

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH50159-LB-193B (11/24)

Short Title: City/County Electronic Notice. (Public)

Sponsors: Representatives McGrady, Stam, Owens, and Jackson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW ALL CITIES AND COUNTIES TO GIVE ELECTRONIC NOTICE.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Chapter 160A of the General Statutes is amended by adding a new
5 section to read:

6 "**§ 160A-81.2. Electronic notice.**

7 (a) The governing body of a city may adopt ordinances providing that any notice it is
8 required by law to publish, whether under G.S. 1-597 or under any other general law or local
9 act, may, in lieu of or in addition to such publication, be published as provided by this section.
10 The ordinances may cover all notices required to be published or a selected class or classes of
11 notice.

12 (b) Any notice published under subsection (a) of this section shall meet the following
13 requirements, which are mandatory and not directory:

14 (1) The notice is published on the city's Internet Web site no later than the time
15 that publication is required under the applicable statute.

16 (2) The city's Web site contains on its main or index page links to all notices, or
17 a link to another page with links to notices.

18 (3) Notices and links to notices on the city's Web site must be maintained there
19 for at least one year after publication.

20 (4) The city must print a copy of the notice and file it in the notice book
21 provided under G.S. 160A-78.1.

22 (c) If the Secretary of State or other State agency maintains an electronic repository of
23 notices published under this section, the city shall transmit a copy of the notice for filing in the
24 electronic repository.

25 (d) Ordinances adopted pursuant to this section shall not supersede any State law or
26 local act that requires notice by mail to certain classes of persons or the posting of signs on
27 certain property.

28 (e) As used in this section, "notice it is required by law to publish" includes for the
29 word "notice" any item or other matter, and "publish" includes "advertise."

30 SECTION 2. Chapter 160A of the General Statutes is amended by adding a new
31 section to read:

32 "**§ 160A-78.1. Notice book.**

33 Each city shall file a true copy of each notice published in accordance with G.S. 160A-81.2
34 in a notice book separate and apart from the council's ordinance book or minute book. The



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1 notice book shall be appropriately indexed and maintained for public inspection in the office of
2 the city clerk."

3 **SECTION 3.** Chapter 153A of the General Statutes is amended by adding a new
4 section to read:

5 **"§ 153A-52.2. Electronic notice.**

6 (a) The governing body of a county may adopt ordinances providing that any notice it is
7 required by law to publish, whether under G.S. 1-597 or under any other general law or local
8 act, may, in lieu of or in addition to such notice, be published as provided by this section. The
9 ordinances may cover all notices required to be published or a selected class or classes of
10 notice.

11 (b) Any notice published under subsection (a) of this section shall meet the following
12 requirements, which are mandatory and not directory:

13 (1) The notice is published on the county's Internet Web site no later than the
14 time that publication is required under the applicable statute.

15 (2) The county's Web site contains on its main or index page a link to all
16 notices, or a link to another page with links to notices.

17 (3) Notices and links to notices on the county's Web site must be maintained
18 there for at least one year after publication.

19 (4) The county must print a copy of the notice and file it in the notice book
20 provided under G.S. 153A-48.1.

21 (c) If the Secretary of State or other State agency maintains an electronic repository of
22 notices published under this section, the county shall transmit a copy of the notice for filing in
23 the electronic repository.

24 (d) Ordinances adopted pursuant to this section shall not supersede any State law or
25 local act that requires notice by mail to certain classes of persons or the posting of signs on
26 certain property.

27 (e) As used in this section, "notice it is required by law to publish" includes for the
28 word "notice" any item or other matter, and "publish" includes "advertise."

29 **SECTION 4.** Chapter 153A of the General Statutes is amended by adding a new
30 section to read:

31 **"§ 153A-48.1. Notice book.**

32 Each county shall file a true copy of each notice published in accordance with
33 G.S. 153A-52.2 in a notice book separate and apart from the county's ordinance book or minute
34 book. The notice book shall be appropriately indexed and maintained for public inspection in
35 the office of the clerk to the board of commissioners or in the office of the register of deeds."

36 **SECTION 5.** G.S. 159-1(b)(5) reads as rewritten:

37 "(b) The words and phrases defined in this section have the meanings indicated when
38 used in this Chapter, unless the context clearly requires another meaning, or unless the word or
39 phrase is given a more restrictive meaning by definition in another Article herein.

40 ...

41 (5) "Publish," "publication," and other forms of the word "publish" mean
42 insertion in a newspaper qualified under G.S. 1-597 to publish legal
43 ~~advertisements~~ advertisements but also include publication as provided by
44 G.S. 153A-52.2 or G.S. 160A-81.2.

45"

46 **SECTION 6.** S.L. 2003-81, S.L. 2003-161, S.L. 2007-86, and S.L. 2008-5 are
47 repealed, but any ordinance adopted under any of those acts shall remain valid until amended or
48 repealed under G.S. 160A-81.2. This act prevails over any local act relating to publication of
49 notice by a city or county.

50 **SECTION 7.** This act becomes effective October 1, 2011.