

ORDINANCE NO. 2021-1123-41

AN ORDINANCE TO AMEND SECTIONS 6-14 AND 13-85 OF APEX TOWN CODE

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

Section 1. Section 6-14 of the Town of Apex Code of Ordinances is hereby amended to read as follows with deletions shown as strike-through text and additions shown as bold underlined text:

Sec. 6-14. – Nonliability of town for damage.

The town shall take reasonable precaution to protect property rights of plot owners, within the cemetery, from loss or damage; but it shall not be liable and distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, especially from damage caused by ~~the elements, an act of God~~ **natural disasters, weather-related events**, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether damage be direct or collateral.

Section 2. Subsection (c) of section 13-85 of the Town of Apex Code of Ordinances is hereby amended to read as follows with deletions shown as strike-through text and additions shown as bold underlined text:

Sec. 13-85. – Service area construction schedule.

(c) The town may in its discretion extend the time for grantee, acting in good faith, to perform any act required. The time for performance may be extended or excused, as the case may be, for any period during which the grantee demonstrates to the satisfaction of the council that the grantee is being subject to delay or interruption due to any of the following circumstances if reasonably beyond its control:

- (1) Necessary utility rearrangements or pole changeouts;
- (2) Governmental regulatory restrictions;
- (3) Labor strikes or lockouts; or
- (4) War, national emergencies, fire, natural disasters, **flood, storms, epidemic, pandemic**, or other acts of God **events reasonably outside of the grantee's control**.

Section 3. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 4. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the 23th day of November, 2021.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney