

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 719

Short Title: Municipal Airport Authorities.

(Public)

Sponsors: Representatives Lineberry; Bowman and Jeffus.

Referred to: Transportation.

April 11, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO GRANT TO MUNICIPALITIES CERTAIN POWERS AUTHORIZED
3 BY SECTION 13 OF ARTICLE V OF THE CONSTITUTION OF NORTH
4 CAROLINA.

5 Whereas, Article V of the Constitution of North Carolina was amended on
6 November 25, 1986, by adding a Section 13 entitled "Seaport and Airport Facilities";
7 and

8 Whereas, that Section granted to the General Assembly the power to enact
9 general laws granting to the State, counties, municipalities, and other State and local
10 governmental entities all powers useful in connection with the development of new and
11 existing seaports and airports and authorizing those public bodies to perform certain
12 specified activities; and

13 Whereas, the General Assembly recognizes that the following powers would
14 be useful in connection with the development of new and existing airports and should be
15 granted to municipalities; Now, therefore,

16 The General Assembly of North Carolina enacts:

17 Section 1. G.S. 63-53 reads as rewritten:

18 "§ 63-53. Specific powers of municipalities operating airports.

19 In addition to the general powers in this Article conferred, and without limitation
20 thereof, a municipality which has established or may hereafter establish airports,
21 restricted landing areas or other air navigation facilities, or which has acquired or set
22 apart or may hereafter acquire or set apart real property for such purpose or purposes is
23 hereby authorized:

- 1 (1) To vest authority for the construction, enlargement, improvement,
2 maintenance, equipment, operation and regulation thereof in an officer,
3 a board or body of such municipality by ordinance or resolution which
4 shall prescribe the powers and duties of such officer, board or body.
5 The expense of such construction, enlargement, improvement,
6 maintenance, equipment, operation and regulation shall be a
7 responsibility of the municipality.
- 8 (2) To adopt and amend all needful rules, regulations and ordinances for
9 the management, government and use of any properties under its
10 control whether within or without the territorial limits of the
11 municipality; to appoint airport guards or police with full police
12 powers; to fix by ordinance, penalties for the violation of said
13 ordinances and enforce said penalties in the same manner in which
14 penalties prescribed by other ordinances of the municipality are
15 enforced. It may also adopt ordinances designed to safeguard the
16 public upon or beyond the limits of private airports or landing strips
17 within such municipality or its police jurisdiction against the perils and
18 hazards of instrumentalities used in aerial navigation. Such ordinances
19 shall be published as provided by general law or the charter of the
20 municipality for the publication of similar ordinances. They must
21 conform to and be consistent with the laws of this State and shall be
22 kept in conformity, as nearly as may be, with the then current federal
23 legislation governing aeronautics and the regulations duly promulgated
24 thereunder and rules and standards issued from time to time pursuant
25 thereto.
- 26 (3) To lease such airports or other air navigation facilities, or real property
27 acquired or set apart for airport purposes, to private parties, to any
28 municipal or State government or to the national government, or to any
29 department of either thereof, for operation; to lease to private parties,
30 to any municipal or State government or to the national government, or
31 any department of either thereof, for operation or use consistent with
32 the purpose of this Article, space, area, improvements, or equipment
33 on such airports; to sell any part of such airports, other air navigation
34 facilities or real property to any municipal government, or to the
35 United States or to any department or instrumentality thereof, for
36 aeronautical purposes or purposes incidental thereto, and to confer the
37 privileges of concessions of supplying upon its airports goods,
38 commodities, things, services and facilities; provided that in each case
39 in so doing the public is not deprived of its rightful, equal, and uniform
40 use thereof.
- 41 (4) To sell or lease any property, real or personal, acquired for airport
42 purposes and belonging to the municipality, which, in the judgment of
43 its governing body, may not be required for aeronautic purposes in
44 accordance with the laws of this State or the provisions of the charter

1 of the municipality governing the sale or leasing of similar municipally
2 owned property.

3 (5) To determine the charge or rental for the use of any properties under
4 its control and the charges for any services or accommodations and the
5 terms and conditions under which such properties may be used,
6 provided that in all cases the public is not deprived of its rightful,
7 equal, and uniform use of such property. Charges shall be reasonable
8 and uniform for the same class of service and established with due
9 regard to the property and improvements used and the expense of
10 operation to the municipality. The municipality shall have and may
11 enforce liens as provided by law for liens and enforcement thereof, for
12 repairs to or improvement or storage or care of any personal property,
13 to enforce the payment of any such charges.

14 (6) To engage, on an airport, in commercial and industrial land
15 development projects which relate to, develop, or further airborne
16 commerce and cargo and passenger traffic, and, in connection with any
17 project, to improve real estate on an airport and lease that improved
18 real estate to public or private commercial and industrial enterprises, or
19 contract with others to do so.

20 ~~(6)~~(7) To exercise all powers necessarily incidental to the exercise of the
21 general and special powers herein created."

22 Sec. 2. This act provides additional powers and shall not be regarded as
23 limiting powers conferred by other laws.

24 Sec. 3. If any provision of this act, or any application of this act, is held
25 invalid, the invalidity shall not affect other provisions or applications of this act, and to
26 that end the provisions of this act are severable.

27 Sec. 4. This act is effective upon ratification.