

ORD-26-07-02

ADOPTED: July 2, 2026

EFFECTIVE: July 2, 2026

**AMENDMENT TO BUTNER CODE OF ORDINANCES**

**TITLE IX: GENERAL REGULATIONS**

**CHAPTER 92: NUISANCES**

**Section 92.04 is replaced as follows:**

**§ 92.04 SERVICE OF NOTICE.**

**(A) Methods of Service.** Except where a different or additional method of service is required by another provision of this Chapter or by the General Statutes of North Carolina, any notice or order issued by the Town Manager or the Town Manager's designee under this Chapter shall be served upon the owner of the affected property by any one or more of the following methods:

- (1) by personal delivery to the owner;
- (2) by electronic mail to an electronic mail address that the owner has provided to the Town or otherwise designated for the receipt of notices;
- (3) by first-class mail, postage prepaid, to the owner's last known mailing address, which shall be presumed to be the address shown for the owner in the records of the Granville County tax office; or
- (4) by posting a copy of the notice or order in a conspicuous place on the affected property.

Where the occupant or person in possession of the premises is a person other than the owner, the Town Manager or the Town Manager's designee may additionally serve the notice or order upon such occupant or person in possession by any method set forth above.

**(B) Multiple Owners; Owners Who Cannot Be Identified or Located.**

- (1) Where the affected property is owned by more than one person, service made upon any one owner in the manner provided in subsection (A) shall constitute service upon all owners of the property, provided that the Town Manager or the Town Manager's designee has exercised due diligence to identify and locate all owners.
- (2) Where, after the exercise of due diligence, one or more owners cannot be identified or located and cannot be served by any method set forth in subsection (A)(1) through (3), service shall be made by both: (a) posting a copy of the notice or order in a conspicuous place on the affected property; and (b) publishing the notice or order at least once in a newspaper having general circulation in the Town's jurisdiction.

- (3) The Town Manager or the Town Manager's designee shall make and retain a written certificate describing the efforts undertaken to identify and locate the owners and the method by which service was made. Such certificate shall be deemed conclusive evidence that notice was provided, in the absence of fraud.

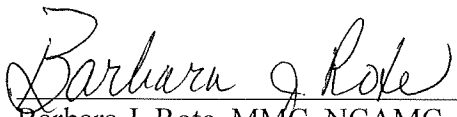
**(C) When Service Is Complete.** Service of a notice or order under this Chapter shall be deemed complete as follows:

- (1) upon personal delivery, on the date of delivery;
- (2) upon service by electronic mail, on the date the electronic mail is sent, provided the sender does not receive an automated or other notification that delivery failed;
- (3) upon service by first-class mail, on the date the notice or order is deposited with the United States Postal Service, postage prepaid and properly addressed to the owner's last known mailing address; provided that, for purposes of computing any period within which the recipient must act, the notice or order shall be presumed received on the third day after the date of deposit;
- (4) upon posting, on the date the notice or order is posted on the affected property; and
- (5) upon service by publication, on the date of publication.

**(D) Effect of Defects; Actual Notice.** The failure of any person entitled to notice to receive a notice or order that was served in accordance with this section shall not invalidate the service, the notice or order, or any proceeding based on it. Actual notice received by a person entitled to notice shall cure any defect in the method of service.

Adopted by the Butner Town Council on July 2, 2026 by unanimous vote.

ATTEST:

  
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Barbara J. Rote, MMC, NCAMC  
Town Clerk

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