

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

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.
18

19 The General Assembly of North Carolina enacts:

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

22 "**Section 1.(a)** The ~~Registers~~Register of Deeds of ~~Alleghany and Ashe~~
23 ~~Counties~~County shall not receive for recordation any deed unless the deed is
24 accompanied by a certificate from the Ashe County Tax Collector and any municipal

1 tax collector, where applicable, to the effect that all delinquent taxes upon the property
2 described in the deed offered for recordation have been paid.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 G. Shropshire North 84 Degrees, 50 Minutes, 30 Seconds West, 924.62 feet, to the
2 BEGINNING said 1" outside diameter found existing iron pipe, 3" high.
3 FOR REFERENCE SEE: that deed recorded in Deed Book 764 at Page 292 of the
4 Forsyth County Registry;
5 The above described 30.028 acre tract is generally known and designated as being all of
6 tax lot 1 of tax block 5629 of Forsyth County Tax Maps as presently constituted."

7 **PROPERTY II**

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

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

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

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

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

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

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

- 30 ...
- 31 (5) The area within the proposed satellite corporate limits, when added to
32 the area within all other satellite corporate limits, may not exceed ten
33 percent (10%) of the area within the primary corporate limits of the
34 annexing city.

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

1 Swansboro, Troy, Wallace, Warsaw, Waynesville, Wendell, Windsor,
2 and Zebulon."

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

5 "Article 24.

6 "Unified Government.

7 **"§ 153A-471. Unified government.**

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (d) If the board of commissioners exercises any power, duty, function, right,
43 privilege, or immunity authorized under both Chapter 153A and Chapter 160A of the
44 General Statutes, and those statutes conflict, the board of commissioners shall state in

1 their minutes under which Chapter the power, duty, function, right, privilege, or
2 immunity is being exercised.

3 **"§ 153A-472. Definitions.**

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

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

12 **"§ 153A-472.1. Property tax levy.**

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

18 **"§ 153A-473. Applicability.**

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

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

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

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

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

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

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