

## Chapter 17: Electronic Notices

### Sec. 17-1. Electronic Notices For Notices the Board Must Publish

- (a) Any notice that the board of county commissioners is required by law to be published or advertise, whether under G.S. 1-597, under Article 8 of Chapter 143 of the General Statutes, under any other general law, or under any local act, may be published electronically in lieu of or in addition to the required publication or advertisement. This ordinance covers all such notices authorized to be published or advertised.
- (b) Upon this ordinance's adoption, the county shall publish specific instructions as to how to access all notices published electronically under this ordinance at least once a month for twelve (12) months in a newspaper having a general circulation for that jurisdiction, as provided in G.S. 1-597.
- (c) Any notice published under this ordinance shall comply with G.S. 153A-52.2(c) (as it may be amended from time to time). For reference, it is noted that, as of the adoption of this ordinance, G.S. 153A-52.2(c) requires that any notice published under this ordinance comply with all of the following:
  - (1) The notice must be published on the county's Web site no later than the time that publication is required under the applicable statute or local act.
  - (2) The county Web site must contain, on its main page, links to all notices or a link to another page with links to all notices.
  - (3) Notices and links to all notices on the county Web site must be maintained on that Web site for at least one year after publication and shall be searchable.
  - (4) A copy of the notice must be filed in a notice book maintained separate and apart from the ordinance book or minutes of the board of county commissioners. The notice book must be appropriately indexed and maintained for public inspection in the office of the clerk.
  - (5) A copy of the notice must be mailed or e-mailed to any person who has filed a written request for notice with the clerk of the board of county commissioners. Such written requests for notice must be renewed annually to remain effective.
- (d) This ordinance does not supersede any general law or local act that requires notice by mail to certain persons or classes of persons or the posting of signs on certain property.
- (e) This ordinance also applies to notices given by boards appointed by the board of county commissioners.
- (f) Nothing herein shall limit the county's authority under Code 17-2.

**Sec. 17-2. Publication Via County-Maintained Web Site.**

- (a) The county Web site is established as a central location for publishing or advertising legal notices in accordance with G.S. 1-602. In connection therewith, the county must comply with all of the following:
- (1) The county will maintain its own Web site, with sufficient staff to maintain that Web site.
  - (2) The county will have sufficient staff to complete affidavits as needed for all legal notices as required by G.S. 1-602.
  - (3) The county will collect and remit fees as provided in G.S. 1-602.

- (b) The county may charge fees for the administrative costs to the county as follows for such publication:

- (1) For foreclosures, except those initiated by the county, four hundred fifty dollars (\$450.00), or such other fee as may be authorized by statute and approved by the board of county commissioners.
- (2) For other notices, except those by the state or any other political subdivision thereof, one hundred dollars (\$100.00), or such other fee as may be authorized by statute and approved by the board of county commissioners.
- (3) For notices by the state or any other political subdivision thereof, other than the county, ten dollars (\$10.00), or such other fee as may be authorized by statute and approved by the board of county commissioners.
- (4) For notices by the county, no fee shall be charged.

Without limitation of any other rights it may have, the county may suspend a party's privilege of publishing notices on the county Web site for nonpayment.

- (c) To be within the scope of this ordinance, a notice must be specifically permitted or required by law. It is not the intent of this ordinance that the county Web site be open to notices not reasonably calculated to satisfy specific legal requirements.
- (d) The county may phase in its acceptance of notices for publication under this ordinance, on a lawful basis, based upon its capacity to comply with the requirements set out above, as determined by the manager. Similarly, the county may at any time exercise its authority under this ordinance by accepting for publication or advertising some but not all notices, on a lawful basis, based upon its capacity to comply with the requirements set out above, as determined by the manager.
- (e) The county may administratively set and post on the county Web site requirements for the submission of notices for publication, including but not limited to deadlines for submission, manner of submission, document format, payment terms, required information, and terms of use.
- (f) Nothing herein shall limit the county's authority under Code 17-1.