

ORDINANCE NO. 2025-047

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF APEX TOWN CODE RELATED TO RESIDENT ADVISORY BOARDS

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

Section 1. 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:

Chapter 2; Article IV. – APEX ENVIRONMENTAL ADVISORY BOARD

Sec. 2-58. Apex Environmental Advisory Board —~~created; members~~

- (a) **Reserved. See sub section 2-61 for Purpose and Duties.** ~~Created. There is hereby created an Apex Environmental Advisory Board for the town.~~
- (b) *Membership.* The Apex Environmental Advisory Board shall consist of ~~nine~~ **eleven (11)** **voting** members, **including one youth representative as defined in the Resident Advisory Board Administrative Policy,** all of whom shall be appointed at large by the Town Council. Membership shall be restricted to residents ~~and citizens~~ of the town except that one member may be a resident of the town's established extra-territorial jurisdiction. When practical, one member should be affiliated with the development community (developer's engineer, developer, etc.).
- (c) *Appointment.* ~~Initially, members of the Apex Environmental Advisory Board shall be recommended by the mayor and appointed by the Town Council for terms of one, two, or three years as follows:~~
~~Three members: one-year terms.~~
~~Three members: two-year terms.~~
~~Three members: three-year terms.~~

Following the initial board establishment, members of the Apex Environmental Advisory Board shall serve staggered two-year terms.

- (d) *Terms.* ~~Following their initial appointment term, members of the Apex Environmental Advisory Board shall serve three-year terms.~~ **Members shall be recommended by the Mayor and appointed by the Town Council. Members shall be appointed for terms of two (2) years, except for the youth representative who shall be appointed for a term of one (1) year. No member of the Apex Environmental Advisory Board may serve more than three (3) consecutive two (2) year terms with the exception of the youth representative who may serve no more than two (2) consecutive terms.** Vacancies shall be filled in the same manner as original appointments, except that such appointments shall be only for the length of the unexpired term.

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(e) Officers.

(1) Chair and vice-chair. The chair and vice-chair of the Apex Environmental Advisory Board shall be appointed by the Mayor from the voting members of the Board and confirmed by the Town Council. The term of the chair and vice-chair shall be one (1) year. A past chair or vice-chair may be re-appointed, even though no chair or vice-chair shall serve for more than ~~four~~ (4) three (3) consecutive terms. Vacancies within a term shall be filled by the same method as the original appointment. The chair shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Apex Environmental Advisory Board. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. In the absence of both the chair and vice-chair, an acting chair shall be selected for that meeting by a simple majority of those members present. The acting chair shall have the authority and responsibilities of the chair for that meeting.

(2) Secretary. The Town Clerk or their designee shall serve as Secretary of the Apex Environmental Advisory Board and shall keep minutes of all proceedings. These minutes shall be a summary of all proceedings before the Apex Environmental Advisory Board, which shall include the vote of all members upon every consideration, and be attested to by the Secretary. The minutes shall be approved by a majority of the Apex Environmental Advisory Board members voting. In addition, the Secretary shall maintain all records of the Apex Environmental Advisory Board meetings, hearings, proceedings, and correspondence, as public records in the Office of the Town Clerk.

(f) Quorum.

No meeting of the Apex Environmental Advisory Board shall be called to order, nor may any business be transacted by the Board, without a quorum consisting of the majority of the Board's membership excluding vacant seats.

(g) Meetings.

Meetings of the Apex Environmental Advisory Board shall be held monthly to consider matters properly before the Board. Additional meetings may be called by the Chair or in writing by a majority of the Board.

(h) Compensation.

The members of the Apex Environmental Advisory Board shall serve with compensation as authorized by Town Council in the annual budget and as defined in the Resident Advisory Board Administrative Policy.

(i) Removal.

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Any member of the Apex Environmental Advisory Board may be removed with or without cause by the Town Council as defined in the Resident Advisory Board Administrative Policy.

*(j) **Conflicts of Interest.***

Per 160D-109(b), Environmental Advisory Board members shall not vote on any advisory decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Any member who has an interest in a matter under consideration by the Environmental Advisory Board shall declare such interest prior to the vote of the Board and abstain from voting on the question. The member declaring the interest is not exempted from participation in the discussions of the Board on the matter prior to its vote.

~~Sec. 2-59.—Same—Meetings; Chair; Vice Chair; Secretary. The Apex Environmental Advisory Board shall hold meetings at such times and places as it shall determine and shall adopt rules and regulations governing its procedure. The mayor shall recommend and the town council shall select from the membership board members to serve as the chair and vice chair of the board. Appointment shall be for a term of one year. A member of town staff, as designated by the town manager shall serve as the non-voting secretary to the board and record and distribute minutes of all meetings.~~ **Reserved.**

~~Sec. 2-60. - Same—Attendance of Board members at meetings. If a Apex Environmental Advisory Board member, whose absences are not excused in the manner set out hereinafter, misses more than three consecutive regular meetings or a total of four such meetings during the year such board member loses the status as a member of the board. In such cases, the chair will immediately request the mayor and town council to fill the vacancy. Absences due to sickness, death or other such obligatory emergencies shall be regarded as excused absences and shall not affect the members' status on the board. However, in the event of long illness, or other such causes for prolonged absence, the member may be replaced.~~ **The attendance policy for members of the Apex Environmental Advisory Board shall be determined by the Town Council and described in the Resident Advisory Board Administrative Policy.**

~~Sec. 2-61. – Same—~~ **Purpose and** Duties; powers.

The charge of the Apex Environmental Advisory Board will be to assist the Town Council in strengthening environmentally responsible practices that protect, promote and nurture our community and the natural world through advice and program support.

The Apex Environmental Advisory Board shall have the following powers and duties:

1. Advise the planning committee of the Town Council regarding suggested changes to Town policy or ~~ordinance~~ **Town Code** related to the impacts of development upon the environment.

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2. ~~Review, with applicants, during the pre-application phase of a proposal, all requests for rezoning and recommend zoning conditions to the applicant and town council that will mitigate anticipated impact to the natural environment as a result of the project under consideration.~~ **Duties as specified in Section 2.1.9 of the Town's Unified Development Ordinance (UDO)**
3. Advocate for managing environmental resources in a way that reflects the community's values.
4. Acknowledge, review, and mitigate effects of climate change by recommending incentives for:
 - a. Maintaining and acknowledging the natural terrain, to the extent reasonable and practicable.
 - b. Maintaining and encouraging native plant and wildlife species.
 - c. Utilizing environmentally responsible building practices.
 - d. Improving the bicycle and pedestrian environment.
 - e. Improving water quality.
 - f. Consideration for the visual aesthetics as it pertains to the natural environment.
 - g. Preserving and/or improving shade/tree canopy.
5. Maintain and improve current environmental protections.
6. Identify Apex resources for further protection (i.e., natural heritage areas).
7. Support the town's efforts to:
 - a. Improve efficiency within town facilities.
 - b. Reduce waste.
 - c. Reduce town's carbon footprint.
 - d. Reach the town's goal of achieving 100 percent clean energy by 2050.
8. Act as a proactive vehicle for community feedback on environmental issues (i.e., surveys, crowd sourcing, social media, public forums, newspaper articles).
9. **Duties related to maintaining Tree City USA and Bee City USA designations.**

Chapter 2; Article V. – CULTURE AND ARTS ADVISORY BOARD

Sec 2-62. Purpose and Duties: The Culture and Arts Advisory Board (CAAB) is responsible for increasing community awareness for various forms of art and building a vital and ever-expanding creative community. The CAAB will gather public input through surveys, focus groups, meeting with civic groups, neighborhood groups etc., and liaising with Town Departments and other Town Committees related to arts and culture initiatives. They shall recommend projects, programs, and potential artists.

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Sec 2-63. Membership. The Culture and Arts Advisory Board (CAAB) shall consist of nine (9) voting members, including one youth representative as defined in the Resident Advisory Board Administrative Policy, all of whom shall be appointed at large by the Town Council. Membership shall be restricted to residents of the town except that no more than two (2) members may be residents of the town's established extra-territorial jurisdiction. When practical, members should be involved with art education or work as professional artist, curators, or another art related professions.

Sec. 2-64. Appointment. All members of the Culture and Arts Advisory Board (CAAB) shall be recommended by the Mayor and appointed by the Town Council.

Sec. 2-65. Terms. All members shall be appointed for terms of two (2) years, except for the youth representative who shall be appointed for a term of one (1) year. No member of the Apex Culture and Arts Advisory Board (CAAB) may serve more than three (3) consecutive two (2) year terms with the exception of the youth representative who may serve no more than two (2) consecutive terms. Vacancies shall be filled in the same manner as original appointments, except that such appointments shall be only for the length of the unexpired term.

Sec. 2-66. Officers.

(1) Chair and vice-chair. The chair and vice-chair of the Culture and Arts Advisory Board (CAAB) shall be appointed by the Mayor from the voting members of the Board and confirmed by the Town Council. The term of the chair and vice-chair shall be one (1) year. A past chair or vice-chair may be re-appointed, even though no chair or vice-chair shall serve for more than three (3) consecutive terms. Vacancies within a term shall be filled by the same method as the original appointment. The chair shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Arts and Culture Advisory Board. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. In the absence of both the chair and vice-chair, an acting chair shall be selected for that meeting by a simple majority of those members present. The acting chair shall have the authority and responsibilities of the chair for that meeting.

(2) Secretary. The Town Clerk or their designee shall serve as Secretary of the Culture and Arts Advisory Board (CAAB) and shall keep minutes of all proceedings. These minutes shall be a summary of all proceedings before the Board, which shall include the vote of all members upon every consideration, and be attested to by the Secretary. The minutes shall be approved by a majority of the members voting. In addition, the Secretary shall maintain all records of the Culture and Arts Advisory Board (CAAB) meetings, hearings, proceedings, and correspondence, as public records in the Office of the Town Clerk.

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Sec. 2-67. Quorum. No meeting of the Culture and Arts Advisory Board (CAAB) shall be called to order, nor may any business be transacted by the Board, without a quorum consisting of the majority of the Board's membership excluding vacant seats.

Sec. 2-68. Meetings. Meetings of the Culture and Arts Advisory Board (CAAB) shall be held monthly to consider matters properly before the Board. Additional meetings may be called by the Chair or in writing by a majority of the Board.

Sec. 2-69. Compensation. The members of the Culture and Arts Advisory Board (CAAB) shall serve with compensation as authorized by Town Council in the annual budget and as defined in the Resident Advisory Board Administrative Policy.

Sec. 2-70. Removal. Any member of the Culture and Arts Advisory Board (CAAB) may be removed with or without cause by the Town Council as defined in the Resident Advisory Board Administrative Policy.

Sec. 2-71. Conflicts of Interest. Per 160D-109(b), Culture and Arts Advisory Board members shall not vote on any advisory decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Any member who has an interest in a matter under consideration by the Culture and Arts Advisory Board shall declare such interest prior to the vote of the Board and abstain from voting on the question. The member declaring the interest is not exempted from participation in the discussions of the Board on the matter prior to its vote.

Chapter 2; Article VI. – MULTIMODAL TRANSPORTATION ADVISORY BOARD

Sec 2-72. Purpose and duties. The purpose of the Multimodal Transportation Advisory Board (MTAB) is to support and expand opportunities for biking, walking, and riding transit as a means of transportation in the Town of Apex. The Multimodal Transportation Advisory Board (MTAB) shall have the following powers and duties under the provisions of this Ordinance:

- 1. Advise the Mayor and Town Council regarding proposed local multimodal plans, policies, priorities, capital improvements, and transit service changes.**
- 2. Review regional transit plans, policies, capital improvements, and proposed services changes relevant to the Town of Apex and provide recommendations.**
- 3. Gather community input regarding the experience of biking, walking, and using transit in Apex and work to address identified needs.**
- 4. Raise community awareness about using multimodal transportation in Apex.**

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Sec 2-73. Membership. The Multimodal Transportation Advisory Board shall consist of nine (9) voting members, including one youth representative as defined in the Resident Advisory Board Administrative Policy. Membership shall be restricted to residents of the Town except that no more than one (1) member may be a resident of the Town's established extra-territorial jurisdiction. When practical, members should have an interest or experience in using alternate modes of transportation including transit, bicycling, and walking and/or have been involved with planning, analysis, or advocacy surrounding multimodal planning issues, in a professional or volunteer capacity.

Sec. 2-74. Appointment. All members of the Multimodal Transportation Advisory Board shall be recommended by the Mayor and appointed by the Town Council.

Sec. 2-75. Terms. All members shall be appointed for terms of two (2) years, except for the youth representative who shall be appointed for a term of one (1) year. No member of the Multimodal Transportation Advisory Board may serve more than three (3) consecutive two (2) year terms with the exception of the youth representative who may serve no more than two (2) consecutive terms. Vacancies shall be filled in the same manner as original appointments, except that such appointments shall be only for the length of the unexpired term.

Sec. 2-76. Officers.

(1) Chair and vice-chair. The chair and vice-chair of the Multimodal Transportation Advisory Board (MTAB) shall be appointed by the Mayor from the voting members of the Board and confirmed by the Town Council. The term of the chair and vice-chair shall be one (1) year. A past chair or vice-chair may be re-appointed, even though no chair or vice-chair shall serve for more than three (3) consecutive terms. Vacancies within a term shall be filled by the same method as the original appointment. The chair shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Multimodal Transportation Advisory Board. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. In the absence of both the chair and vice-chair, an acting chair shall be selected for that meeting by a simple majority of those members present. The acting chair shall have the authority and responsibilities of the chair for that meeting.

(2) Secretary. The Town Clerk or their designee shall serve as Secretary of the Multimodal Transportation Advisory Board and shall keep minutes of all proceedings. These minutes shall be a summary of all proceedings before the Board, which shall include the vote of all members upon every consideration, and be attested to by the Secretary. The minutes shall be approved by a majority of the members voting. In addition, the Secretary shall maintain all records of the Multimodal Transportation Advisory Board meetings,

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hearings, proceedings, and correspondence, as public records in the Office of the Town Clerk.

Sec. 2-77. Quorum. No meeting of the Multimodal Transportation Advisory Board shall be called to order, nor may any business be transacted by the Board, without a quorum consisting of the majority of the Board's membership excluding vacant seats.

Sec. 2-78. Meetings. Meetings of the Multimodal Transportation Advisory Board shall be held bimonthly to consider matters properly before the Board. Additional meetings may be called by the Chair or in writing by a majority of the Board.

Sec. 2-79. Compensation. The members of the Multimodal Transportation Advisory Board shall serve with compensation as authorized by Town Council in the annual budget and as defined in the Resident Advisory Board Administrative Policy.

Sec. 2-80. Removal. Any member of the Multimodal Transportation Advisory Board may be removed with or without cause by the Town Council as defined in the Resident Advisory Board Administrative Policy.

Sec. 2-81. Conflicts of Interest. Per 160D-109(b), Multimodal Transportation Advisory Board members shall not vote on any advisory decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Any member who has an interest in a matter under consideration by the Multimodal Transportation Advisory Board shall declare such interest prior to the vote of the Board and abstain from voting on the question. The member declaring the interest is not exempted from participation in the discussions of the Board on the matter prior to its vote.

Chapter 15; PARKS AND RECREATION ADVISORY BOARD

Sec. 15-1. - ~~Parks, recreation, and cultural resources advisory commission~~ Parks and Recreation Advisory Board—Created; members

(a) ~~Created.~~ There is hereby created a parks, ~~and~~ recreation and cultural resources advisory commission ~~board~~ for the town.

- (a) The Parks and Recreation Advisory Board shall have the following duties:
- (1) Advise the Mayor and Town Council concerning all matters relating to the operation of a system of public recreation for the Town.

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- (2) Advise on establishing and maintaining a system of organized and supervised recreational activity for the Town within the budgetary levels authorized by the Mayor and Town Council.**
- (3) Recommend recreational use of appropriate lands or buildings owned by or leased to the Town.**
- (4) Recommend to the Mayor and Town Council land to be set apart for use as parks, playgrounds, recreational centers, water areas, or other recreational areas and structures.**
- (5) Recommend upon the needs of appropriate additional lands and structures for the recreational activities of the Town.**
- (6) Advise the Mayor and Town Council as to controls for and operation of recreational facilities which are owned or controlled by the Town.**
- (7) Recommend to the Mayor and Town Council regulatory control, rules and measures for use of Town-owned or controlled recreational facilities.**
- (8) Advise the Mayor and Town Council as to the amount of all fees, rentals and charges for park and recreation services.**
- (9) Review the budget for the Parks, Recreation, and Cultural Resources department, and make comments and recommendations to the Mayor and Town Council with respect thereto.**
- (10) Consult with the Planning Board on all matters pertaining to recreational planning for the community.**
- (11) Make recommendations to and assist the Parks, Recreation, and Cultural Resources Director in preparing a five-year program for the Parks, Recreation, and Cultural Resources department covering both operating and capital plans for the department.**
- (12) Review Planned Unit Developments (PUDs), Master Subdivision Plans, Site Plans, and make recommendations about whether the Planned Unit Developments (PUDs), Master Subdivision Plans, or Site Plans comply with the Town's Master Plan for Parks, Recreation, Cultural Resources, Greenways, and Open Space, the appropriate review standards and whether a fee-in-lieu for parks, dedication of public park land or public greenway, or**

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some combination of a fee in lieu, land dedication, or park/greenway construction should be made.

(Ord. of 3-17-87, § 1.6; Ord. No. 07-1218-17, § 2, 12-18-07)

(A) *Membership.* The ~~commission~~ **Board** shall consist of nine **voting** members **and one non-voting youth representative** all of whom shall be appointed at large by the **Town Council**. Membership shall be restricted to residents ~~and citizens~~ **within the corporate limits** of the town except that no more than one ~~nonresident~~ **member from the Town's extraterritorial jurisdiction (ETJ)** may serve if the **Town Council** so chooses. One member shall be appointed as a senior citizens representative and shall be 1) active in seniors programs offered by the town and 2) the minimum age which designates senior participation in town sponsored programs. ~~Any non-resident appointed to the commission must reside in the county and within the town's established extra territorial jurisdiction.~~ One additional temporary member may be appointed by the town council to serve the period of July 1, 2017 through December 31, 2017.

(B) *Appointment.* ~~Initially, members of the commission~~ **Board** shall be recommended by the mayor and appointed by the **Town Council** for terms of one, two, or three years as follows:

~~Three members: one year terms.~~

~~Three members: two year terms.~~

~~Three members: three year terms.~~

Following the initial board establishment, members of the Parks and Recreation Advisory Board shall serve staggered two-year terms.

(C) *Terms.* Members of the ~~commission~~ shall be recommended by the **Mayor** and appointed by the **Town Council**. **Members shall be appointed for terms of two (2) years, except for the youth representative who shall be appointed for a term of one (1) year. No member of the Parks and Recreation Advisory Board may serve more than three (3) consecutive two (2) year terms with the exception of the youth representative who may serve no more than two (2) consecutive terms.** ~~Terms shall end at the conclusion of the June meeting each year.~~ Vacancies shall be filled in the same manner as original appointments, except that such appointments shall be only for the length of the unexpired term.

Sec. 15-2 – ~~Same~~ Meetings; Chair; Vice-Chair; Secretary.

The **Parks and Recreation** ~~commission~~ **Advisory Board** shall hold meetings at such times and places as it shall determine and shall adopt bylaws, rules and regulations governing its procedure. The **Mayor** shall ~~recommend~~ **appoint** and the **Town Council** shall ~~select~~ **confirm** ~~from the membership commissioners to serve as the a chair and a vice-chair of the commission of the~~ **voting members of the Parks and Recreation Advisory Board**. Appointment shall be for a term of one year. The ~~director of parks and recreation~~ **Town Clerk or their designee** shall serve as the secretary to the ~~commission~~ **Board** and record and distribute minutes of all meetings.

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Sec. 15-3. - ~~Same~~—Attendance of commissioners at meetings.

~~If a commissioner, whose absences are not excused in the manner set out hereinafter, misses more than three consecutive regular meetings or a total of four such meetings during the year such commissioner loses the status as a member of the commission. In such cases, the chair will immediately request the mayor and town council to fill the vacancy. Absences due to sickness, death or other such obligatory emergencies shall be regarded as excused absences and shall not affect the commissioner's status on the commission. However, in the event of long illness, or other such causes for prolonged absence, the commissioner may be replaced.~~ **The attendance policy for members of the Parks and Recreation Advisory Board shall be determined by the Town Council and described in the Resident Advisory Board Administrative Policy.**

Sec. 15-3 (A) - Quorum. No meeting of the Parks and Recreation Advisory Board shall be called to order, nor may any business be transacted by the Board, without a quorum consisting of the majority of the Board's voting membership excluding vacant seats.

Sec. 15-3 (B) Meetings. Meetings of the Parks and Recreation Advisory Board shall be held monthly to consider matters properly before the Board. Additional meetings may be called by the Chair or in writing by a majority of the Committee.

Sec. 15-3 (C) Compensation. The members of the Parks and Recreation Advisory Board shall serve with compensation as authorized by Town Council in the annual budget and as defined in the Resident Advisory Board Administrative Policy.

Sec. 15-3 (D) Removal. Any member of the Parks and Recreation Advisory Board may be removed with or without cause by the Town Council as defined in the Resident Advisory Board Administrative Policy.

Sec. 15-3 (E) Conflicts of Interest. Conflicts of Interest. Per 160D-109(b), Parks and Recreation Advisory Board members shall not vote on any advisory decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Any member who has an interest in a matter under consideration by the Parks and Recreation Advisory Board shall declare such interest prior to the vote of the Board and abstain from voting on the question. The member declaring the interest is not exempted from participation in the discussions of the Board on the matter prior to its vote.

Section 2. The Town Clerk is hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this Ordinance or future amendments as long as doing so does not alter the terms of this Ordinance

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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.

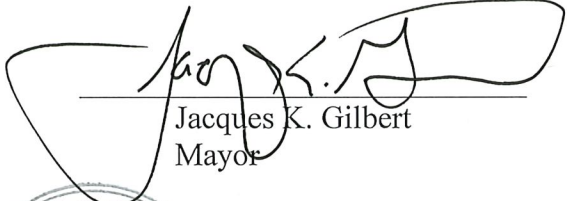
Section 4. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are 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 July 1, 2025.

Introduced by Council Member: Gantt


Seconded by Council Member: Zegeman

This the 24th day of June, 2025.



Jacques K. Gilbert
Mayor

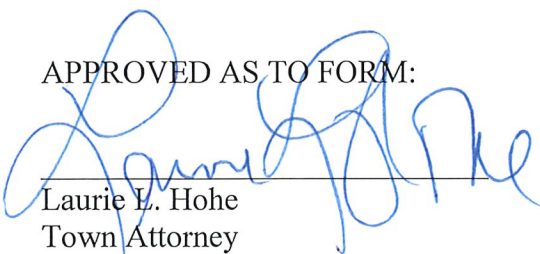
ATTEST:



Allen L. Coleman, CMC, NCCCC
Town Clerk



APPROVED AS TO FORM:



Laurie L. Hohe
Town Attorney