

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**HOUSE BILL 787
Committee Substitute Favorable 5/12/05
Committee Substitute #2 Favorable 5/26/05
Committee Substitute #3 Favorable 6/1/05
Committee Substitute Favorable #4 6/1/05
Senate Finance Committee Substitute Adopted 8/10/05
Seventh Edition Engrossed 8/12/05**

Short Title: Various Local Acts.

(Public)

Sponsors:

Referred to:

March 17, 2005

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THE PAYMENT OF DELINQUENT TAXES IN ASHE
2 COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT
3 TO DELINQUENT TAXES; TO CLARIFY PAYMENT OF DELINQUENT
4 TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS
5 CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES; TO PROVIDE
6 THAT BUNCOMBE, GREENE, LENOIR, IREDELL, WAYNE, AND YADKIN
7 COUNTIES MAY PROHIBIT ISSUANCE OF A BUILDING PERMIT TO A
8 DELINQUENT TAXPAYER; TO CLARIFY THE AREA COVERED BY THE
9 NO-WAKE ZONE ESTABLISHED FOR THE TOWN OF CEDAR POINT; TO
10 PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT THE
11 WRITTEN PERMISSION OF THE OWNER OR LESSEE IN CHOWAN
12 COUNTY; AND TO AUTHORIZE THE TOWN OF KERNERSVILLE TO
13 CONVEY CERTAIN PROPERTY BY PRIVATE SALE OR TRADE; TO ALLOW
14 DOT TO SIGN A VOLUNTARY ANNEXATION PETITION WITH THE TOWN
15 OF KNIGHTDALE; TO ALLOW COUNTIES WITH NO INCORPORATED
16 MUNICIPALITIES LOCATED PRIMARILY WITHIN THE COUNTY TO
17 EXERCISE MOST MUNICIPAL FUNCTIONS; AND TO AMEND THE
18 CHARTER OF THE TOWN OF PILOT MOUNTAIN TO ALLOW THE TOWN
19 MANAGER TO APPOINT THE TOWN CLERK AND THE TREASURER.
20

21 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Page 2962 of said Registry); thence with the northerly line of said Edith B. Schulz and
2 falling in with the northerly line of said Mary Ruth B. Shropshire and husband Donald
3 G. Shropshire North 84 Degrees, 50 Minutes, 30 Seconds West, 924.62 feet, to the
4 BEGINNING said 1" outside diameter found existing iron pipe, 3" high.

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

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

9 **PROPERTY II**

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

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

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

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

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

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

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

32 ...

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

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

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

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

7 "Article 24.

8 "Unified Government.

9 **"§ 153A-471. Unified government.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **"§ 153A-472. Definitions.**

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

- 8 (1) A city shall be construed as a reference to a county.
- 9 (2) A city council or governing board shall be construed as a reference to
10 the board of commissioners.
- 11 (3) The mayor shall be construed as a reference to the chair of the board of
12 commissioners.
- 13 (4) Any other city official shall be construed as a reference to the
14 equivalent county official.

15 **"§ 153A-472.1. Property tax levy.**

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

21 **"§ 153A-473. Applicability.**

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

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

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

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

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

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

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

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

7 **SECTION 11.** This act is effective when it becomes law.