

ORDINANCE NO. 2026-_____

AN ORDINANCE TO AMEND SECTION 12-21 OF APEX TOWN CODE

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX AS FOLLOWS:

Section 1. Subsection (c) of Section 12-21 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as strikethrough text:

Sec. 12-21. – Out of town water and sewer service.

- (c) Notwithstanding subsection (a) of this section, the town may provide new water or sewer service to a ~~residential dwelling~~ **new customer** outside of the town's corporate limits if the need for such service is or will be created by a town condemnation action or town infrastructure project. Persons receiving town water or sewer services for these reasons shall be charged the town's normal in-town rates and such persons shall not be charged the ~~acreage and capacity~~ **system development** fees that otherwise would be due for connecting the applicable service to the ~~residential dwelling~~ **customer**. This subsection does not affect the rates, ~~acreage and capacity~~ **system development** fees that would be due upon the development or change of use of the parcel upon which the ~~residential dwelling~~ **new customer** is located. Upon development or change of use of the parcel upon which the ~~residential dwelling~~ **new customer** is located, annexation ~~would be~~ **is** required to provide new service to the new uses resulting from development or to continue service to the changed use within the **a structure**. ~~was formerly used as the residential dwelling~~. Whether a ~~residential dwelling~~ **new customer** qualifies under this subsection shall be determined by the water resources director.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any part of this ordinance shall be adjudged invalid, such adjudication shall apply only to such part so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 3. This ordinance shall be effective upon enactment.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX, NORTH CAROLINA

Allen L. Coleman, CMC, NCCCC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Brian Meyer,
Interim Town Attorney