

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-189
HOUSE BILL 655**

**AN ACT TO ESTABLISH A NO-WAKE ZONE ON PEMBROKE CREEK IN
CHOWAN COUNTY AND A GATES COUNTY TAX CERTIFICATION
REQUIREMENT.**

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to operate a vessel at greater than no-wake speed on the waters of Pembroke Creek, described as follows: Beginning at a point being the Northeast corner of the lot of Thomas J. Jackson Jr. as described in Deed Book 6, page 261, of the Chowan County Registry; thence, from said beginning point to a point running in a southwesterly direction along the shoreline approximately 550 feet, said point being the Northwest corner of the lot belonging to Walter L. Noneman as described in Deed Book 23 and page 239, of the Chowan County Registry. Thence in a northeasterly direction across the main run of Pembroke Creek approximately 200 feet to the nearest point of the shoreline of Dillard's Island; thence in an easterly direction along the shoreline of Dillard's Island to a point being the nearest point on the shoreline in a northwesterly direction across the main run of Pembroke Creek from the point of beginning.

No-wake speed is idle speed or a slow speed creating no appreciable wake.

SECTION 2. With regard to marking the no-wake speed zone established in Section 1 of this act, Chowan County or its designee may place and maintain markers in accordance with the Uniform Waterway Marking System and any supplementary standards for that system adopted by the Wildlife Resources Commission. All markers of the no-wake speed zone shall be buoys or floating signs placed in the water or signs placed on pilings and shall be sufficient in number and size so as to give adequate warning of the no-wake speed zone to vessels approaching from various directions.

SECTION 3. Section 1 of this act is enforceable under G.S. 75A-17 as if it were a provision of Chapter 75A of the General Statutes.

SECTION 4. Violation of Section 1 of this act is a Class 3 misdemeanor.

SECTION 5. Sections 1 through 4 of this act apply only to Chowan County.

SECTION 6. G.S. 161-31, as amended by S.L. 2003-72, reads as rewritten:

"§ 161-31. Tax Certification.

(a) Tax Certification. – The board of commissioners of a county may, by resolution, require the register of deeds not to accept any deed transferring real property for registration unless the county tax collector has certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the collector is charged are a lien on the property described in the deed. The county commissioners may describe the form the certification must take in its resolution.

(a1) Exception to Tax Certification. – If a board of county commissioners adopts a resolution pursuant to subsection (a) of this section, notwithstanding the resolution, the register of deeds shall accept without certification a deed submitted for registration under the supervision of a closing attorney and containing this statement on the deed: 'This instrument prepared by: _____, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.'

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

SECTION 7. This act is effective when it becomes law, except that Section 1 of this act is enforceable after markers complying with Section 2 of this act are placed in the water.

In the General Assembly read three times and ratified this the 12th day of June, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives