

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 414
SENATE BILL 942

AN ACT TO CREATE THE MOORE COUNTY AIRPORT AUTHORITY FOR THE OPERATION AND MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY OF MOORE FOR THE CITIZENS OF MOORE COUNTY AND VICINITY AND CONCERNING THE POWERS OF THE LAURINBURG-MAXTON AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created the "Moore County Airport Authority" (for brevity hereinafter referred to as the "Airport Authority"), which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by general law and future acts of the General Assembly.

Sec. 2. Except as provided in Section 2.1 of this act, the Airport Authority shall consist of five members who shall be registered voters of Moore County. Members shall be appointed by the Moore County Board of Commissioners and shall meet at least once per month at the Moore County Airport. Initially, the term of office of the members of the Airport Authority shall be determined by the Moore County Board of Commissioners, not to exceed four years, and thereafter the members of the Airport Authority shall be appointed to serve for a period of four years. Any member may serve a total of two successive terms, after which said member may not be reappointed to the Airport Authority except after a lapse of two years following the most recent service by the member. Each member shall take and subscribe before the clerk to the Board of Commissioners for the County of Moore an oath of office and file it with the County Commissioners of Moore County. A member of the Airport Authority may be removed for cause, by the Moore County Board of Commissioners.

Sec. 2.1. The Moore County Board of Commissioners may, at the request of the Airport Authority, increase the membership to no more than seven members. The Moore County Board of Commissioners may consult with the Airport Authority in filling vacancies on the Airport Authority.

Sec. 3. The members shall, for the purpose of doing business, constitute a Board of Directors, which shall adopt suitable bylaws for its management. The members of the Board may receive compensation or per diem as fixed by the Moore County Board of Commissioners from time to time. Members may be allowed and paid their actual traveling expenses incurred in transacting the business and at the instance of the Airport Authority.

Sec. 4. (a) The Airport Authority may:

- (1) Purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate the Moore County Airport for the use of airplanes and other aircraft, and all facilities incidental to the operation of such airport within the limits of Moore County; construct additions and improvements thereto; and for any of such purposes to purchase, acquire, own, hold, lease or operate, or both, real or personal property including air easements. Acquisition may be by gift, devise, or private purchase or by the exercise of the power of eminent domain by the Airport Authority, pursuant to the provisions of Chapter 40A of the General Statutes, in Moore County only;
- (2) Sue and be sued in the name of the Airport Authority, make contracts necessary for the exercise of the powers of the Airport Authority, and acquire by purchase, lease, or otherwise, any existing lease, leasehold right, or other interest in any existing airport located in Moore County;
- (3) Charge and collect reasonable and adequate fees, royalties, rents, or other charges for the use of the property owned, leased, or otherwise controlled or operated by said Airport Authority or for services rendered in the operation thereof;
- (4) Make all reasonable rules and regulations as it deems necessary for the proper maintenance, use, operation, and control of any airport or airport facilities owned, leased, or otherwise controlled by said Airport Authority; provide penalties for the violation of such rules and regulations, provided said rules and regulations and penalties be not in conflict with the laws of the State of North Carolina and the rules and regulations of the Federal Aviation Administration;
- (5) Sell, lease, or otherwise dispose of any property, real or personal, belonging to the Airport Authority, according to the procedures described in Article 12 of Chapter 160A of the General Statutes, but no sale of real property shall be made without the approval of the Board of Commissioners of Moore County;
- (6) Purchase such insurance as the Airport Authority shall deem necessary;
- (7) Deposit or invest and reinvest any of its funds as provided by the Local Government Finance Act, as it may be amended from time to time, for the deposit or investment of unit funds;
- (8) Operate, own, lease, control, regulate, or grant to others the right to operate on any airport premises, restaurants, snack bars, and vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandising outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service stations, garage service facilities, motion pictures, personal service establishments, and all other types of facilities as may be directly or indirectly related to

the maintenance and furnishing to the general public of a complete air terminal installation;

- (9) Issue revenue bonds pursuant to Article 5 of Chapter 159 of the General Statutes;
- (10) Subject to the limitations set out in this act, have all the same power and authority granted to cities and counties pursuant to Chapter 63 of the General Statutes, Aeronautics; and
- (11) Have a corporate seal which may be altered at will.

(b) The Authority shall possess the same exemptions in respect to payment of taxes and license fees and be eligible for sales and use tax refunds to the same extent as provided for municipal corporations by the laws of the State of North Carolina.

Sec. 5. Any lands acquired, owned, controlled, or occupied by said Airport Authority shall, and are hereby declared to be acquired, owned, controlled, and occupied for a public purpose.

Sec. 6. The Airport Authority shall make an annual report to the Moore County Board of Commissioners setting forth in detail the operations and transactions conducted by it pursuant to this act. It shall not have the power to pledge the credit of Moore County, or any subdivision thereof, or to impose any obligation upon Moore County, or any subdivision thereof.

Sec. 7. Subject to the limitations as set out in this act, all rights and powers given and granted to counties or municipalities by general law, which may now be in effect or enacted in the future relating to the development, regulation, and control of municipal airports, and the regulation of aircraft, are vested in the Airport Authority, and Moore County may delegate its powers under said acts to the Airport Authority, and the Airport Authority shall have concurrent rights with Moore County to control, regulate, and provide for the development of aviation in Moore County.

Sec. 8. The Airport Authority may contract with and accept grants from the Federal Aviation Administration of the United States of America, the State of North Carolina, or any of the agencies or representatives of either of said governmental bodies relating to the purchase of land and air easements and to the grading, constructing, equipping, improving, maintaining, or operating of an airport or its facilities or both.

Sec. 9. The Airport Authority may employ such agents, engineers, attorneys, and other persons whose services may be deemed by the Airport Authority to be necessary and useful in carrying out the provisions of Sections 1 through 9 of this act. Members of the Airport Authority shall not be personally liable, in any manner, for their acts as members of the Airport Authority, except for misfeasance or malfeasance.

Sec. 10. (a) G.S. 63-4, as it applies to the City of Laurinburg and the Town of Maxton by virtue of Chapter 1166, Session Laws of 1977, reads as rewritten:

"§ 63-4. Joint airports established by cities and towns and counties.

The governing bodies of any city, town and county in this state are hereby authorized to jointly acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft within or without the limits of such cities, towns and counties, including

any water or sewer system used in connection therewith and to provide wastewater collection systems, wastewater treatment works, and water supply systems for the airport and surrounding ~~areas~~, areas, including areas not contiguous to the airport, and may use for such purposes any property suitable therefor that is now or may at any time hereafter be jointly owned or controlled by such city, town and county."

(b) This section applies only to the City of Laurinburg and the Town of Maxton.

Sec. 11. If any one or more sections, clauses, sentences, or parts of this act shall be adjudged invalid, such judgment shall not affect, impair, or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions held invalid, and the inapplicability or invalidity of any section, clause, sentence, or part of this act in one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 20th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives