

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 247
Commerce Committee Substitute Adopted 5/31/05

Short Title: Regulation of Heliports.

(Public)

Sponsors:

Referred to:

March 1, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTRICT HELIPORT LOCATIONS AND DECLARE CERTAIN
3 HELIPORTS A NUISANCE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 63-1(a) is amended by adding a new subdivision to read:

6 "(13a) 'Heliport' means any area of land or water, except a restricted landing
7 area, which is designed for the landing and takeoff of a helicopter,
8 whether or not facilities are provided for the shelter, servicing, or
9 repair of helicopters, or for receiving or discharging passengers or
10 cargo, and all appurtenant areas used or suitable for heliport buildings
11 or other airport facilities, and all appurtenant rights-of-way, whether
12 heretofore or hereafter established."

13 **SECTION 2.** G.S. 63-1(a) is amended by adding a new subdivision to read:

14 "(22) 'Tourist resort county' means a county having more than five percent
15 (5%) of its territory located within the boundaries of a national park
16 established pursuant to 16 U.S.C. § 403 or a county that has not less
17 than 1,000 acres of tribal land."

18 **SECTION 3.** G.S. 63-1(a) is amended by adding a new subdivision to read:

19 "(23) 'Tribal Land' means that portion of Indian country, as the term Indian
20 country is used in 18 U.S.C. § 1151, that is within or abutting a
21 national park established pursuant to 16 U.S.C. § 403."

22 **SECTION 4.** Chapter 63 of the General Statutes is amended by adding a
23 new Article to read:

24 "Article 10.

25 "Regulation of Heliports.

26 "**§ 63-100. Regulation of heliports.**

27 Land in a tourist resort county and within 10 miles of the boundary of either a
28 national park, established pursuant to 16 U.S.C. § 403, or Indian tribal land shall not be
29 used as a heliport.

1 **"§ 63-101. Violations – Heliports deemed a nuisance – Abatement, removal, and**
2 **conformity.**

3 Notwithstanding the provisions of Chapter 19 of the General Statutes, or any other
4 law to the contrary, a heliport operating as of July 1, 2005, which is in violation of
5 G.S. 63-100, is declared a public nuisance and shall be abated, removed, or changed to
6 conform to this Article by July 1, 2007. Such heliports may continue to operate until
7 that time provided:

8 (1) The heliport is not expanded or extended; and

9 (2) If the use of the land, or any portion thereof, as a heliport is
10 discontinued for a period of six months or changed, any future use of
11 the land is in conformity with this Article.

12 **"§ 63-102. Violations – Heliports deemed a nuisance – Private right of action.**

13 Any heliport operated in violation of this Article is deemed a public nuisance,
14 causing irreparable injury to the State, the county in which the heliport is located,
15 municipalities located in that county, and the residents of the county. In addition to any
16 other remedies or rights of action possessed by any person or governmental unit,
17 persons who reside on land subject to the prohibitions in this Chapter have a private
18 right of action against a person operating a heliport in violation of this Chapter and have
19 the right to seek injunctive relief as allowed by law to recover damages for nuisance and
20 to recover costs and attorneys' fees if the resident is the prevailing party.

21 **"§ 63-103. Exceptions.**

22 The provisions of this Article shall not apply to any heliport operated by the State of
23 North Carolina, any of its political subdivisions, any law enforcement, fire or rescue
24 agency, or a healthcare institution licensed by the State to operate an air ambulance."

25 **SECTION 5.** This act becomes effective July 1, 2005.