

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

Short Title: Various Local Acts.

(Local)

Sponsors:

Referred to:

March 17, 2005

A BILL TO BE ENTITLED

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 BUNCOMBE, 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.

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."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## PROPERTY I

1  
2 That property consisting of approximately 30 acres, more or less, as described in  
3 Forsyth County Registry Deed Book 764, at page 292; and more particularly described  
4 as follows:

5 "Being all of that certain 30.028 acre tract of land lying in Abbotts Creek Township,  
6 Forsyth County, North Carolina; and bounded by natural boundaries and/or lands owned  
7 by and/or in possession of persons, as follows: on the north and east by Stephen E.  
8 Dotson, on the south by Edith B. Schulz and Mary B. Shropshire, and on the west by  
9 Arbor Development Corporation; as tract being particularly described by courses  
10 (according to the North Carolina Grid System as determined by solar observations) and  
11 distances according to a survey and plat prepared by the Town of Kernersville  
12 Engineering Department, Division of Public Works, under the seal of H. Stephen  
13 Bowers Professional Land Surveyor No. L-2455, dated May 2, 1986, and revised April  
14 5, 2005, to which reference is hereby made, as follows:

15 BEGINNING at a 1" outside diameter found existing iron pipe, 3" high, the  
16 northwesterly corner of Mary Ruth B. Shropshire and husband Donald G. Shropshire  
17 (see Deed Book 1840 Page 622 of the Forsyth County Registry), in the easterly line of  
18 Arbor Development Corporation (see Deed Book 1513 Page 806 of said Registry); said  
19 iron pipe having N.C. grid coordinates of North 844,495.89 (feet) and East 1,680,885.63  
20 (feet) as per the North American Datum of 1983, as taken from survey from North  
21 Carolina Geodetic Station and horizontal control monument "UNION CROSS;" thence  
22 with the easterly line of said Arbor Development Corporation North 1 Degrees, 27  
23 Minutes, 35 Seconds East, 1387.76 feet, to a 1 ¼" outside diameter found existing iron  
24 pipe, 6" high, the southwesterly corner of Stephen E. Dotson and wife Sandra C. Dotson  
25 (see Deed Book 1689 Page 224 of said Registry); thence with the southerly line of said  
26 Stephen E. Dotson and wife Sandra C. Dotson South 88 Degrees, 30 Minutes, 30  
27 Seconds East, 923.08 feet, to a 1 ¼" outside diameter found existing iron pipe, 5" high,  
28 the northwesterly corner of other lands of said Stephen E. Dotson and wife Sandra C.  
29 Dotson (see now Deed Book 2452 Page 4397, "TRACT 1," of said Registry); thence  
30 with the westerly line of said Stephen E. Dotson and wife Sandra C. Dotson South 1  
31 Degrees, 28 Minutes, 30 Seconds West, 1446.89 feet, to a found existing stone with  
32 new cut cross, 5" by 12 top, 6" high, painted yellow, the northwesterly and northeasterly  
33 corner, respectively, of Donald Davis and wife Helen S. Davis (see Deed Book 1664  
34 Page 981 of said Registry), and Edith B. Schulz and W. Bradford Schulz co-trustees or  
35 successor trustees for the benefit of Edith B. Schulz Living Trust (see Deed Book 1961  
36 Page 2962 of said Registry); thence with the northerly line of said Edith B. Schulz and  
37 falling in with the northerly line of said Mary Ruth B. Shropshire and husband Donald  
38 G. Shropshire North 84 Degrees, 50 Minutes, 30 Seconds West, 924.62 feet, to the  
39 BEGINNING said 1" outside diameter found existing iron pipe, 3" high.

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

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

## PROPERTY II

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

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

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

12 **SECTION 8.** This act is effective when it becomes law.