

1 **Chapter 63.**

2 **Aeronautics.**

3 Article 1.

4 Municipal Airports.

5 **§ 63-1. Definitions; singular and plural.**

6 (a) Definitions. – For the purpose of this Chapter the following words, terms, and
7 phrases shall have the meanings herein given, unless otherwise specifically defined, or unless
8 another intention clearly appears, or the context otherwise requires:

- 9 (1) "Aeronautics" means transportation by aircraft; the operation, construction,
10 repair, or maintenance of aircraft, aircraft power plants and accessories,
11 including the repair, packing, and maintenance of parachutes; the design,
12 establishment, construction, extension, operation, improvement, repair, or
13 maintenance of airports, restricted landing areas, or other air navigation
14 facilities, and air instruction.
- 15 (2) "Aeronautics instructor" means any individual engaged in giving instruction
16 or offering to give instruction in aeronautics, either in flying or ground
17 subjects, or both, for hire or reward, without advertising such occupation,
18 without calling his facilities an "air school" or anything equivalent thereto,
19 and without employing or using other instructors. It does not include any
20 instructor in any public school or university of this State, or any institution
21 of higher learning duly accredited and approved for carrying on collegiate
22 work, while engaged in his duties as such instructor.
- 23 (3) "Aircraft" means any contrivance now known, or hereafter invented, used or
24 designed for navigation of or flight in the air.
- 25 (4) "Air instruction" means the imparting of aeronautical information by any
26 aeronautics instructor or in or by any air school or flying club.
- 27 (5) "Airman" means any individual who engages, as the person in command, or
28 as pilot, mechanic, or member of the crew, in the navigation of aircraft while
29 underway and (excepting individuals employed outside the United States,
30 any individual employed by a manufacturer of aircraft, aircraft engines,
31 propellers, or appliances to perform duties as inspector or mechanic in
32 connection therewith, and any individual performing inspection or
33 mechanical duties in connection with aircraft owned or operated by him) any
34 individual who is directly in charge of the inspection, maintenance,
35 overhauling, or repair of aircraft engines, propellers, or appliances; and any
36 individual who serves in the capacity of aircraft dispatcher or air traffic
37 control tower operator.
- 38 (6) "Air navigation" means the operation or navigation of aircraft in the air
39 space over this State, or upon any airport or restricted landing area within
40 this State.
- 41 (7) "Air navigation facility" means any facility other than one owned or
42 controlled by the federal government, used in, available for use in, or
43 designed for use in aid of air navigation, including airports, restricted
44 landing areas, and any structures, mechanisms, lights, beacons, marks,
45 communicating systems, or other instrumentalities or devices used or useful
46 as an aid, or constituting an advantage or convenience to the safe taking off,
47 navigation, and landing of aircraft, or the safe and efficient operation or
48 maintenance of an airport or restricted landing area, and any combination of
49 any or all of such facilities.
- 50 (8) "Airport" means any area of land or water, except a restricted landing area,
51 which is designed for the landing and take off of aircraft, whether or not

1 facilities are provided for the shelter, servicing, or repair of aircraft, or for
2 receiving or discharging passengers or cargo, and all appurtenant areas used
3 or suitable for airport buildings or other airport facilities, and all appurtenant
4 rights-of-way, whether heretofore or hereafter established.

5 (9) "Airport hazard" means any structure, object of natural growth, or use of
6 land, which obstructs the air space required for the flight of aircraft in
7 landing or taking off at any airport or restricted landing area or is otherwise
8 hazardous to such landing or taking off.

9 (10) "Airport protection privileges" means easements through, or other interests
10 in, air space over land or water, interests in airport hazards outside the
11 boundaries of airports or restricted landing areas, and other protection
12 privileges, the acquisition or control of which is necessary to insure safe
13 approaches to the landing areas of airports and restricted landing areas and
14 the safe and efficient operation thereof.

15 (11) "Air school" means any person engaged in giving or offering to give
16 instruction in aeronautics, either in flying or ground subjects, or both, for or
17 without hire or reward, and advertising, representing, or holding himself out
18 as giving or offering to give such instruction. It does not include any public
19 school or university of this State, or any institution of higher learning duly
20 accredited and approved for carrying on collegiate work.

21 (12) "Civil aircraft" means any aircraft other than a public aircraft.

22 (13) "Flying club" means any person other than an individual which, neither for
23 profit nor reward, owns, leases, or uses one or more aircraft for the purpose
24 of instruction or pleasure, or both.

25 (14) "Municipality" means any county, city, or town of this State, and any other
26 political subdivision, public corporation, authority, or district in this State,
27 which is or may be authorized by law to acquire, establish, construct,
28 maintain, improve, and operate airports and other air navigation facilities.

29 (15) "Navigable air space" means air space above the minimum altitudes of flight
30 prescribed by the laws of this State, or by regulations of the Commission
31 consistent therewith.

32 (16) "Operation of aircraft" or "operation aircraft" means the use of aircraft for
33 the purpose of air navigation and includes the navigation or piloting of
34 aircraft. Any person who causes or authorizes the operation of aircraft,
35 whether with or without the right of legal control (in the capacity of owner,
36 lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the
37 operation of aircraft within the meaning of the statutes of this State.

38 (17) "Person" means any individual, firm, partnership, corporation, company,
39 association, joint stock association, or body politic; and includes any trustee,
40 receiver, assignee, or other similar representative thereof.

41 (18) "Public aircraft" means an aircraft used exclusively in the service of any
42 government or of any political subdivision thereof, including the government
43 of any state, territory, or possession of the United States, or the District of
44 Columbia, but not including any government owned aircraft engaged in
45 carrying persons or property for commercial purposes.

46 (19) "Restricted area" means any area of land, water, or both, which is used or is
47 made available for the landing and take off of aircraft, the use of which shall,
48 except in case of emergency, be only as provided from time to time by the
49 Commission.

50 (20) "State" or "this State" means the State of North Carolina.

1 (21) "State airway" means a route in the navigable air space over and above the
2 lands or water of this State designated by the Commission as a route suitable
3 for air navigation.

4 (b) Singular and Plural. – The singular shall include the plural, and the plural the
5 singular. (1945, c. 490, s. 1; 1949, c. 865, s. 3; 1971, c. 936, s. 2.)
6

7 **§ 63-2. Cities and towns authorized to establish airports.**

8 The governing body of any city or town in this State is hereby authorized to acquire,
9 establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate
10 airports or landing fields for the use of airplanes and other aircraft, either within or without the
11 limits of such cities and towns and may use for such purpose or purposes any property suitable
12 therefor that is now or may at any time hereafter be owned or controlled by such city or town.
13 (1929, c. 87, s. 2.)
14

15 **§ 63-3. Counties authorized to establish airports.**

16 The governing body of any county in this State is hereby authorized to acquire, establish,
17 construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or
18 landing fields for the use of airplanes and other aircraft within or without the limits of such
19 counties, and may use for such purpose or purposes any property suitable therefor that is now
20 or may at any time hereafter be owned or controlled by such county. (1929, c. 87, s. 3.)
21

22 **§ 63-4. Joint airports established by cities, towns and counties.**

23 The governing bodies of any city, town and county in this State are hereby authorized to
24 jointly acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and
25 regulate airports or landing fields for the use of airplanes and other aircraft within or without
26 the limits of such cities, towns and counties, and may use for such purpose or purposes any
27 property suitable therefor that is now or may at any time hereafter be jointly owned or
28 controlled by such city, town and county. (1929, c. 87, s. 4.)
29

30 **§ 63-5. Airport declared public purpose; eminent domain.**

31 Any lands acquired, owned, controlled, or occupied by such cities, towns, and/or counties,
32 for the purposes enumerated in G.S. 63-2, 63-3 and 63-4, shall and are hereby declared to be
33 acquired, owned, controlled and occupied for a public purpose, and such cities, towns and/or
34 counties shall have the right to acquire property for such purpose or purposes under the power
35 of eminent domain as and for a public purpose. (1929, c. 87, s. 5.)
36

37 **§ 63-6. Acquisition of sites; appropriation of moneys.**

38 Private property needed by a city, town and/or county for an airport or landing field may be
39 acquired by gift or devise or shall be acquired by purchase if the city, town and/or county is or
40 are able to agree with the owners on the terms thereof, and otherwise by condemnation, in the
41 manner provided by Chapter 40A. The purchase price, or award for property acquired for an
42 airport or landing field may be paid for by appropriation of moneys available therefor, or
43 wholly or partly from the proceeds of the sale of bonds of the city, town and/or county, as the
44 governing body and/or bodies of such city, town and/or county shall determine. (1929, c. 87, s.
45 6; 1981, c. 919, s. 7.)
46

47 **§ 63-7. Airports already established declared public charge; regulations and fees for use
48 of.**

49 The governing body or bodies of a city, town and/or county which has or have established
50 an airport or landing field, and acquired, leased, or set apart real property for such purpose, may
51 construct, improve, equip, maintain, and operate the same. The expenses of such construction,

1 improvement, maintenance, and operation shall be a city, town and/or county charge as the case
2 may be. The governing body or bodies of a city, town and/or county may adopt regulations and
3 establish fees or charges for the use of such airport or landing field. (1929, c. 87, s. 7.)
4

5 **§ 63-8. Appropriations.**

6 The governing body or bodies of a city, town and/or county to which this Article is
7 applicable, having power to appropriate, individually or jointly, money therein, are hereby
8 authorized to annually appropriate and cause to be raised by taxation in such city, town and/or
9 county or to use from the net proceeds derived from the operation, by such city, town or
10 county, of any public utility a sum sufficient to carry out the provisions of this Article in such
11 proportion and upon such pro-rata basis as may be determined upon by a joint board to be
12 appointed by and from the governing body or bodies of the city, town and/or the county or
13 individually as the case may be. Provided, nothing herein shall be construed to permit the
14 governing bodies of any county, city or town to issue bonds under the provisions of this Article
15 without a vote of the people. (1929, c. 87, s. 8.)
16

17 **§ 63-8.1. Repealed by Session Laws 1973, c. 803, s. 3.**

18
19 **§ 63-9. Partial invalidity.**

20 If any part or parts of this Article shall be held to be unconstitutional, such
21 unconstitutionality shall not affect the validity of the remaining parts of this Article. The
22 General Assembly expressly declares that it would have passed the remaining parts of this
23 Article, if it had known that such part or parts thereof would be declared unconstitutional.
24 (1929, c. 87, s. 9.)