

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 538  
Apr 3, 2013  
HOUSE PRINCIPAL CLERK

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HOUSE DRH80175-ST-45 (02/22)

Short Title: Apex Land Use Changes.

(Local)

Sponsors: Representative Dollar.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE TOWN OF APEX TO CONTINUE COMMUNICATIONS WITH  
3 RESIDENTS AND OTHERS ON OTHER MATTERS PENDING A DECISION OF THE  
4 BOARD OF ADJUSTMENTS.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. G.S. 160A-388(e1) reads as rewritten:  
7 "(e1) A member of the board or any other body exercising ~~quasi-judicial functions~~  
8 ~~pursuant to this Article~~ the functions of a board of adjustment shall not participate in or vote on  
9 any quasi-judicial matter in a manner that would violate affected persons' constitutional rights  
10 to an impartial decision maker. Impermissible conflicts include, but are not limited to, a  
11 member having a fixed opinion prior to hearing the matter that is not susceptible to change,  
12 undisclosed ex parte communications, a close familial, business, or other associational  
13 relationship with an affected person, or a financial interest in the outcome of the matter. If an  
14 objection is raised to a member's participation and that member does not recuse himself or  
15 herself, the remaining members shall by majority vote rule on the objection."  
16 SECTION 2. G.S. 160A-393 is repealed.  
17 SECTION 3. G.S. 160A-377 is repealed.  
18 SECTION 4. This act applies to the Town of Apex only.  
19 SECTION 5. This act is effective when it becomes law, and applies to decisions of  
20 the board of adjustment on or after that date.

