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Phillip McDaniel

TOWN CLERK
Dalton Larsen-Batten

TOWN ATTORNEY
Alan "Chip" Hewett

**AN ORDINANCE TO AMEND CHAPTER SEVENTEEN OF THE COFE OF ORDINANCE OF
THE TOWN OF SELMA**

- WHEREAS,** the Town of Selma Planning Department initiated text amendments to Chapter 17 of the Town Code of Ordinances to modify provisions of Chapter 17 – Article V. – Standards and Supplementary Use Regulations Sec. 17-533. – Electronic gaming operations; and
- WHEREAS,** on October 23, 2023, the Town of Selma Planning Board reviewed staff's proposed changes, and finding the proposed amendments to be consistent with the Town's comprehensive Land Use Plan, specifically the Plan's objectives and recommendations, the Planning Board recommended the amendments to Council; and
- WHEREAS,** the Town Council called for a public hearing at the regularly scheduled Council meeting on December 7, 2024 to discuss the proposed amendments to Chapter 17 – Unified Development Ordinance; and
- WHEREAS,** on May 14, 2024, as part of a legislative public hearing, the Selma Town Council found the amendments to be consistent with the Town's comprehensive Land Use Plan, voted to adopt the amendments and thereby amend Chapter 17 – Unified Development Ordinance Article V. – Standards and Supplementary Use Regulations Sec. 17-533. – Electronic gaming operations.

NOW, THEREFORE, BE IT ORDAINED THAT:

Section 1. The Code of the Town of Selma is hereby amended as follows:

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Sec. 17-533 - ELECTRONIC GAMING OPERATIONS

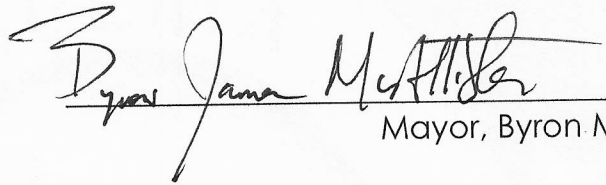
- (a) As used in this subsection, "electronic gaming operations" shall mean any business enterprise whether as a principle or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals (collectively the "electronic gaming machines"), to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic gaming operations may include, but not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, cybercafés, or business centers. Electronic gaming operations shall not include any lottery approved by the State of North Carolina or nonprofit operations that is otherwise lawful under state law (for example, church or civic fundraisers).
- (b) **Nonstandard Fees.** Each place of business housing electronic gaming operations that is not regulated by North Carolina General Statutes, Chapter 14 Article 37, shall remit an annual registration fee of two thousand five hundred dollars (\$2,500.00) per year.
- (c) In addition to the amount in subsection (b) above, each business housing electronic gaming operations not regulated by North Carolina General Statutes, Chapter 14 Article 37 shall pay an annual fee for each gaming machine used or stored as part of the electronic gaming operation in the amount of two hundred dollars (\$200.00) per machine.
- (d) Existing electronic gaming operations known to the Town, situated in non-conforming locations, are permitted; pre-existing establishments are not subject to the location requirements described within this chapter. All pre-existing, non-conforming establishments are subject to the requirements of this chapter unless otherwise specified.
- (e) **Permit for New Electronic Gaming Operations.** An application for electronic gaming operations permit shall be submitted and issued by the Town before electronic gaming operations are permitted.
- (f) **Permit Approval Criteria.**
1. No establishment shall be located within five hundred (500) feet of any residentially zoned or developed property, church, school, day care, playground, or public park. Where the proposed establishment is separated from residentially zoned or developed property by a four-lane highway, the five hundred (500) foot separation shall only apply to the properties along the sides and rear of the establishment.
 2. No such establishment shall be located within one (1) mile (5,280 ft.) of another such establishment.
 3. The hours of operation for such operations shall be limited to 7:00 a. m. to 2:00 a. m.
 4. The Applicant shall provide satisfactory proof to Town that all electronic gaming machines are legal. In the event any machine is determined to be illegal, Applicant agrees to immediately remove the machine.
- (g) Uses which are legally existing at the time of adoption this ordinance shall have thirty (30) days to come into compliance with the hour of operation limitation as defined in this section.

(h) If the State of North Carolina prohibits the operation of Electronic Gaming Machines, the State law prohibition controls over the regulations cited herein. If the State of North Carolina regulates the operation of Electronic Gaming Machines, the provisions herein shall remain in place to the extent not in conflict with State law.

Section 2. The Town Clerk is hereby authorized to insert such amendments into the official CODE OF ORDINANCES OF THE TOWN OF SELMA kept on file in the Office of the Town Clerk.

Section 3. This ordinance shall become effective upon adoption.

This the 14th day of May, 2024.



Mayor, Byron McAllister



ATTEST



Town Clerk, Dalton Larsen-Batten