

CHAPTER V

BUSINESS REGULATIONS

ARTICLE I - ALCOHOLIC BEVERAGES

SECTION 5-101: DEFINITIONS

All words and phrases herein used are to have the definitions applied thereto as defined in the Liquor Control Act of the State of Nebraska. (Ref. Neb. Rev. Stat. §53-103)

SECTION 5-102: LICENSE REQUIRED

It shall be unlawful for any person to manufacture for sale, sell, keep for sale, or to barter any alcoholic liquors within the City unless said person shall have in full force and effect a license as provided by the Nebraska Liquor Control Act. (Ref. Neb. Rev. Stat. §53-168.06)

SECTION 5-103: RIGHT OF ENTRY TO POLICE

All police officers of the City are hereby authorized and directed to enter upon the premises of all licensees at frequent intervals, to determine whether any of the provisions of this article or of the Nebraska Liquor Control Act have been or are being violated.

SECTION 5-104: DWELLINGS

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premise which has any access which leads from such premise to any other portion of the same building used for dwelling or lodging purposes and which is permitted to be used by the public. Nothing herein shall prevent any connection with such premise and such other portion of the building which is used only by the licensee, his/her family or personal guests. (Ref. Neb. Rev. Stat. §53-178)

SECTION 5-105: LICENSE DISPLAYED

Every licensee under the Nebraska Liquor Control Act shall cause his/her license to be framed and hung in plain public view in a conspicuous place on the licensed premise. (Ref. Neb. Rev. Stat. §53-148)

SECTION 5-106: LICENSEE REQUIREMENTS

It shall be unlawful for any person or persons to own an establishment that sells at retail any alcoholic beverages unless said person is a person of good character and reputation; a citizen of the United States; a person who has never been convicted of a felony or any Class I misdemeanor pursuant to Chapter 28,

Article 3, 4, 7, 8, 10, 11 or 12 Reissue Revised Statutes of Nebraska, 1943, or any similar offense under a prior criminal statute or in another state; a person who has never had a liquor license revoked for cause; a person whose premises, for which a license is sought, meets standards for fire safety as established by the State Fire Marshal. (Ref. Neb. Rev. Stat. §53-125)

SECTION 5-107 LIQUOR APPLICATION; MUNICIPAL EXAMINATION

1. Any person desiring to obtain a license to sell alcoholic liquor at retail shall file an application with the Liquor Control Commission. Upon receipt from the Commission of the notice and copy of the application as provided in Section 53-131, RS Neb., the City Council shall fix a time and place at which time the City Council shall receive evidence, under oath, either orally or in writing, from the applicant and any other person concerning the propriety of the issuance of such license. Such hearing shall be held not more than 45 days after the receipt of notice from the Commission. The City Council may examine, or cause to be examined, under oath, any applicant; examine, or cause to be examined, the books and records of any such applicant; to hear testimony, and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the City Council may authorize its agent, the city clerk or the city attorney, to act on its behalf.

2. Notice of the time and place of such hearing shall be published in a legal newspaper in, or of general circulation in, the City one time not less than seven nor more than 14 days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the City Council in support of or in protest against the issuance of such license may do so at the time of the hearing.

3. The City Council shall, after the hearing provided in subsection (1), consider making a recommendation favorable or non-favorable to the Nebraska Liquor Control Commission. This recommendation must be made within 45 days of receipt of such application from the Commission, and shall cause to be spread at large in the minute record of its proceedings. The city clerk shall thereupon mail or deliver to the Commission a copy of the minute record within ten days of the decision to approve or deny the application.

4. Any minute record to recommend denying an application shall be in writing or stated in the record and shall be accompanied by findings. The findings shall consist of concise statements of the conclusions upon each contested issue. The applicant shall be notified of the decision in person or by mail. (Ref. Neb. Rev. Stat. §53-131, 53-132, 53-134, RS, Neb.)

SECTION 5-108: LIQUOR LICENSE RENEWAL

Retail or bottle club licenses issued by the Commission and outstanding may be

automatically renewed in the absence of a request by the City Council to require the said licensee to issue an application for renewal. Any licensed retail or bottle club establishment located in an area which is annexed to the City shall file a formal application for a license, and while such application is pending, the licensee shall be authorized to continue all license privileges pursuant to this Article until the original license expires, is canceled, or revoked. If such license expires within 60 days following the annexation date of such area, the license may be renewed by order of the Commission for not more than one year. The city clerk, upon notice from the Commission, between January 10th and January 30th of each year, shall cause to be published in a legal newspaper in or of general circulation in the City, one time, a notice in the form prescribed by law of the right of automatic renewal of each retail liquor and beer license within the City; provided, Class C license renewal notices shall be published between the dates of July 10th and July 30th of each year. The city clerk shall then file with the Commission proof of publication of said notice on or before February 10th of each year or August 10th of each year for Class C licenses. Upon the conclusion of any hearing required by this section, the City Council may request a licensee to submit an application. (Ref. Neb. Rev. Stat. §53-135, 53-135.01)

SECTION 5-109: MUNICIPAL POWERS AND DUTIES

The City Council is authorized to regulate by ordinance not inconsistent with the provisions of the Nebraska Liquor Control Act, the business of all retail and bottle club licensees carried on within the corporate limits. The City Council shall further have the power and duties in respect to licensed retailers of alcoholic beverages to cancel or revoke for cause retail or bottle club licenses to sell or dispense alcoholic liquors issued to persons for premises within its jurisdiction subject to the right of appeal to the Commission; to enter or to authorize any law enforcement officer to enter at any time upon any premise licensed by the State of Nebraska to determine whether any of the provisions of the Municipal laws, or the laws of the State of Nebraska, are being violated; to receive signed complaints from any citizens within its jurisdiction that any of the Municipal laws or laws of the State of Nebraska are being violated, and to act upon such complaints in the manner herein provided; to cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in Section 5-124, it determines that the licensee has violated any of the provisions of the Nebraska Liquor Control Act or any valid and subsisting ordinance or regulation duly enacted relating to alcoholic liquors; and to collect for the benefit of the State of Nebraska and the City all license fees and occupation taxes as prescribed by law. (Ref. Neb. Rev. Stat. §53-134)

SECTION 5-110: OWNER OF PREMISES

The owner of any premise used for the sale at retail of alcoholic beverages shall be deemed guilty of a violation of these laws to the same extent as the said licensee if the owner shall knowingly permit the licensee to use the said licensed

premise in violation of any Municipal Code section or Nebraska Statute. (Ref. Neb. Rev. Stat. §53-1,101)

SECTION 5-111: EMPLOYER

The employer of any officer, director, manager or employees working in a retail liquor establishment shall be held to be liable and guilty of any act of omission or violation of any law or ordinance, and each such act or omission shall be deemed and held to be the act of the employer, and will be punishable in the same manner as if the said act or omission had been committed by him/her personally. (Ref. Neb. Rev. Stat. §53-168.06)

SECTION 5-112: PUBLIC ENTRANCES REQUIRED

No person holding a license for the sale at retail of alcoholic liquors, including beer, shall sell at retail any such beverages on a premise which is not provided with a public entrance at the front thereof opening upon a public street. During the hours when alcoholic beverages may legally be sold, all public entrances at the front thereof shall be unlocked or otherwise unsecured, so that the general public and law enforcement officers may have easy access to such premises.

SECTION 5-113: MINORS AND INCOMPETENTS

It shall be unlawful for any person or persons to sell, give away, dispose of, exchange, permit the sale of or make a gift of, any alcoholic liquors, or to procure any such alcoholic liquors to or for any minor, or to any person who is mentally incompetent. (Ref. Neb. Rev. Stat. §53-180)

SECTION 5-114: CREDIT SALES

No person shall sell or furnish alcoholic liquor at retail to any person or persons for credit of any kind, barter, or services rendered; provided, nothing herein contained shall be construed to prevent any bona fide club from permitting checks or statements for alcoholic liquor to be signed by members or guests of members and charged to the accounts of the said members or guests in accordance with the by-laws of any such club; and provided further, nothing herein shall be construed to prevent any hotel from permitting checks or statements for liquor to be signed by bona fide guests residing in the said hotel, and charged to the accounts of such guests. (Ref. Neb. Rev. Stat. §53-183)

SECTION 5-115: SPIKING BEER

It shall be unlawful for any person or persons who own, manage or lease any premise in which the sale of alcoholic beverages is licensed, to serve or offer for sale any beer to which there has been added any alcohol, or permit any person or persons to add alcohol to any beer on the licensed premise of such licensee.

(Ref. Neb. Rev. Stat. §53-174)

SECTION 5-116: ORIGINAL PACKAGE

It shall be unlawful for any person or persons who own, manage or lease any premise in which the sale of alcoholic beverages is licensed, to have in their possession for sale at retail any alcoholic liquor contained in casks or other containers, except in the original package. Nothing in this section shall prohibit the refilling of original packages of alcoholic liquor for strictly private use and not for resale. (Ref. Neb. Rev. Stat. §53-184)

SECTION 5-117 HOURS OF SALE

1. It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages, for consumption off the premises, within the City except during the hours provided herein:

Alcoholic Liquors (except beer and wine)

Secular Days	6:00 A.M. to 1:00 A.M.
Sundays	6:00 A.M. to 1:00 A.M.

Beer and Wine

Secular Days	6:00 A.M. to 1:00 A.M.
Sundays	6:00 A.M. to 1:00 A.M.

2. It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages, for consumption on the premises, within the City except during the hours provided herein:

Alcoholic Liquors (except beer and wine)

Secular Days	6:00 A.M. to 1:00 A.M.
Sundays	6:00 A.M. to 1:00 A.M.

Beer and Wine

Secular Days	6:00 A.M. to 1:00 A.M.
Sundays	6:00 A.M. to 1:00 A.M.

4 3. No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than 15 minutes after the time fixed herein for stopping the sale of alcoholic beverages on said premises. For the purposes of this section, "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment; "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

5. Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section. (Ref. Neb. Rev. Stat. §53-179)

SECTION 5-118: SANITARY CONDITIONS

It shall be unlawful to open for public use any retail liquor establishment that is not in a clean and sanitary condition. Toilet facilities shall be adequate and convenient for customers and patrons and said licensed premise shall be subject to any health inspections the City Council or the City Police may make or cause to be made. All applications for liquor licenses shall be viewed in part from the standpoint of the sanitary conditions, and a report concerning the said sanitary conditions shall be made at all hearings concerning the application for, or renewal of, a liquor license.

SECTION 5-119: HIRING MINORS

It shall be unlawful for any person to hire a minor, regardless of sex, under the age of 19 years to serve or dispense alcoholic liquors, including beer, to said licensee's customers. (Ref. Neb. Rev. Stat. §53-168.06)

SECTION 5-120: CONSUMPTION IN PUBLIC PLACES; LICENSE REQUIRED

It shall be unlawful for any person owning, operating, managing or conducting any dance hall, restaurant, café, club or any other place open to the general public to permit or to allow any person to consume alcoholic beverages upon such premises, or for any person to consume alcoholic liquor in any dance hall, restaurant, café, club or any place open to the general public, except as permitted by a license theretofore issued to such premises pursuant to Nebraska statutes.

This section shall not apply to a retail licensee while lawfully engaged in the catering of alcoholic beverages. (Ref. Neb. Rev. Stat. §53-168.01)

SECTION 5-121: ACQUISITION AND POSSESSION

It shall be unlawful for any person to purchase, receive, acquire, accept or possess any alcoholic liquor acquired from any other person other than one duly licensed to handle alcoholic liquor under the Nebraska Liquor Control Act; provided, nothing in this section shall prevent (1) the possession of alcoholic liquor for the personal use of the possessor and his or her family and guests, as long as the quantity of alcoholic liquor transported, imported, brought or shipped into the State does not exceed nine liters in any one calendar month; (2) the making of wine, cider or other alcoholic liquor by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if

made solely for the use of the maker and his or her family and guests; (3) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for the sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in compounding of prescriptions of licensed physicians; (4) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; (5) persons who are sixteen years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor; (6) persons who are sixteen years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment; (7) persons who are sixteen years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment; or (8) persons who are nineteen years old or older from serving or selling alcoholic liquor in the course of their employment. (Ref. Neb. Rev. Stat. §53-168.06, 53-175, 53-194.03)

SECTION 5-122: NUDE ENTERTAINMENT

It shall be cause for suspension or revocation of any liquor license if licensee, his/her manager or agent shall allow any live person to appear, or have reasonable cause to believe that any live person shall appear, on any licensed premises in a state of nudity to provide entertainment, to provide service, to act as hostess, manager or owner, or to serve as an employee in any capacity.

For the purposes of this section, the term "nudity" shall mean the showing of the human male or female genitals, pubic area or buttocks or the human female breast including the areola, the nipple or any portion below the nipple with less than a full opaque covering.

SECTION 5-123: INSPECTIONS

It shall be the duty of the City Council to cause frequent inspections to be made on the premises of all retail and bottle club licensees. If it is found that any such licensee is violating any provision of the Nebraska Liquor Control Act or regulations of the Nebraska Liquor Control Commission, or is failing to observe in good faith the purposes of said Act, the license may be suspended, canceled or revoked after the licensee has been given an opportunity to be heard by the City Council. (Ref. Neb. Rev. Stat. §53-116.01)

SECTION 5-124: CITIZEN COMPLAINTS

Any five residents of the City shall have the right to file a complaint with the City

Council stating that any retail or bottle club licensee, subject to the jurisdiction of the City Council, has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant thereto. Such complaint shall be in writing in the form prescribed by the City Council and shall be signed and sworn by the parties complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which belief is based. If the City Council is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it shall set the matter for hearing within ten days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint; provided that the complaint must in all cases be disposed of by the City Council within 30 days from the date the complaint was filed by resolution thereof, said resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission as provided by law. (Ref. Neb. Rev. Stat. §53-134.04)

SECTION 5-125: LIQUOR APPLICATION; NOTICE; PROCEDURE

A. Notice. Notice of a hearing held pursuant to Neb. Rev. Stat. Section 53-134 shall be given to the applicant by the city clerk and shall contain the date, time and location of the hearing. Two or more proceedings which are legally or factually related may be heard and considered together unless any party thereto makes a showing sufficient to satisfy the City Council that prejudice would result there from.

B. Procedure. Hearings will be informal and conducted by the city attorney. The intent is an inquiry into the facts, not an adversarial action. Each witness may present their testimony in narrative fashion or by question and answer.

The City Council or the applicant may order the hearing to be recorded by the clerk, at the expense of the applicant(s).

The City Council may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent individuals. The city attorney may limit testimony where it appears incompetent, irrelevant or unduly repetitious. If there is opposition to any application and such opposition desires the opportunity to present arguments and to cross-examine the applicant and any witnesses in favor of such application, they shall choose a spokesperson to perform such function who shall notify the city attorney of his/her representation prior to the start of the hearing.

The order of the proceeding is as follows:

1. Exhibits will be marked in advance by the clerk and presented to the city attorney during the presentation;

2. Presentation of evidence, witnesses and arguments by applicant;
3. Testimony of any other citizens in favor of such proposed license;
4. Examination of applicant, witnesses or citizens by city attorney, City Council, or duly appointed agent;
5. Cross-examination of applicant, witnesses or citizens by spokesperson for opposition, if any;
6. Presentation of evidence and witnesses by opposition;
7. Testimony of any other citizens in opposition to such proposed license;
8. Presentation of evidence by City and law enforcement personnel;
9. Cross-examination by applicant;
10. Rebuttal evidence by both parties, and by city administration and agent;
11. Summation by applicant and opposition spokesperson, if any.

In all cases, the burden of proof and persuasion shall be on the party filing the application.

Any member of the City Council and the city attorney may question any witness, call witnesses, or request information.

All witnesses shall be sworn.

The City Council may make further inquiry and investigation following the hearing.

The City Council or the applicant may order the hearing to be recorded by the clerk, at the expense of the applicant(s). (Ref. Neb. Rev. Stat. §53-134)

SECTION 5-126: LIQUOR APPLICATIONS; RETAIL LICENSING STANDARDS; BINDING RECOMMENDATIONS

Local governing bodies shall only have authority to approve applications and deny licenses pursuant to the Nebraska Liquor Control Act. The City Council shall only consider the following licensing standards and criteria at the hearing and an evaluation of any applicant for a retail alcoholic liquor license, for the upgrading of a license to sell alcoholic liquor, or for the expansion or change in location of the premises, and for the purpose of formulating a recommendation from the City Council to the Nebraska Liquor Control Commission in accordance with the Nebraska Liquor Control Act:

- a. The adequacy of existing law enforcement resources and services in the area;
- b. The recommendation of the Police Department or any other law enforcement agency;
- c. Existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises, potential traffic and parking problems, and the proximity and availability of on-street and off-street parking;

- d. Zoning restrictions and the local governing body's zoning and land-use policies;
- e. Sanitation or sanitary conditions on or about the proposed licensed premises;
- f. The existence of a citizen's protest and similar evidence in support of or in opposition to the application;
- g. The existing population and projected growth within the jurisdiction of the local governing body and within the area to be served;
- h. The existing liquor licenses, the class of each such license, and the distance and times of travel between establishments that were issued such licenses;
- i. Whether the proposed license would be compatible with the neighborhood or community where the proposed premises are located;
- j. Whether the type of business or activity proposed to be operated or presently operated in conjunction with the proposed license is and will be consistent with the public interest as declared in Section 53-101.01;
- k. Whether the applicant can ensure that all alcoholic beverages, including beer and wine, will be handled by persons in accordance with Section 53-102;
- l. Whether the applicant has taken every precaution to protect against the possibility of shoplifting of alcoholic liquor, which alcoholic liquor shall be displayed and kept in and sold from an area which is reasonably secured;
- m. Whether the applicant is fit, willing and able to properly provide the service proposed in conformance with all provisions and requirements of and rules and regulations adopted and promulgated pursuant to the act;
- n. Whether the applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to ensure that the licensee can conform to all the provisions and requirements of and rules and regulations adopted and promulgated pursuant to the act;
- o. The background information of the applicant established by information contained in the public records of the Commission and investigations conducted by law enforcement agencies;
- p. Past evidence of discrimination involving the applicant as evidenced by findings of fact before any administrative board or agency of the local governing body, any other governmental board or agency of the local governing body, any other governmental unit, or any court of law;
- q. Whether the applicant or the applicant's representatives suppressed any fact or provided any inaccurate information to the Commission or local governing body or the employees of the Commission in regard to the license application or liquor investigations. The applicant shall be required to cooperate in providing a full disclosure to the investigating agents of the local governing body;
- r. Proximity of and impact on schools, hospitals, libraries, parks and public institutions;
- s. Whether activities proposed to be conducted on the licensed premises or in adjacent related outdoor areas will create unreasonable noise or disturbance; and
- t. Compliance with state laws, liquor rules and regulations, and municipal

ordinances and regulations and whether or not the applicant has ever forfeited bond to appear in court to answer charges of having committed a felony or charges of having violated any law or ordinance enacted in the interest of good morals and decency or has been convicted of violating or has forfeited bond to appear in court and answer charges for violating any law or ordinance relating to alcoholic liquor.

It shall be the applicant's duty to produce evidence pertaining to the designated criteria prescribed in this subsection. The burden of proof and persuasion shall be on the party filing the application. When applicable for purposes of this section, "applicant" shall be synonymous with "licensee." (Ref. Neb. Rev. Stat. §53-134)

SECTION 5-127 CATERING LICENSE

1. The holder of a Class C, Class D, or Class I license issued under subdivision (5) of Neb. Rev. Stat. §53-124, or a brewpub license, may obtain an annual catering license as prescribed in this section. Any such licensee desiring to obtain a catering license shall file an application with the Liquor Control Commission.

2. Upon receipt from the Commission of the notice and copy of the application as provided in Section 53-124.12 RS Neb., the City Council shall fix a time and place at which a hearing will be held and at which time the City Council shall receive evidence, under oath, either orally or in writing, from the applicant and any other person concerning the propriety of the issuance of such license. Such hearing shall be held not more than 45 days after the receipt of the notice from the Commission. The City Council may examine, or cause to be examined, under oath, any applicant; examine, or cause to be examined, the books and records of any such applicant, to hear testimony, and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the City Council may authorize its agent, the city clerk or the city attorney, to act on its behalf.

3. Notice of the time and place of such hearing shall be published in a legal newspaper in, or of general circulation in, the City one time not less than seven nor more than 14 days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the City Council in support of or in protest against the issuance of such license may do so at the time of the hearing.

4. The City Council shall, after the hearing provided in subsection (2), consider making a recommendation favorable or non-favorable to the Nebraska Liquor Control Commission. This recommendation must be made within 45 days of receipt of such application from the Commission, and shall cause to be spread at large in the minute record of its proceedings. The city clerk shall thereupon mail

or deliver to the Commission a copy of the minute record within ten days of the decision to approve or deny the application.

5. Any minute record to recommend denying an application shall be in writing or stated in the record and shall be accompanied by findings. The findings shall consist of concise statements of the conclusions upon each contested issue. The applicant shall be notified of the decision in person or by mail.

6. The City Council, with respect to catering licensees within its corporate limits, may cancel a catering license for cause for the remainder of the period for which such license is issued. Any person whose catering license is canceled may appeal to the District Court. (Ref. Neb. Rev. Stat. §53-124.12)

SECTION 5-128: REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY

Any law enforcement officer with the power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself/herself or others, or who is otherwise incapacitated, from any public or quasi-public property. An officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take such person to his/her home or to place such person in any hospital, clinic, alcoholism center, or with a medical doctor as may be necessary to preserve life or to prevent injury. Such effort at placement shall be deemed reasonable if the officer contacts those facilities or doctors which have previously represented a willingness to accept and treat such individuals and which regularly do accept such individuals. If such efforts are unsuccessful or are not feasible, the officer may then place such intoxicated person in civil protective custody, except that civil protective custody shall be used only as long as is necessary to preserve life or to prevent injury, and under no circumstances longer than 24 hours. The placement of such person in civil protective custody shall be recorded at the facility or jail at which he/she is delivered and communicated to his/her family or next of kin, if they can be located, or to such person designated by the person taken into civil protective custody.

The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his/her official duty and shall not be criminally or civilly liable for such actions. The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

For purposes of this section, "public property" shall mean any public right-of-way, street, highway, alley, park or other state, county or city-owned property; and "quasi-public property" shall mean and include private or publicly-owned property

utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress. (Ref. Neb. Rev. Stat. §53-1,121)