



TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

ORDINANCE O-10-01 AN ORDINANCE ADOPTING A PRIVILEGE LICENSE TAX FOR ELECTRONIC GAMING OPERATIONS

WHEREAS, the Board of Aldermen for the Town of Black Mountain from time to time revises the Town's Fee Schedule; and

WHEREAS, the need has arisen for the creation of a new category of business privilege license tax to be included in said Fee Schedule;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF BLACK MOUNTAIN THAT SECTION 110.11 OF THE BLACK MOUNTAIN CODE OF ORDINANCES BE AMENDED TO INCLUDE THE FOLLOWING:

Section 1. The following definition shall apply:

Amusements – “Electronic Gaming Operation” Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals (collectively the “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 are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, or cybercafés. This does not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under State law (for example, church or civic organization fundraisers).

Section 2. The Fee Schedule is hereby amended to include a Two Thousand 00/100 Dollar (\$2,000.00) annual privilege license tax for each electronic gaming operation location PER ANNUM.

Section 3. In addition to the amount levied in Section 2, each electronic gaming operation shall pay an additional annual privilege license tax of Five Hundred 00/100 Dollars (\$500.00) for each electronic gaming machine used or stored as part of the electronic gaming operation PER ANNUM.

For example, an electronic gaming operation having one machine shall pay an annual privilege license tax of Two Thousand Dollars (\$2,500.00), an operation having two machines shall pay an annual privilege license tax of Three Thousand 00/100 Dollars (\$3,000.00), an operation having eight machines shall pay Six Thousand Dollars (\$6,000), and so forth.

Section 4. The applicant for an electronic gaming operation privilege license shall provide the town the serial number or other identifying number of each electronic gaming machine used or stored as part of the operation. These numbers shall be written on the privilege license, and only those machines for which the serial number or other identifying number has been reported to the town may be used or stored by the electronic gaming operation. If the electronic gaming operation purchases, leases or otherwise acquires new machines or replaces existing machines with other machines, the business operator shall, within fourteen (14) days of acquisition, report the serial numbers or other identifying numbers of the acquired machines to the Town so that the appropriate privilege license tax may be levied on said machines.

Section 5. No electronic gaming machine may be used or stored on the premises of an electronic gaming operation without the appropriate annual privilege license tax having been first paid.

Section 6. All provisions of any town ordinance or resolution in conflict with this ordinance are repealed.

Section 7. This ordinance shall become effective upon adoption.

READ, APPROVED AND ADOPTED, by a vote of _____ to _____, this the 10th day of May, 2010.

Carl R. Bartlett, Mayor

ATTEST:

Darlene R. Whisenant, Town Clerk

Marcia D. Onieal, Town Manager