

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-433
HOUSE BILL 787**

AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO CLARIFY PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE THAT GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER; TO CLARIFY THE AREA COVERED BY THE NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE; TO ALLOW DOT TO SIGN A VOLUNTARY ANNEXATION PETITION WITH THE TOWN OF KNIGHTDALE; TO ALLOW COUNTIES WITH NO INCORPORATED MUNICIPALITIES LOCATED PRIMARILY WITHIN THE COUNTY TO EXERCISE MOST MUNICIPAL FUNCTIONS; AND TO AMEND THE CHARTER OF THE TOWN OF PILOT MOUNTAIN TO ALLOW THE TOWN MANAGER TO APPOINT THE TOWN CLERK AND THE TREASURER.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 1 of Chapter 657 of the 1993 Session Laws, as amended by Section 9 of S.L. 1997-410, reads as rewritten:

"Section 1.(a) The ~~Registers~~ Register of Deeds of ~~Alleghany and Ashe Counties~~ County shall not receive for recordation any deed unless the deed is accompanied by a certificate from the Ashe County Tax Collector and any municipal tax collector, where applicable, to the effect that all delinquent taxes upon the property described in the deed offered for recordation have been paid.

"Section 1.(b) The Register of Deeds of Alleghany County shall not receive for recordation any deed unless the deed is accompanied by a certificate from the County Tax Collector to the effect that all delinquent taxes upon the property described in the deed offered for recordation have been paid."

SECTION 1.(b) This section applies to Alleghany County and Ashe County only.

SECTION 2.(a) G.S. 161-31(b) reads as rewritten:

"(b) Applicability. – This section applies only to ~~Alleghany~~, Anson, Beaufort, Bertie, Cabarrus, Camden, Carteret, Cherokee, Chowan, Clay, Cleveland, Currituck, Davidson, Duplin, Durham, Edgecombe, Forsyth, Gaston, Gates, Graham, Granville, Halifax, Harnett, Haywood, Henderson, Hertford, Hyde, Iredell, Jackson, Lee, Lenoir, Macon, Madison, Martin, Montgomery, Nash, Northampton, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Rockingham, Rowan, Rutherford, Stanly, Swain, Transylvania, Vance, Warren, Washington, Wilson, and Yadkin Counties."

SECTION 2.(b) This section applies to Alleghany County only.

SECTION 3.(a) G.S. 153A-357 is amended by adding a new subsection to read:

"(c) A county may by ordinance provide that a permit may not be issued under subsection (a) of this section to a person who owes delinquent property taxes, determined under G.S. 105-360, on property owned by the person. Such ordinance may provide that a building permit may be issued to a person protesting the assessment or collection of property taxes."

SECTION 3.(b) This section applies to Greene, Lenoir, Iredell, Wayne, and Yadkin Counties only.

SECTION 4. Section 1 of S.L. 2001-65 reads as rewritten:

"SECTION 1. It is unlawful to operate a vessel at greater than no-wake speed on the waters of the Intracoastal Waterway ~~within the corporate limits of~~ between Waterway Marker 44 and Waterway Marker 46B in the area abutting the Town of Cedar Point and the Town's extraterritorial jurisdiction under G.S. 160A-360.Point."

SECTION 5.(a) Section 2 of Chapter 868 of the 1986 Session Laws, as amended by S.L. 2004-60, reads as rewritten:

"Sec. 2. It is unlawful to ~~hunt with or~~ hunt, take, or kill a wild animal or wild bird, or to attempt to hunt, take, or kill a wild animal or wild bird on the land of another unless the hunter has, on his or her person, the written permission of the owner or lessee of the land. It is unlawful to possess any center-fire rifle on the land of another or to discharge any center-fire rifle on, over, or across the land of another unless the hunter has, on his or her person, the written permission of the owner or lessee of the land. The written permission required by this section shall be dated and may be valid for no more than one year."

SECTION 5.(b) This section applies to Chowan County only.

SECTION 6.(a) Section 2(b) of S.L. 2004-60 reads as rewritten:

"SECTION 2.(b) Violation of this section is punishable as ~~a Class 3 misdemeanor provided for in G.S. 113-135.1(a)."~~

SECTION 6.(b) This section applies to Chowan County only.

SECTION 7.(a) Notwithstanding Article 12 of Chapter 160A of the General Statutes, the Town of Kernersville may convey by private negotiation and sale or trade, with or without monetary consideration, any or all of its right, title, and interest in the following described properties:

PROPERTY I

That property consisting of approximately 30 acres, more or less, as described in Forsyth County Registry Deed Book 764, at page 292; and more particularly described as follows:

"Being all of that certain 30.028 acre tract of land lying in Abbotts Creek Township, Forsyth County, North Carolina; and bounded by natural boundaries and/or lands owned by and/or in possession of persons, as follows: on the north and east by Stephen E. Dotson, on the south by Edith B. Schulz and Mary B. Shropshire, and on the west by Arbor Development Corporation; as tract being particularly described by courses (according to the North Carolina Grid System as determined by solar observations) and distances according to a survey and plat prepared by the Town of Kernersville Engineering Department, Division of Public Works, under the seal of H. Stephen Bowers Professional Land Surveyor No. L-2455, dated May 2, 1986, and revised April 5, 2005, to which reference is hereby made, as follows:

BEGINNING at a 1" outside diameter found existing iron pipe, 3" high, the northwesterly corner of Mary Ruth B. Shropshire and husband Donald G. Shropshire (see Deed Book 1840 Page 622 of the Forsyth County Registry), in the easterly line of Arbor Development Corporation (see Deed Book 1513 Page 806 of said Registry); said iron pipe having N.C. grid coordinates of North 844,495.89 (feet) and East 1,680,885.63 (feet) as per the North American Datum of 1983, as taken from survey from North Carolina Geodetic Station and horizontal control monument "UNION CROSS;" thence with the easterly line of said Arbor Development Corporation North 1 Degrees, 27 Minutes, 35 Seconds East, 1387.76 feet, to a 1 1/4" outside diameter found existing iron pipe, 6" high, the southwesterly corner of Stephen E. Dotson and wife Sandra C. Dotson

(see Deed Book 1689 Page 224 of said Registry); thence with the southerly line of said Stephen E. Dotson and wife Sandra C. Dotson South 88 Degrees, 30 Minutes, 30 Seconds East, 923.08 feet, to a 1 1/4" outside diameter found existing iron pipe, 5" high, the northwesterly corner of other lands of said Stephen E. Dotson and wife Sandra C. Dotson (see now Deed Book 2452 Page 4397, "TRACT 1," of said Registry); thence with the westerly line of said Stephen E. Dotson and wife Sandra C. Dotson South 1 Degree, 28 Minutes, 30 Seconds West, 1446.89 feet, to a found existing stone with new cut cross, 5" by 12 top, 6" high, painted yellow, the northwesterly and northeasterly corner, respectively, of Donald Davis and wife Helen S. Davis (see Deed Book 1664 Page 981 of said Registry), and Edith B. Schulz and W. Bradford Schulz co-trustees or successor trustees for the benefit of Edith B. Schulz Living Trust (see Deed Book 1961 Page 2962 of said Registry); thence with the northerly line of said Edith B. Schulz and falling in with the northerly line of said Mary Ruth B. Shropshire and husband Donald G. Shropshire North 84 Degrees, 50 Minutes, 30 Seconds West, 924.62 feet, to the BEGINNING said 1" outside diameter found existing iron pipe, 3" high.

FOR REFERENCE SEE: that deed recorded in Deed Book 764 at Page 292 of the Forsyth County Registry;

The above described 30.028 acre tract is generally known and designated as being all of tax lot 1 of tax block 5629 of Forsyth County Tax Maps as presently constituted."

PROPERTY II

That property consisting of approximately 1.566 acres more or less and denoted as Lot Two on the plat recorded in Plat Book 48, Page 116 of the Forsyth County Registry.

SECTION 7.(b) The Town of Kernersville shall use the property described in subsection (a) of this section for a public purpose that stimulates the local economy and promotes business in the Town of Kernersville, including the location of new or expanded service or industrial facilities, manufacturing, assembly, fabrication, processing, warehousing, research and development, office use or use as a shell business, or a new business incubator. The Town of Kernersville may lease, subdivide, mortgage, sell, trade, or convey the property for any public purpose authorized in this act.

SECTION 7.(c) This section applies to the Town of Kernersville only.

SECTION 8.(a) The District Engineer for the North Carolina Department of Transportation is authorized to sign a voluntary annexation petition with the Town of Knightdale for the annexation of State right-of-way. Annexed areas must be within the established Utility Service Area of the Town. The annexation is upon the condition that the Town provides mowing along the right-of-way or median of such highway to be annexed under the normal terms and conditions established by the Department.

SECTION 8.(b) This section applies only to the Town of Knightdale.

SECTION 9. G.S. 160A-58.1(b)(5), as amended by S.L. 2005-71, 2005-79, and S.L. 2005-173 reads as rewritten:

"(b) A noncontiguous area proposed for annexation must meet all of the following standards:

- ...
- (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Claremont, Concord, Conover, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Angier, Ayden, Bladenboro, Calabash, Catawba, Columbia, Creswell, Dallas, Fuquay-Varina, Garner, Godwin, Holly Ridge, Holly Springs, Kenly, Knightdale, Landis, Leland, Louisburg, Maggie Valley, Maiden,

Mayodan, Midland, Mocksville, Morrisville, Pembroke, Pine Level, Ranlo, Rolesville, Rutherfordton, Shallote, Spencer, Surf City, Swansboro, Troy, Wallace, Warsaw, Waynesville, Wendell, Windsor, and Zebulon."

SECTION 10.(a) Article 24 of Chapter 153A of the General Statutes, as enacted by S.L. 2005-35, reads as rewritten:

"Article 24.

"Unified Government.

"§ 153A-471. Unified government.

(a) Except as provided in this section, the powers, duties, functions, rights, privileges, and immunities of a city are vested with any county that has either:

(1) ~~no~~ No portion of an incorporated municipality located within its boundaries; or

(2) One incorporated municipality located within the county, but the land area of that municipality is located primarily in another county and consists of less than 100 acres within the county exercising powers under this Article.

(b) All of the following shall apply to any county exercising the powers, duties, functions, rights, privileges, and immunities of a city under this Article:

(1) It may not exercise any such powers, duties, functions, rights, privileges, and immunities outside the boundaries of the county.

(2) Article 4A of Chapter 160A of the General Statutes (Extension of Corporate Limits) does not apply.

(3) Article 5 of Chapter 160A of the General Statutes (Form of Government) does not apply.

(4) Article 7 of Chapter 160A of the General Statutes (Administrative Offices) does not apply.

(5) Article 13 of Chapter 160A of the General Statutes (Law Enforcement) does not apply.

(6) G.S. 153A-340(b) (Zoning of Bona Fide Farms) shall apply to all areas within the county boundaries.

(7) The provisions of Chapter 163 of the General Statutes relating to municipal elections do not apply except to the extent they applied to the county absent this Article.

(8) If the county is subject to this Article under subdivision (a)(2) of this section, it may not exercise any such powers, duties, functions, rights, privileges, and immunities within the corporate limits of the municipality located partly within the county.

(c) The board of commissioners may by ordinance provide that this Article does not confer the power, duty, function, right, privilege, or immunity of a city upon the county as to a specific power, duty, function, right, privilege, or immunity, and as to such specified power, duty, function, right, privilege, or immunity it shall not be considered as a city.

(d) If the board of commissioners exercises any power, duty, function, right, privilege, or immunity authorized under both Chapter 153A and Chapter 160A of the General Statutes, and those statutes conflict, the board of commissioners shall state in their minutes under which Chapter the power, duty, function, right, privilege, or immunity is being exercised.

"§ 153A-472. Definitions.

For the purposes of this Article, any statutory reference to:

(1) A city shall be construed as a reference to a county.

(2) A city council or governing board shall be construed as a reference to the board of commissioners.

(3) The mayor shall be construed as a reference to the chair of the board of commissioners.

- (4) Any other city official shall be construed as a reference to the equivalent county official.

"§ 153A-472.1. Property tax levy.

If a county is subject to this Article under G.S. 153A-471(a)(2), it may not levy property taxes on the entire county for any function authorized by this Article but not otherwise authorized by law for counties. Instead, the county may establish a county service district under Part 1 of Article 16 of this Chapter, to consist of the entire area of the county not in an incorporated municipality.

"§ 153A-473. Applicability.

This Article only applies to a county if approved by the qualified voters of the county in a referendum called by the board of commissioners in accordance with G.S. 163-287. The referendum shall be conducted by the county board of elections in accordance with the provisions of law generally applicable to special elections. The ballot question shall be determined by the board of commissioners after consultation with the county attorney as to form."

SECTION 10.(b) G.S. 153A-301(a) is amended by adding a new subdivision to read:

"(11) Services permitted under Article 24 of this Chapter if the district is subject to G.S. 153A-472.1."

SECTION 10.(c) G.S. 153A-302 is amended by adding a new subsection to read:

"(e) Exceptions for Article 24 District. – The following requirements do not apply to a board of commissioners that proposes to create a service district pursuant to G.S. 153A-301(a)(11) that covers the entire unincorporated area of the county:

- (1) The requirement that the district cannot be created unless the board makes the finding in subdivision (a1)(2) of this section.
- (2) The requirement in subsection (c) of this section to notify each property owner by mail, if the board publishes a notice of its proposal to establish the district, once a week for two successive weeks before the date of the hearing required by that subsection."

SECTION 10.1. Section 6.1 of the Charter of the Town of Pilot Mountain, being Chapter 28 of the 1971 Session Laws, reads as rewritten:

"Sec. 6.1. Town Clerk and Treasurer. The ~~Board of Commissioners~~ ~~Town Manager~~ shall appoint a Town Clerk and Treasurer to keep a journal of the proceedings of the Board of Commissioners and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board of Commissioners may direct."

SECTION 11. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 23rd day of August, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 2:09 p.m. this 22nd day of September, 2005