

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 773

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

Sponsors: Senators Brock; and Daniel.

Referred to: Judiciary I.

April 20, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW ALL CITIES AND COUNTIES TO GIVE ELECTRONIC NOTICE
3 OF PUBLIC HEARINGS.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 160A-81.2. Electronic notice of public hearings.**

8 (a) The governing body of a city may adopt ordinances providing that any notice of a
9 public hearing it is required by law to publish or advertise, whether under G.S. 1-597 or under
10 any other general law or local act, may, in lieu of or in addition to such publication, be
11 published by electronic means. As used in this section, "electronic means" includes, but is not
12 limited to, the city's Web site. The ordinances may cover all notice of a public hearing required
13 to be published or a selected class or classes of notice.

14 (b) The city must print a copy of any notice published by electronic means under this
15 section notice and file it in the notice book provided under G.S. 160A-78.1.

16 (c) Ordinances adopted pursuant to this section shall not supersede any State law or
17 local act that requires notice by mail to certain classes of persons or the posting of signs on
18 certain property and shall be provided on the same publication schedule provided by law."

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

21 "**§ 160A-78.1. Notice book.**

22 Each city shall file a true copy of each notice published in accordance with G.S. 160A-81.2
23 in a notice book separate and apart from the council's ordinance book or minute book. The
24 notice book shall be appropriately indexed and maintained for public inspection in the office of
25 the city clerk."

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

28 "**§ 153A-52.2. Electronic notice of public hearings.**

29 (a) The governing body of a county may adopt ordinances providing that any notice of
30 a public hearing it is required by law to publish or advertise, whether under G.S. 1-597 or under
31 any other general law or local act, may, in lieu of or in addition to such publication, be
32 published by electronic means. As used in this section, "electronic means" includes, but is not
33 limited to, the county's Web site. The ordinances may cover all notice of a public hearing
34 required to be published or a selected class or classes of notice.

35 (b) The county must print a copy of any notice published by electronic means under this
36 section notice and file it in the notice book provided under G.S. 153A-48.1.



1 (c) Ordinances adopted pursuant to this section shall not supersede any State law or
2 local act that requires notice by mail to certain classes of persons or the posting of signs on
3 certain property and shall be provided on the same publication schedule provided by law."

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

6 "**§ 153A-48.1. Notice book.**

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

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

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

15 ...

16 (5) "Publish," "publication," and other forms of the word "publish" mean
17 insertion in a newspaper qualified under G.S. 1-597 to publish legal
18 ~~advertisements~~ advertisements but as to notices of public hearings includes
19 publication as provided by G.S. 153A-52.2 or G.S. 160A-81.2.

20"

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

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