substance, the following:

ARE YOU A PROBLEM GAMBLER? The American Psychiatric Association describes the symptoms of a problem gambler as someone who:

1. is preoccupied with gambling (e.g. preoccupied with reliving past gambling experiences, handicapping or planning the next venture, or thinking of ways to get money with which to gamble).
2. needs to gamble with increasing amounts of money in order to achieve the desired excitement.
3. has repeated unsuccessful efforts to control, cut back, or stop gambling.
4. is restless or irritable when attempting to cut down or stop gambling.
5. gambles as a way of escaping from problems or of relieving a dysphoric mood (e.g. feelings of helplessness, guilt, anxiety, depression).
6. after losing money gambling, often returns another day to get even ("chasing" one's losses).
7. lies to family members, therapist, or others to conceal the extent of involvement with gambling.
8. has committed illegal acts such as forgery, fraud, theft, or embezzlement to finance gambling.

9. has jeopardized or lost a significant relationship, job, or educational or career opportunity because of gambling.

10. relies on others to provide money to relieve a desperate financial situation caused by gambling.

If this describes YOU, please call the Gamblers Anonymous Hotline at 1-800-GAMBLER.

(10) Any video gambling terminal permit issued by the city pursuant to chapter 3.7 shall remain in full force and effect until the licensee's other class of liquor license is scheduled to expire. Prior to or upon the expiration of the licensee's other class of liquor license, the licensee shall apply for and receive a Class G-1 license which, henceforth shall be governed by this subsection (p) and which shall run concurrently with the licensee's other class of liquor license. Nothing herein shall be deemed or construed as releasing the licensee from the obligation to maintain the licensee's one (1) or more video gambling terminal permits.

(q) Class G-2 licenses (video gambling - gaming hall) shall permit the licensee of a gaming hall, as hereinafter defined, to draw, pour, mix, or otherwise serve alcoholic liquor for consumption on the gaming hall premises where video gambling terminals are or will be displayed for play or operation subject to the following conditions:

(1) Gaming hall shall mean an establishment whose primary purpose is to operate video gambling terminals where the drawing, pouring, mixing, or otherwise serving of alcoholic liquor on the licensed premises is subsidiary to the operation of the video gambling terminal or terminals. In the event that any establishment derives sixty (60) percent or more of its estimated gross revenue from the display, play and/or operation of video gambling terminals, such establishment shall be deemed a gaming hall and shall be required to obtain a Class G-2 license pursuant to this subsection. Notwithstanding the immediate foregoing, the following may also be considered in determining whether an establishment constitutes a gaming hall:

- a. A seating area for video gaming terminals being greater than the seating area where food and/or beverage, including alcoholic beverages, are served;
- b. The absence of a full-service kitchen;
- c. An overall size of one thousand five hundred (1,500) square feet or less; and/or
- d. Such other conditions which readily suggest or indicate that the establishment is intended to be operated or is being operated as an establishment whose primary purpose is the display of gambling terminals for play or operation by the public.

For purposes of this subsection (q), fraternal establishments and veterans establishments (as defined in the Video Gaming Act, 230 ILCS 40/5) shall be exempt.

(2) A Class G-2 licensee need not have or apply for any other form of liquor license in order to apply for a Class G-2 license.

(3) Conditions (2) through and including (9) of subsection (p) of this section 3-41 pertaining to Class G-1 licenses shall be conditions for obtaining and maintaining a Class G-2 license except that any reference to Class G-1 license in the aforesaid subsection shall include the Class G-2 license for purpose of this subsection (q).

(r) Class MB licenses (microbrewery).

(1) Class MB-1 licenses:

a. A Class MB-1 license shall permit the licensee to:

1. Manufacture beer, ale, wine, and other fruit- or malt-based alcoholic beverages on the premises of the licensee in quantities no more than 465,000 gallons (15,000 barrels) per year;
2. Sell licensee's manufactured beer, ale, wine, and fruit- or malt-based alcoholic beverages to importing distributors and distributors;
3. Sell to other liquor licensees which are licensed to sell at retail alcoholic beverages including beer, ale, wine, and other fruit- or malt-based alcoholic beverages; and
4. Store and inventory on the licensed premises such beer, ale, wine, and other fruit- or malt-based alcoholic beverages manufactured by the licensee.

(b) In the event that a Class MB-1 licensee applies for and is granted a Class MB-2 license, the Class MB-1 license fee shall be rebated to on a prorate basis for the period when the Class MB-2 license is issued through the following June 30.

(2) Class MB-2 licenses:

a. A Class MB-2 license shall permit the licensee to:

1. Engage in the same manufacturing, storing and inventory activity which holders of Class MB-1 licenses are permitted to do; and
2. Obtain a single and separate liquor license which allows the Class MB-2 licensee to sell the licensee's manufactured beer, ale, wine, and other fruit- or malt-based alcoholic beverages to the general public for on-premises and/or off-premises consumption and/or provide for tasting of the licensee's manufactured beer, ale, wine, and other fruit- or malt-based alcoholic beverages on the licensee's premises; and

3. Sell goods and products, other than alcoholic beverages, incident to the manufacture and retail sale of the beer, ale, wine, and other fruit- or malt-based alcoholic beverages.

b. A Class MB-2 licensee may only possess one other class of liquor license other than a Class MB-1 license.

c. In the event that the licensee intends to make or produce food products in a kitchen for service and human consumption on the Class MB-2 licensee's premises, such licensee shall comply with all local and state public health codes concerning the preparation and service of such food.

d. Applicants for Class MB-2 license must either have another class of liquor license other than an Class MB-1 license or apply simultaneously for another class of liquor license other than an Class MB-1 license.

e. In the event that a Class MB-1 licensee applies for and is granted a Class MB-2 license, the Class MB-2 license fee shall be prorated from the date the Class MB-2 license is issued through the following June 30.

(s) Class PB-1 license (pedal buses).

Class PB-1 licenses shall allow for the consumption of alcoholic liquor brought aboard and consumed on board a pedal bus licensed pursuant to Chapter 26, Article III of this Code by a passenger over the age of twenty-one (21). The following provisions shall apply to Class PB-1 liquor licenses:

1. Alcoholic liquor may be transported and consumed aboard pedal buses which are properly licensed under Chapter 26, Article III of this Code.

2. A licensee commits an offense if he or she –

a. provides alcoholic liquor to pedal bus passengers for a fee or as part of the passenger transport service;

b. provides or stocks any alcoholic liquor aboard the pedal bus;

c. allows any alcoholic liquor in the compartment of the driver of the pedal bus;

d. allows licensee employees or agents to serve alcoholic liquor to pedal bus passengers without having a valid BASSET certificate as required in section 3-51 of this Code; or

e. violates chapter 3 of this Code in any other manner.

3. Alcoholic liquor consumed aboard a pedal bus may only be consumed in plastic, foam or paper cups.

4. Alcoholic liquor may be consumed only when the passenger is in or on the pedal bus and only when otherwise permitted by all applicable local and state laws and regulations, including but not limited to all other applicable provisions of this Code and the laws of the State of Illinois.

5. The pedal bus operator and driver may not allow consumption of alcoholic beverages by persons under the age of twenty-one (21). Possession and/or consumption of alcoholic liquor by any person under age twenty-one (21) is prohibited.

6. Class PB-1 licensees may uncork, pour, serve or otherwise control the consumption of the alcoholic liquor provided by the passenger.

7. Any employee responsible for serving alcoholic liquor or checking identification must be properly trained in accordance with state law and section 3-51 of this Code.

8. Upon application, Class PB-1 licensees shall provide to the City a certificate of insurance reflecting coverage for dram shop or equivalent liability for bring-your-own-bottle (commonly referred to as "BYOB").

9. If a pedal bus employee commits an offense specified in this Section or violates any section of Chapter 3 of this Code, the licensee, as well as the employee, shall be held legally responsible for such offense or violation.

Sec. 3-43. - Limitations on number issued.

(a) The maximum number of liquor licenses authorized for the license classifications set forth below is as follows:

Classification	Number Authorized
R-2	10
<u>PB-1</u>	<u>1</u>

Sec. 3-59. – Prohibited; exceptions; affirmative defense.

(a) No person shall possess any open container of, or consume alcoholic liquor on any public property or the parking lot of any business establishment or in any vehicle travelling upon or parked on any public property or parking lot of any business establishment, except where such possession or consumption has been authorized pursuant to the issuance of a valid license or permit from a governmental authority.

(b) It shall not be deemed to be a violation of this article for alcoholic liquor to be served or possessed in an enclosed area on public property immediately adjacent to any premises where alcoholic liquor may be sold under a valid license which permits service of alcoholic liquor in such area. Nor shall it be deemed unlawful for alcoholic liquor to be possessed or consumed along the permitted parade route of a Fourth of July parade for the period of one (1) hour prior to the start of the parade and during its duration.

(c) It shall not be deemed to be a violation of this article for alcoholic liquor to be transported or consumed aboard a pedal bus properly licensed pursuant to Chapter 26, Article III of this Code by a passenger over the age of twenty-one (21).

(ed) It shall be an affirmative defense to a charge of a violation of this article that the defendant, at the time of the alleged violation, was upon that portion of the public right-of-way which is not the street surface for vehicular travel, that immediately abuts the parcel of real estate that is improved with the defendant's principal residence. The address indicated on a current driver's license or voter's registration card shall be presumed to be the principal residence of the person to whom such document was issued.

Sec. 3-60. - Open containers outside premises.

No person shall carry any open containers of alcoholic liquor out of any liquor service premises. Notwithstanding any other provision of this chapter, however, a restaurant licensed to sell alcoholic liquor in the city may permit a patron to remove one (1) unsealed and partially consumed bottle of wine for off-premises consumption provided that the patron has purchased a meal and has consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and shall be placed in a transparent, one-time use, tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Notwithstanding anything to the contrary contained in this section, nothing herein shall be deemed or construed as prohibiting the possession of open containers of alcoholic liquor by a server or a passenger when aboard a pedal bus properly licensed pursuant to Chapter 26, Article III of this Code.

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AN ORDINANCE AMENDING CITY CODE CHAPTER 3

(Pedal Bus Operating and Liquor Licenses)

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WHEREAS, Section 4-1 of the Liquor Control Act of 1934, 235 ILCS 5/4-1, gives the City Council the power by general ordinance or resolution to establish such regulations and restrictions upon the issuance of and operations under local liquor licenses not inconsistent with law as the public good and convenience may require; and

WHEREAS, the City Council has adopted and, from time to time, has amended Urbana City Code Chapter 3 concerning the regulation of the sale and service of alcoholic beverages; and

WHEREAS, the City Council finds that the public health, safety, and welfare will best be protected by amending Urbana City Code Chapter 3 to regulate the operation of pedal buses on the City’s public rights-of-way and the consumption of alcoholic beverages by passengers on such pedal buses while being operated on the City’s public rights-of-way.

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Section 1.

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PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Diane Wolfe Marlin, Mayor

EXHIBIT A

Chapter 3 - ALCOHOLIC LIQUORS

ARTICLE 1. – IN GENERAL

Sec. 3-5. - Transporting in motor vehicle.

Except as otherwise expressly provided in this Chapter, no person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle except in the original package and with the seal unbroken. Wine that is resealed in accordance with the provisions of section 3-60 of this chapter, and not tampered with shall not be deemed to be in violation of this section.

Sec. 3-8. - Location.

Except as otherwise expressly provided in this Chapter, a licensee to sell at retail alcoholic liquors shall be permitted to sell such alcoholic liquors only in the premises described in the application and license, and such location may be changed only upon written permit issued by the mayor.

ARTICLE III. - RETAIL LICENSE

Sec. 3-39. - License required.

It shall be unlawful to sell or offer for sale at retail in the city any alcoholic liquor or allow the consumption of any alcoholic liquor on a pedal bus operated in the city without having a retail liquor dealer's license, or in violation of the terms of such license.

Sec. 3-41. - Classification.

Licenses issued pursuant to this article shall be divided into the following classes and shall be subject to the limitations set forth:

- (a) Class A licenses shall permit the licensee to sell at retail alcoholic liquors in package for consumption on or off the premises where sold, or by drink for consumption on the premises.
- (b) Class AA licenses (hotel-motel licensee) may be issued to regularly established hotels and motels and shall authorize the sale of alcoholic liquors in package form or by drinks for consumption on or off the premises where sold, from one (1) permanent location in such hotel or motel building or complexes of buildings which together constitute a single hotel or motel operation and from other temporary locations for special occasions or functions actually occurring in such hotel or motel and which are not open to the general public, but are limited to special groups of persons, for such periods prior to, during and after such function, as might be reasonable, whether such hotel or motel operates its business from one (1) or more buildings. The words "hotel" and "motel" mean every building, structure or group of complexes of buildings kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations for guests, and having one (1) or more public dining rooms where meals are served to such guests and the general public, such sleeping accommodations and dining rooms being conducted in the

same building or complex or group of buildings in connection therewith so as to constitute a single hotel or motel operations, and such building, complex or group of buildings being provided with an adequate and sanitary kitchen, dining room equipment and capacity.

(c) Additional location permits.

(1) Class AA license holders have the option of being issued an additional location permit which shall authorize the sale of alcoholic liquors at an additional permanent location in the hotel or motel on the same terms and conditions as authorized in the Class AA license. However, no more than two (2) such location permits shall be issued to any Class AA license holder. The charge for such Class AA location permits shall be as set forth in the schedule of fees.

(2) Class BW (sidewalk cafe) licenses shall permit the retail sale of alcoholic liquor by any person holding a Class A, AA, B, BB, R-1, or R-2 license in that area for which such licensee holds a valid sidewalk cafe permit issued by the director of public works. The holder of the BW license shall be strictly responsible that no customer, employee, or other person, be permitted to remove alcoholic liquor from the area designated in the outdoor cafe permit. Prior to the issuance of the Class BW license, the licensee shall provide proof of dram shop insurance which names the City of Urbana as an additional insured, and will indemnify and hold the city harmless from any action, proceeding of claim of liability asserted against the city as the result of the operation of an outdoor cafe. Failure by the licensee to continue to maintain such insurance shall result in the revocation of the BW license.

(d) Class B licenses (beer only license) shall permit the retail sale of beer only, to be consumed on or off the premises where sold.

(e) Class BB licenses (beer and wine only) shall permit the retail sale of beer and wine only, to be consumed on or off the premises where sold.

(f) Class BBB licenses (off-premises only—beer and wine) shall permit the retail sale of beer and wine only, to be consumed off-premises only.

(g) Class C licenses (package store) shall permit the licensee to sell at retail alcoholic liquors in package only. No on-premises consumption shall be allowed.

(h) Class D licenses (club licenses) shall permit the licensee to sell at retail alcoholic liquors by clubs and to members only to be consumed in the clubrooms only.

(i) Class HL license, to be known as the hotel-motel limited license, shall permit the licensee to sell at retail alcoholic liquor under the conditions set forth in this subsection. Any person or corporation who is not ineligible to be licensed to sell alcoholic liquor at retail under the provisions of Illinois State Statutes and who is the operator of a hotel or motel which is subject to the Urbana Hotel/Motel Tax, may be granted a Class HL license. A Class HL license shall permit the sale of alcoholic liquor in the area specifically designated in the application for the four-hour time period between 4:00 p.m. and 8:00 p.m. each day. The licensee need not have a manager on the premises, but a person of the minimum age of twenty-one (21) years must be present in the designated area at all times while the liquor is available to the public. The licensee shall provide proof of dram shop insurance coverage. The Class HL license shall also

permit the sale of alcoholic liquor in a sealed container at retail by means of a locked liquor cabinet in a guest room wherein the key to such cabinet is made available by the licensee only to persons of the minimum age of twenty-one (21).

Banquet option. If the additional fee for this option set forth in section 14-7 of the Urbana City Code is paid to the city, the HL license shall also permit the sale of alcoholic liquor by the licensee for any continuous six-hour period between the hours of 6:00 a.m. and following 1:00 a.m. in conjunction with the banquet food function held on the licensee's premises for which banquet the licensee gave notice to the mayor's office twenty-four (24) hours in advance. Sales of alcoholic liquor under this option shall be restricted to those persons attending the banquet only; no service shall be available to the general public by the licensee who is selling liquor pursuant to this option.

(j) Class T license (temporary licenses) shall permit the licensee to sell at retail alcoholic liquor under the terms and conditions set forth in section 3-42.

(k) Class GC license, to be known as the "golf course license" can be issued only to the operator of a clubhouse located on a golf course, which golf course is comprised of fifty (50) acres or more. A GC license shall permit the licensee to sell at retail alcoholic liquor for consumption within the clubhouse and any defined area adjacent thereto (as described in the application) or pavilion and to sell alcoholic liquor from mobile carts with the number of such mobile carts to be operated on the golf course limited to not more than four (4). In addition to such mobile carts, the licensee may sell alcoholic liquor at fixed refreshment stands at locations approved by the mayor. The sale of alcoholic liquor on the golf course outside of the clubhouse and adjacent enclosed areas or pavilion shall be subject to any further conditions and regulations required by the mayor to promote public safety and welfare.

(l) Class URO license (university-related organization) shall permit the licensee to sell at retail, alcoholic beverages by the drink for consumption on the premises. To qualify for a URO license, the applicant must be a 501(c)(3) corporation and a university-related organization as defined in the University Guidelines 1982, as amended, adopted by the legislative audit commission pursuant to the Legislative Audit Commission Act (25 ILCS 150/0.01 et seq.). A URO license is not required to own the licensed premises, nor have a valid lease if the licensed premises are located on property owned by the University of Illinois.

(m) Caterer licensee, CA.

(1) There shall be two (2) classes of caterer's licenses: (i) existing liquor license holders and (ii) the caterer that does not hold any liquor license other than the caterer's liquor license.

(2) Existing liquor license holders may acquire a CA license as an additional license which shall permit them to sell alcoholic beverages at a catering location. Fees for such license shall be as set forth in section 14-7.

(3) A bona fide caterer that has been issued an Illinois Department of Revenue Sales Tax number may acquire a CA license which shall permit them to sell any alcoholic beverages at a catering location. Fees for such license shall be as set forth in section 14-7.

(4) Applicants and holders of a CA license must comply with all other requirements for license applications and licensed premises in this chapter.

(5) The CA license shall permit the sale of alcohol beverages at the catering location. The catering location is defined as a location which is not open to the general public where, pursuant to an agreement with an event sponsor, the licensee is providing prepared food for serving at private parties, such as wedding receptions or other similar events.

(6) No person shall possess alcoholic beverages other than those provided by the licensee on the premises of the catering location.

(7) Possession of alcoholic beverages other than that served by the caterer at the catering location is not allowed and such is in violation of this section.

(8) Alcoholic beverages to be served by the caterer shall be marked in a manner to identify such as alcoholic beverages provided by the caterer.

(9) Gross revenues from the sale of alcoholic liquor at any event catered by a Class CA licensee shall not exceed forty (40) percent of the total gross revenues generated from the sale of alcohol and food at that event.

(10) A Class CA licensee shall submit an affidavit on a quarterly basis on a form provided by the liquor commissioner certifying compliance with this requirement.

(11) If the Class CA licensee has entered into a contract with another individual or entity for the service of food at the catered event, the copy of the contract shall be available for inspection on the premises of the catered event during the event.

(12) No event catered by a Class CA licensee shall exceed seventy-two (72) hours in length, nor shall alcoholic liquor be served at any catered event for more than eight (8) consecutive hours.

(n) Class R-1 licenses (restaurants) shall permit the retail sale of alcoholic liquor by restaurants for consumption on the premises, where sold, and not for resale in any form. Class R-2 licenses (restaurants - beer and wine only) shall permit the retail sale of beer and wine only by restaurants for consumption on the premises, where sold, and not for resale in any form. No part of this subsection shall be construed as forbidding patrons of a restaurant, who have ordered a bottle of wine with their meal but have only partially consumed the contents, from exiting the restaurant with said bottle, corked or sealed, as may be allowed by law.

a. At Class R-1 and R-2 licensed restaurants, the total sales of alcoholic liquor may not exceed forty (40) percent of the total combined sales of food and alcoholic liquor.

b. For purposes of this classification, a "restaurant" shall be defined as a public place having, or contained in, all of the following:

1. Space kept, used, maintained, advertised, and held out to the public as a place where meals are served;

2. Space where meals are actually regularly served;
3. Space without sleeping accommodations;
4. Space that has adequate and sanitary kitchen and dining room equipment/furnishings and capacity; and
5. A sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.

(o) Class N licenses (retirement communities) shall permit the retail sale of alcoholic liquor by retirement communities for consumption on the premises, where sold, and not for resale in any form.

(p) Class G-1 licenses (video gambling, excluding gaming halls) shall permit the licensee to operate video gambling terminals upon the premises, subject to the following conditions:

(1) A Class G-1 licensee must also possess valid liquor licenses issued by the city and the State of Illinois which are limited to the drawing, pouring, mixing, or otherwise serving of alcoholic liquor on the premises where video gambling terminals are to be operated. Notwithstanding the foregoing, in the event the applicant does not already possess another form of liquor license other than a Class G-2 license at the time the applicant applies for a Class G-1 license, the applicant may apply simultaneously for a Class G-1 license and such other class of liquor license as is appropriate.

(2) Prior to displaying any video gambling terminal to be played or operated by the public, each Class G-1 licensee shall obtain from the city a video gambling permit for each terminal which the licensee intends to display for play or operation. Applications for permits shall be made in the same manner as provided for licenses under section 3-40. Class G-1 licensees shall pay such permit fee per video gambling terminal as set forth in section 14-7. Each permit shall be in the form of a gummed sticker, which shall be serially numbered and securely affixed in plain view to the terminal for which it is issued. No person shall display any video gambling terminal or allow any member of the public to play or operate any such video gambling terminal in violation of this section. Video gambling terminal permit stickers are not transferable to any other video gambling terminal or person.

(3) Any person who displays a video gambling terminal for play or operation by the public shall have, as a prerequisite to receiving any video gambling permit from the city, a valid license issued by the Illinois Gaming Board for each such video gambling terminal. The cancellation, suspension, or revocation of any such license by the Illinois Gaming Board shall result in the automatic cancellation, suspension, or revocation of the city's video gambling permit without refund of any portion of the permit fee. An applicant for a video gambling permit shall submit to the finance director a copy of the license issued by the Illinois Gaming Board for each video gambling terminal to be played or operated on the licensed premises.

(4) Any liquor license issued by the city to any liquor licensee pursuant to this chapter 3, including but not limited to any licensed fraternal establishment or licensed veterans establishment (as defined in the Video Gaming Act, 230 ILCS 40/5), that displays a

video gambling terminal for play or operation within its premises in violation of this subsection (p) shall be immediately revoked.

(5) No more than five (5) video gambling terminals may be located on any Class G-1 licensee's premises.

(6) Every Class G-1 licensee shall comply with the provisions of the Video Gaming Act, 230 ILCS 40/1 et seq., as amended, and all rules, regulations, and restrictions imposed by the Illinois Gaming Board, as amended.

(7) The operation of video gambling terminals shall not be permitted during the hours alcoholic liquor sales are prohibited, as provided in section 3-3 of this chapter 3.

(8) Video gambling shall be located in a clearly demarcated area that is restricted to persons over twenty-one (21) years of age.

(9) The finance director shall provide each Class G-1 licensee with signs in English and in Spanish describing the symptoms of a problem gambler and containing contact information for Gamblers Anonymous. Each licensee shall post such signs in conspicuous locations clearly visible to the public at the location of the video gambling terminal(s) and inside each public restroom on the licensed premises. Each such sign shall provide, in substance, the following:

ARE YOU A PROBLEM GAMBLER? The American Psychiatric Association describes the symptoms of a problem gambler as someone who:

1. is preoccupied with gambling (e.g. preoccupied with reliving past gambling experiences, handicapping or planning the next venture, or thinking of ways to get money with which to gamble).
2. needs to gamble with increasing amounts of money in order to achieve the desired excitement.
3. has repeated unsuccessful efforts to control, cut back, or stop gambling.
4. is restless or irritable when attempting to cut down or stop gambling.
5. gambles as a way of escaping from problems or of relieving a dysphoric mood (e.g. feelings of helplessness, guilt, anxiety, depression).
6. after losing money gambling, often returns another day to get even ("chasing" one's losses).
7. lies to family members, therapist, or others to conceal the extent of involvement with gambling.
8. has committed illegal acts such as forgery, fraud, theft, or embezzlement to finance gambling.

9. has jeopardized or lost a significant relationship, job, or educational or career opportunity because of gambling.

10. relies on others to provide money to relieve a desperate financial situation caused by gambling.

If this describes YOU, please call the Gamblers Anonymous Hotline at 1-800-GAMBLER.

(10) Any video gambling terminal permit issued by the city pursuant to chapter 3.7 shall remain in full force and effect until the licensee's other class of liquor license is scheduled to expire. Prior to or upon the expiration of the licensee's other class of liquor license, the licensee shall apply for and receive a Class G-1 license which, henceforth shall be governed by this subsection (p) and which shall run concurrently with the licensee's other class of liquor license. Nothing herein shall be deemed or construed as releasing the licensee from the obligation to maintain the licensee's one (1) or more video gambling terminal permits.

(q) Class G-2 licenses (video gambling - gaming hall) shall permit the licensee of a gaming hall, as hereinafter defined, to draw, pour, mix, or otherwise serve alcoholic liquor for consumption on the gaming hall premises where video gambling terminals are or will be displayed for play or operation subject to the following conditions:

(1) Gaming hall shall mean an establishment whose primary purpose is to operate video gambling terminals where the drawing, pouring, mixing, or otherwise serving of alcoholic liquor on the licensed premises is subsidiary to the operation of the video gambling terminal or terminals. In the event that any establishment derives sixty (60) percent or more of its estimated gross revenue from the display, play and/or operation of video gambling terminals, such establishment shall be deemed a gaming hall and shall be required to obtain a Class G-2 license pursuant to this subsection. Notwithstanding the immediate foregoing, the following may also be considered in determining whether an establishment constitutes a gaming hall:

- a. A seating area for video gaming terminals being greater than the seating area where food and/or beverage, including alcoholic beverages, are served;
- b. The absence of a full-service kitchen;
- c. An overall size of one thousand five hundred (1,500) square feet or less; and/or
- d. Such other conditions which readily suggest or indicate that the establishment is intended to be operated or is being operated as an establishment whose primary purpose is the display of gambling terminals for play or operation by the public.

For purposes of this subsection (q), fraternal establishments and veterans establishments (as defined in the Video Gaming Act, 230 ILCS 40/5) shall be exempt.

(2) A Class G-2 licensee need not have or apply for any other form of liquor license in order to apply for a Class G-2 license.

(3) Conditions (2) through and including (9) of subsection (p) of this section 3-41 pertaining to Class G-1 licenses shall be conditions for obtaining and maintaining a Class G-2 license except that any reference to Class G-1 license in the aforesaid subsection shall include the Class G-2 license for purpose of this subsection (q).

(r) Class MB licenses (microbrewery).

(1) Class MB-1 licenses:

a. A Class MB-1 license shall permit the licensee to:

1. Manufacture beer, ale, wine, and other fruit- or malt-based alcoholic beverages on the premises of the licensee in quantities no more than 465,000 gallons (15,000 barrels) per year;
2. Sell licensee's manufactured beer, ale, wine, and fruit- or malt-based alcoholic beverages to importing distributors and distributors;
3. Sell to other liquor licensees which are licensed to sell at retail alcoholic beverages including beer, ale, wine, and other fruit- or malt-based alcoholic beverages; and
4. Store and inventory on the licensed premises such beer, ale, wine, and other fruit- or malt-based alcoholic beverages manufactured by the licensee.

(b) In the event that a Class MB-1 licensee applies for and is granted a Class MB-2 license, the Class MB-1 license fee shall be rebated to on a prorate basis for the period when the Class MB-2 license is issued through the following June 30.

(2) Class MB-2 licenses:

a. A Class MB-2 license shall permit the licensee to:

1. Engage in the same manufacturing, storing and inventory activity which holders of Class MB-1 licenses are permitted to do; and
2. Obtain a single and separate liquor license which allows the Class MB-2 licensee to sell the licensee's manufactured beer, ale, wine, and other fruit- or malt-based alcoholic beverages to the general public for on-premises and/or off-premises consumption and/or provide for tasting of the licensee's manufactured beer, ale, wine, and other fruit- or malt-based alcoholic beverages on the licensee's premises; and

3. Sell goods and products, other than alcoholic beverages, incident to the manufacture and retail sale of the beer, ale, wine, and other fruit- or malt-based alcoholic beverages.

b. A Class MB-2 licensee may only possess one other class of liquor license other than a Class MB-1 license.

c. In the event that the licensee intends to make or produce food products in a kitchen for service and human consumption on the Class MB-2 licensee's premises, such licensee shall comply with all local and state public health codes concerning the preparation and service of such food.

d. Applicants for Class MB-2 license must either have another class of liquor license other than an Class MB-1 license or apply simultaneously for another class of liquor license other than an Class MB-1 license.

e. In the event that a Class MB-1 licensee applies for and is granted a Class MB-2 license, the Class MB-2 license fee shall be prorated from the date the Class MB-2 license is issued through the following June 30.

(s) Class PB-1 license (pedal buses).

Class PB-1 licenses shall allow for the consumption of alcoholic liquor brought aboard and consumed on board a pedal bus licensed pursuant to Chapter 26, Article III of this Code by a passenger over the age of twenty-one (21). The following provisions shall apply to Class PB-1 liquor licenses:

1. Alcoholic liquor may be transported and consumed aboard pedal buses which are properly licensed under Chapter 26, Article III of this Code.

2. A licensee commits an offense if he or she –

a. provides alcoholic liquor to pedal bus passengers for a fee or as part of the passenger transport service;

b. provides or stocks any alcoholic liquor aboard the pedal bus;

c. allows any alcoholic liquor in the compartment of the driver of the pedal bus;

d. allows licensee employees or agents to serve alcoholic liquor to pedal bus passengers without having a valid BASSET certificate as required in section 3-51 of this Code; or

e. violates chapter 3 of this Code in any other manner.

3. Alcoholic liquor consumed aboard a pedal bus may only be consumed in plastic, foam or paper cups.

4. Alcoholic liquor may be consumed only when the passenger is in or on the pedal bus and only when otherwise permitted by all applicable local and state laws and regulations, including but not limited to all other applicable provisions of this Code and the laws of the State of Illinois.
5. The pedal bus operator and driver may not allow consumption of alcoholic beverages by persons under the age of twenty-one (21). Possession and/or consumption of alcoholic liquor by any person under age twenty-one (21) is prohibited.
6. Class PB-1 licensees may uncork, pour, serve or otherwise control the consumption of the alcoholic liquor provided by the passenger.
7. Any employee responsible for serving alcoholic liquor or checking identification must be properly trained in accordance with state law and section 3-51 of this Code.
8. Upon application, Class PB-1 licensees shall provide to the City a certificate of insurance reflecting coverage for dram shop or equivalent liability for bring-your-own-bottle (commonly referred to as "BYOB").
9. If a pedal bus employee commits an offense specified in this Section or violates any section of Chapter 3 of this Code, the licensee, as well as the employee, shall be held legally responsible for such offense or violation.

Sec. 3-43. - Limitations on number issued.

(a) The maximum number of liquor licenses authorized for the license classifications set forth below is as follows:

Classification	Number Authorized
R-2	10
PB-1	1

Sec. 3-59. – Prohibited; exceptions; affirmative defense.

(a) No person shall possess any open container of, or consume alcoholic liquor on any public property or the parking lot of any business establishment or in any vehicle travelling upon or parked on any public property or parking lot of any business establishment, except where such possession or consumption has been authorized pursuant to the issuance of a valid license or permit from a governmental authority.

(b) It shall not be deemed to be a violation of this article for alcoholic liquor to be served or possessed in an enclosed area on public property immediately adjacent to any premises where alcoholic liquor may be sold under a valid license which permits service of alcoholic liquor in such area. Nor shall it be deemed unlawful for alcoholic liquor to be possessed or consumed along the permitted parade route of a Fourth of July parade for the period of one (1) hour prior to the start of the parade and during its duration.

(c) It shall not be deemed to be a violation of this article for alcoholic liquor to be transported or consumed aboard a pedal bus properly licensed pursuant to Chapter 26, Article III of this Code by a passenger over the age of twenty-one (21).

(d) It shall be an affirmative defense to a charge of a violation of this article that the defendant, at the time of the alleged violation, was upon that portion of the public right-of-way which is not the street surface for vehicular travel, that immediately abuts the parcel of real estate that is improved with the defendant's principal residence. The address indicated on a current driver's license or voter's registration card shall be presumed to be the principal residence of the person to whom such document was issued.

Sec. 3-60. - Open containers outside premises.

No person shall carry any open containers of alcoholic liquor out of any liquor service premises. Notwithstanding any other provision of this chapter, however, a restaurant licensed to sell alcoholic liquor in the city may permit a patron to remove one (1) unsealed and partially consumed bottle of wine for off-premises consumption provided that the patron has purchased a meal and has consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and shall be placed in a transparent, one-time use, tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Notwithstanding anything to the contrary contained in this section, nothing herein shall be deemed or construed as prohibiting the possession of open containers of alcoholic liquor by a server or a passenger when aboard a pedal bus properly licensed pursuant to Chapter 26, Article III of this Code.