

VILLAGE OF WINNEBAGO

ORDINANCE NO. 2024- 11

AN ORDINANCE AMENDING ORDINANCE NO. 97-11 ENTITLED "AN
ORDINANCE ESTABLISHING A LIQUOR CONTROL COMMISSION
AND PROVIDING FOR THE CONTROL AND REGULATION OF THE
SALE AND CONSUMPTION OF ALCOHOLIC LIQUORS IN THE
VILLAGE OF WINNEBAGO, ILLINOIS" TO AMEND DEFINITIONS
AND ARTICLE IX SECTION 9 TO ALLOW CONSUMPTION OF
ALCOHOL LIQUOR ON PEDAL BUS

ADOPTED BY THE
BOARD OF TRUSTEES

VILLAGE OF WINNEBAGO

THIS 8th DAY OF July, 2024

Published in pamphlet form by authority of the Village
Board of Trustees of the Village of Winnebago, Illinois, this 12
day of July, 2024.

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ORDINANCE ESTABLISHING A LIQUOR CONTROL COMMISSION AND
PROVIDING FOR THE CONTROL AND REGULATION OF THE SALE AND
CONSUMPTION OF ALCOHOLIC LIQUORS IN THE VILLAGE OF
WINNEBAGO, ILLINOIS” TO AMEND DEFINITIONS AND ARTICLE IX
SECTION 9 TO ALLOW CONSUMPTION OF ALCOHOL LIQUOR ON PEDAL
BUS**

WHEREAS, the Village of Winnebago Board of Trustees recently passed Ordinance No. 2024-06 on June 10, 2024, which provides for the use and operation of pedal buses within the corporate limits of the Village of Winnebago; and

WHEREAS, such pedal buses, by definition and customary use, are primarily powered by pedaling, with some battery assist allowed for safety purposes generally in the case of an emergency or transport of the device by the driver only; and

WHEREAS, such pedal bus is not currently defined as a motorized vehicle in Illinois, and, thus, not referenced in the Illinois Motor Vehicle Code or regulated by the same; and

WHEREAS, it was contemplated when Ordinance No. 2024-06 was passed that there would be provision for the allowance for the passengers to be able to bring and consume their own alcoholic beverages (BYOB) aboard the pedal bus; and

WHEREAS, Article IX Section 9 of the Village of Winnebago Liquor ordinance currently prohibits any person from transporting, carrying, possessing, having, or consuming any alcoholic liquor in any street, alley, Village parking lot, privately owned parking lot open to the public in a commercial area, or in or upon any vehicle commonly used for transportation of passengers, or in and upon and [sic] depot or waiting room area of any public carrier within the Village except in the original container and with the seal unbroken; and \

WHEREAS, the Village of Winnebago Board of Trustees believes it to be in the best interest of the Village of Winnebago to amend the Village's liquor ordinance to allow a limited exception to the above law to allow passengers aboard a pedal bus who are twenty-one (21) years of age or older to bring and consume their own alcoholic beverages aboard a pedal bus, with specific rules and regulations to potentially enhance the variety of options and attractions for use of the pedal bus, while reasonably protecting the safety of the citizenry.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago, Illinois as follows:

SECTION I—DEFINITIONS

Article I, Section 3 of the Village's liquor ordinance shall be amended to add the following definitions in alphabetical order in accordance with the other definitions already contained therein:

BYOB or BRING YOUR OWN BEVERAGE mean the practice of allowing patrons of a pedal bus twenty-one (21) years of age or older to bring and consume alcoholic beverages aboard the pedal bus.

Pedal Bus means any single-unit device upon which any person may ride propelled predominantly by human power through a belt, chain, or gears having four or more wheels and designed and constructed in such a manner as to engage in the business of carrying groups of passengers for hire as agreed by prearranged contract, with battery assist allowed as a safety measure.

Pedal Bus Business means the business of operating a Pedal Bus for the recreation or physical transportation of groups of the general public as agreed by prearranged contract for a fee.

Pedal Bus Driver means the person in actual physical control of the Pedal Bus.

Pedal Bus Operator means the owner of a business that provides Pedal Bus services.

**SECTION II—PUBLIC DRINKING AND POSSESSION OF ALCOHOLIC
BEVERAGES WITH A BROKEN SEAL**

Article IX, Section 9 of the Village's liquor current ordinance shall be replaced with the following:

Section 9. Public Drinking and Possession of Alcoholic Beverage with a Broken Seal

Except as otherwise provided herein, no person shall transport, carry, possess, have, or consume any alcoholic liquor in any street, alley, Village parking lot, privately owned parking lot open to the public in a commercial area, or in or upon any vehicle commonly used for transportation of passengers, or in and upon any depot or waiting room area of any public carrier within the Village except in the original contain and with the seal unbroken. Notwithstanding this provision, provided the pedal bus and its operator and/or driver meet all of the requirements of Ordinance No. 2024-06, passed by the Board of Trustees on June 10, 2024, dealing with the use and operation of pedal buses within the corporate limits of the Village of Winnebago, and the business operating the pedal bus is a duly established and licensed business through the Village of Winnebago in good standing with the Village, passengers aboard a pedal bus who are twenty-one (21) years of age or older, may bring and consume alcoholic liquor while participating in the pedal bus ride under the following terms and conditions, and with the requirements for the pedal bus operator and passengers listed as follows::

- 1) No pedal bus operator or driver shall be allowed to provide alcoholic liquor to pedal bus passengers for a fee, or as part of the passenger transport service, or otherwise provide the pedal bus passengers with any alcoholic liquor.

- 2) No pedal bus operator or driver shall be allowed to stock any alcoholic liquor aboard the pedal bus.
- 3) Alcoholic liquor consumed aboard a pedal bus may only be consumed in factory pre-sealed plastic bottles or aluminum cans, and no glass of any kind shall be allowed on the pedal bus. The referenced bottles or cans shall each be no more than sixteen (16) ounces, and each passenger twenty-one (21) years of age or older shall have no more than a combination of six (6) plastic bottles or aluminum cans. No hard alcoholic liquor by itself (e.g. whiskey, vodka, etc.,) shall be allowed regardless of the type of container, but a commercially premixed and prepackaged alcoholic drink containing hard liquor (e.g. margarita, etc.) no greater than sixteen (16) ounces that is in a commercially sealed plastic bottle or aluminum can at the time of entry onto the pedal bus, shall be allowed.
- 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 the Illinois Municipal 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) years. Possession and/or consumption of alcoholic liquor by any person under age twenty-one (21) years is strictly prohibited.
- 6) The pedal bus operator and driver may assist a pedal bus patron twenty-one (21) years of age or older in opening or uncorking an alcoholic beverage by

providing a device or utensil to open the container, but may not pour, serve, or dispense the alcohol.

- 7) The pedal bus driver shall monitor the consumption of alcoholic liquor by pedal bus patrons, and in accordance with required BASSETT training, based on observed problematic physical condition or behavior of the patron evidencing impairment from alcohol consumption, inform the patron that such patron may not consume any additional alcohol during the ride.
- 8) The pedal bus driver shall be responsible for checking driver's license or state issued identification of all adult pedal bus patrons on a trip where alcoholic beverages are to be consumed to confirm anyone who may be consuming alcoholic liquor is at least twenty-one (21) years of age.
- 9) A pedal bus operator and/or driver responsible for checking identification must be appropriately trained through BASSET (Beverage Alcohol Sellers and Servers Education Training).
- 10) Upon application for a pedal bus license where it is anticipated that passengers twenty-one (21) years of age or older will be allowed to bring their own alcoholic beverages aboard the pedal bus, or when the parameters of use of a given duly licensed pedal bus are changed in the future to allow for passengers twenty-one (21) years of age or older to bring their own alcoholic beverages aboard the pedal bus, the pedal bus operator shall provide to the Village a certificate of insurance reflecting coverage for dram shop or equivalent liability for providing the service of allowing BYOB. These

requirements shall be in addition to the insurance requirements required for the pedal bus business itself as provided for in Ordinance No. 2024-06.

- 11) No additional application fee shall be due to a pedal bus operator applicant who plans to allow BYOB consumption on board the pedal bus, as opposed to a pedal bus operator that does not plan to provide such accommodation.


SECTION III—EFFECT ON PRIOR ORDINANCES

All other provisions of Ordinance No. 97-11, as amended, not in conflict with the provisions herein shall remain in full force and effect.

SECTION IV—EFFECTIVE DATE OF ORDINANCE

This ordinance shall be in full force and effect from and after the date of its passage, approval, and pamphlet publication, as provided by law.

APPROVED:



Franklin J. Eubank, Jr., President of the Board of
Trustees of the Village of Winnebago, Illinois

ATTEST: 

Sally Jo Huggins, Village Clerk

PASSED: 7-8-24

APPROVED: 7-8-24

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