

ORDINANCE NO. 2022-0222-__

**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 (b) of section 12-21 of the Town of Apex Code of Ordinances is hereby amended to read as follows with deletions shown as struck-through text:

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

- (b) Notwithstanding anything in subsection (a) of this section, the town may offer and provide new utility services to customers located outside of the town's municipal corporate limits, as extended from time to time, as follows:
- (1) New water customers may be connected to water lines existing as of September 7, 1999, which are located outside of the town's municipal corporate limits, to the extent that such connections facilitate the reimbursement of acreage fees to a party who constructed the water lines in reliance on a valid acreage fee reimbursement agreement with the town; such customers shall be subject to the same terms and conditions as applied on September 7, 1999, and shall submit a covenant to be annexed upon the availability of sewer service; and
 - (2) The town may provide new municipal water and sewer service to any construction and debris landfill located outside of the town's municipal corporate limits (but within the town's extraterritorial jurisdiction) at the town's then prevailing in-town rates, rents, fees or other charges for such services (other than acreage fees and capacity fees), subject to such terms and conditions as the town deems necessary or desirable as reflected in an agreement approved by the town council, in consideration of the landfill's owner and operator permitting the town, for a period of not less than five years, to deposit, dump or otherwise dispose of at the landfill, **agreed-upon** ~~unlimited~~ quantities of grass clippings, yard waste, leaves, wood chips and other organic debris collected by the town from properties located within the town's municipal corporate limits and extraterritorial jurisdiction, without charge to the town.

Section 2. 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 3. 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 4. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the 22nd day of February, 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Julie A. Reid
Interim Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney