

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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SENATE BILL 942  
House Committee Substitute Favorable 7/15/93

Short Title: Airport Authorities.

(Local)

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Sponsors:

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Referred to:

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April 12, 1993

A BILL TO BE ENTITLED

1 AN ACT TO CREATE THE MOORE COUNTY AIRPORT AUTHORITY FOR THE  
2 OPERATION AND MAINTENANCE OF AIRPORT FACILITIES IN THE  
3 COUNTY OF MOORE FOR THE CITIZENS OF MOORE COUNTY AND  
4 VICINITY AND CONCERNING THE POWERS OF THE LAURINBURG-  
5 MAXTON AIRPORT AUTHORITY.  
6

7 The General Assembly of North Carolina enacts:

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

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

1 it with the County Commissioners of Moore County. A member of the Airport  
2 Authority may be removed for cause, by the Moore County Board of Commissioners.

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

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

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

- 14 (1) Purchase, acquire, establish, construct, own, control, lease, equip,  
15 improve, maintain, operate, and regulate the Moore County Airport for  
16 the use of airplanes and other aircraft, and all facilities incidental to the  
17 operation of such airport within the limits of Moore County; construct  
18 additions and improvements thereto; and for any of such purposes to  
19 purchase, acquire, own, hold, lease or operate, or both, real or personal  
20 property including air easements. Acquisition may be by gift, devise,  
21 or private purchase or by the exercise of the power of eminent domain  
22 by the Airport Authority, pursuant to the provisions of Chapter 40A of  
23 the General Statutes, in Moore County only;
- 24 (2) Sue and be sued in the name of the Airport Authority, make contracts  
25 necessary for the exercise of the powers of the Airport Authority, and  
26 acquire by purchase, lease, or otherwise, any existing lease, leasehold  
27 right, or other interest in any existing airport located in Moore County;
- 28 (3) Charge and collect reasonable and adequate fees, royalties, rents, or  
29 other charges for the use of the property owned, leased, or otherwise  
30 controlled or operated by said Airport Authority or for services  
31 rendered in the operation thereof;
- 32 (4) Make all reasonable rules and regulations as it deems necessary for the  
33 proper maintenance, use, operation, and control of any airport or  
34 airport facilities owned, leased, or otherwise controlled by said Airport  
35 Authority; provide penalties for the violation of such rules and  
36 regulations, provided said rules and regulations and penalties be not in  
37 conflict with the laws of the State of North Carolina and the rules and  
38 regulations of the Federal Aviation Administration;
- 39 (5) Sell, lease, or otherwise dispose of any property, real or personal,  
40 belonging to the Airport Authority, according to the procedures  
41 described in Article 12 of Chapter 160A of the General Statutes, but no  
42 sale of real property shall be made without the approval of the Board  
43 of Commissioners of Moore County;

- 1           (6) Purchase such insurance as the Airport Authority shall deem  
2           necessary;
- 3           (7) Deposit or invest and reinvest any of its funds as provided by the Local  
4           Government Finance Act, as it may be amended from time to time, for  
5           the deposit or investment of unit funds;
- 6           (8) Operate, own, lease, control, regulate, or grant to others the right to  
7           operate on any airport premises, restaurants, snack bars, and vending  
8           machines, food and beverage dispensing outlets, rental car services,  
9           catering services, novelty shops, insurance sales, advertising media,  
10          merchandising outlets, motels, hotels, barber shops, automobile  
11          parking and storage facilities, automobile service stations, garage  
12          service facilities, motion pictures, personal service establishments, and  
13          all other types of facilities as may be directly or indirectly related to  
14          the maintenance and furnishing to the general public of a complete air  
15          terminal installation;
- 16          (9) Issue revenue bonds pursuant to Article 5 of Chapter 159 of the  
17          General Statutes;
- 18          (10) Subject to the limitations set out in this act, have all the same power  
19          and authority granted to cities and counties pursuant to Chapter 63 of  
20          the General Statutes, Aeronautics; and
- 21          (11) Have a corporate seal which may be altered at will.
- 22          (b) The Authority shall possess the same exemptions in respect to payment of  
23          taxes and license fees and be eligible for sales and use tax refunds to the same extent as  
24          provided for municipal corporations by the laws of the State of North Carolina.
- 25          Sec. 5. Any lands acquired, owned, controlled, or occupied by said Airport  
26          Authority shall, and are hereby declared to be acquired, owned, controlled, and  
27          occupied for a public purpose.
- 28          Sec. 6. The Airport Authority shall make an annual report to the Moore  
29          County Board of Commissioners setting forth in detail the operations and transactions  
30          conducted by it pursuant to this act. It shall not have the power to pledge the credit of  
31          Moore County, or any subdivision thereof, or to impose any obligation upon Moore  
32          County, or any subdivision thereof.
- 33          Sec. 7. Subject to the limitations as set out in this act, all rights and powers  
34          given and granted to counties or municipalities by general law, which may now be in  
35          effect or enacted in the future relating to the development, regulation, and control of  
36          municipal airports, and the regulation of aircraft, are vested in the Airport Authority,  
37          and Moore County may delegate its powers under said acts to the Airport Authority, and  
38          the Airport Authority shall have concurrent rights with Moore County to control,  
39          regulate, and provide for the development of aviation in Moore County.
- 40          Sec. 8. The Airport Authority may contract with and accept grants from the  
41          Federal Aviation Administration of the United States of America, the State of North  
42          Carolina, or any of the agencies or representatives of either of said governmental bodies  
43          relating to the purchase of land and air easements and to the grading, constructing,  
44          equipping, improving, maintaining, or operating of an airport or its facilities or both.

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

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

8 **"§ 63-4. Joint airports established by cities and towns and counties.**

9           The governing bodies of any city, town and county in this state are hereby  
10 authorized to jointly acquire, establish, construct, own, control, lease, equip, improve,  
11 maintain, operate, and regulate airports or landing fields for the use of airplanes and  
12 other aircraft within or without the limits of such cities, towns and counties, including  
13 any water or sewer system used in connection therewith and to provide wastewater  
14 collection systems, wastewater treatment works, and water supply systems for the  
15 airport and surrounding ~~areas~~, areas, including areas not contiguous to the airport, and  
16 may use for such purposes any property suitable therefor that is now or may at any time  
17 hereafter be jointly owned or controlled by such city, town and county."

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

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

25           Sec. 12. This act is effective upon ratification.