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CHAPTER 11.

 PARTICULAR AIRPORTS

ARTICLE 1.

 CLEMSON UNIVERSITY

**SECTION 55‑11‑10.** Powers of board of trustees.

The board of trustees of Clemson University may:

(1) Plan, acquire, own, control, develop, maintain and operate a public airport in accordance with the requirements of the Federal Airport Act and the regulations prescribed thereunder;

(2) Develop, maintain and operate such public airport out of any appropriations provided by the State or other funds, public or private, made available for such purposes;

(3) Enter into agreements with the State for the purpose of receiving State funds available for public airport purposes, and accept, receive, receipt for, disburse and expend such State funds for the purposes provided by this section; provided, however, that such funds shall be accepted and expended upon such terms and conditions as may be prescribed by the State;

(4) Enter into grant agreements with the United States for the purpose of receiving Federal grant‑in‑aid funds for public airport purposes, and accept, receive, receipt for, disburse and expend such funds made available by grant, to accomplish in whole or in part any of the public airport purposes provided for by the Federal Airport Act and the regulations thereunder; provided, however, that all Federal funds shall be accepted and expended upon such terms and conditions as may be prescribed by the United States or any agency or department thereof;

(5) Designate the Division of Aeronautics of the Department of Commerce as its agent, to accept, receive, receipt for and disburse federal or state funds or other funds, public or private, made available for the purposes of this section, as may be required or authorized by law;

(6) Acquire property, real and personal, or any interest in it, by gift, purchase, condemnation, devise, lease, or otherwise, as may be required in the development and operation of a public airport;

(7) Adopt regulations, establish charges, fees and tolls for the use of such airport, and exercise such powers as may be necessary to achieve compliance with its regulations and enforce payment of its charges, fees and tolls; and

(8) Enter into long‑term contracts, leases and other agreements relative to the development, operation and management of the airport; provided, however, that such contracts, leases and agreements shall be in compliance with the requirements of the Federal Airport Act and the regulations prescribed thereunder and in accordance with the laws and regulations governing the making of contracts, leases or agreements by or on behalf of the State.

ARTICLE 3.

 GREENVILLE AND SPARTANBURG COUNTIES

**SECTION 55‑11‑110.** Greenville‑Spartanburg Airport District created.

The territory embraced by the counties of Greenville and Spartanburg is hereby constituted an airport district and political subdivision of this State, the functions of which shall be public and governmental, and the inhabitants of such territory are hereby constituted a body politic and corporate. The corporate name of the airport district shall be Greenville‑Spartanburg Airport District, and by that name the airport district may sue and be sued.

**SECTION 55‑11‑120.** Greenville‑Spartanburg Airport Commission created; membership; terms; vacancies.

The corporate powers and duties of the District shall be exercised and performed by a Commission to be known as Greenville‑Spartanburg Airport Commission. The Commission shall be composed of six members to be appointed by the Governor as follows: Three of the members shall be residents of Spartanburg County and the original members shall be appointed upon the recommendation of a majority of the members of the Spartanburg County legislative delegation. Three of the members shall be residents of Greenville County and the original members shall be appointed upon the recommendation of a majority of the members of the Greenville County legislative delegation. The term of office of one of the original members from Greenville County and one of the original members from Spartanburg County shall be for two years. The term of another of the original members from Greenville County and another of the original members from Spartanburg County shall be for four years. The two remaining members and the successors in office of all the members of the Commission shall serve for a term of six years. The term of each member shall expire on the January first nearest to the end of the term of years for which he is appointed under the foregoing provision; provided, that each member shall serve until his successor is appointed and qualified. Upon the expiration of the term of each commissioner his successor shall be elected in the same manner as set forth above. Upon election by a majority of the Spartanburg delegation or a majority of the Greenville delegation, as the case may be, then the secretary or acting secretary of the county delegation shall certify the approval to the Governor, who shall commission the nominee for the term provided by the provisions of this section. Any new member shall be a suitable person who is a resident of the same county as the member he is to succeed. Successors shall be appointed to serve for the unexpired term of members who die or resign in like manner and upon like recommendation as hereinabove set forth.

**SECTION 55‑11‑130.** Commission officers; commissioners’ expenses.

The Commission shall appoint one of its members as chairman and one of its members, or any other competent person, as secretary of the Commission. The chairman of the Commission shall serve for a term of two years and until his successor is appointed and qualified. The members of the Commission shall serve without compensation, except for their actual expenses while in performance of duties prescribed under this article.

**SECTION 55‑11‑140.** Powers and duties of Commission.

To the Commission is hereby committed the function of planning, establishing, developing, constructing, enlarging, improving, maintaining, equipping, operating, regulating, protecting and policing an airport and air navigation facility to serve the people of the District and the public generally. To this end, the Commission may:

(1) Have perpetual succession.

(2) Adopt, use and alter a corporate seal.

(3) Make bylaws for the management and regulation of its affairs, and define a quorum for its meetings.

(4) Requisition, from time to time, moneys from the State Treasurer which have been derived from the principal proceeds of general obligation bonds issued pursuant to 1959 Acts and Joint Resolutions (51 Statutes at Large) No. 99, whenever, in the opinion of the Commission, funds are required for any purposes for which the bonds shall have been issued. The requisition shall certify to the State Treasurer the sum which, in the opinion of the Commission, is required and shall set forth generally the nature of the purposes to which the moneys are to be applied. Following the requisition of moneys, they shall be deposited in any bank or trust company having an office within the district, and shall thereafter be withdrawn and expended by the Commission for the purposes for which the bonds were issued.

(5) Deposit and withdraw moneys realized from the sale of revenue bonds issued pursuant to Section 55‑11‑150 and to expend the moneys in the manner prescribed by the proceedings authorizing the issuance of the revenue bonds.

(6) Deposit moneys derived from revenue producing facilities in any bank or trust company having an office within the district and withdraw the moneys for the purpose of operating, maintaining, constructing, improving and extending any facility in its charge.

(7) Plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police its airport and air navigation facility under such reasonable rules and regulations as the Commission may from time to time promulgate.

(8) Maintain and extend runways, terminals, maintenance shops, access roads, utilities systems, concessions, accommodations, and other facilities of whatever nature or kind for the comfort and accommodation of air travelers; purchase and sell supplies, goods and commodities as an incident to the operation of its airport facilities; and for all such purposes the Commission may by purchase, gift, devise, lease, eminent domain proceedings, or otherwise acquire, hold, develop, use, lease, mortgage, sell, transfer, and dispose of any property, real or personal, or any interest therein, including easements in airport hazards, or land outside the boundaries of its airport or airport site, necessary to permit the removal, elimination, obstruction‑marking or obstruction‑lighting, of airport hazards, or to prevent the establishment of airport hazards.

(9) License, lease, rent, sell or otherwise provide for the use of any of its airport facilities, including the privilege of supplying goods, commodities, things, services or facilities at such airport by any persons qualified to use them, as its discretion may dictate; provided, that in no case shall the public be deprived of its rightful, equal and uniform use of the airport, air navigation facility, or portion or facility thereof.

(10) Place in effect and, from time to time, revise such schedules of licenses, rates, and charges for the use of its facilities as may be necessary or desirable to the orderly operation of the airport facility of the District; provided, that all such rates and charges shall be reasonable and nondiscriminatory.

(11) Exercise the power of eminent domain for any corporate function. The power may be exercised through any procedure prescribed by Sections 28‑9‑10 to 28‑9‑110. All powers conferred on municipalities under Sections 28‑9‑10 to 28‑9‑110 are conferred herein on the Commission.

(12) Appoint officers, agents, employees and servants and prescribe the duties of such, including the right to appoint persons charged with the duty of enforcing its rules and regulations as provided for in item (7) of this section, fix their compensation and determine if and to what extent they shall be bonded for the faithful performance of their duties.

(13) Employ engineers, architects and attorneys and contract for such other services of a technical or professional nature as may be necessary or desirable to the performance of the duties of the Commission.

(14) Make contracts for the construction, erection, maintenance and repair of the facilities in its charge, by competitive bidding if such contracts are in excess of ten thousand dollars. If the contracts are less than ten thousand dollars, then the Commission may make such contracts without competitive bids.

(15) Apply for, accept, receive, receipt for, disburse and expend Federal, State, county or municipal moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this article and, to this end, continue to prosecute any application filed with the Federal Civil Aeronautics Administration or the Federal Airway Authority, or any other Federal agency, by joint action of the Spartanburg County and Greenville County legislative delegations and pay from the funds of the District any costs heretofore or hereafter incurred for any services rendered, since the date the application was filed, in connection with the procuring or processing of the application which are found by the Commission to legitimately inure to the benefit of the District. All Federal moneys accepted under this section shall be accepted and expended by the Commission upon such terms and conditions as are prescribed by the United States and as are consistent with State law, and all other moneys accepted under this section shall be accepted and expended by the Commission upon such terms and conditions as are prescribed by the State or other sources thereof.

(16) Do all other acts and things necessary or convenient to carry out any function or power committed or granted to the District.

**SECTION 55‑11‑150.** Issuance of revenue bonds.

The Commission may, on behalf of the District, borrow money and make and issue negotiable bonds, notes and other evidences of indebtedness payable solely from the revenue derived from the operation of any revenue‑producing facility or facilities in its charge. The sums borrowed may be those needed to pay costs incident to the operation and maintenance of its airport facility or such sums as may be needed to pay the cost of any extension, addition or improvement to its airport facility, or both. If the method of financing authorized by this section is used, neither the faith and credit of this State nor of any county lying within the District nor of the District itself shall be pledged to the payment of the principal and interest of the obligations, and there shall be on the face of such obligation a statement, plainly worded, to that effect. Neither the members of the Commission nor any person signing the obligations shall be personally liable thereon. That a convenient procedure for borrowing money pursuant to this section may be prescribed, the District may avail itself of all powers granted by Title 6, Chapter 17, notwithstanding the fact that the District shall not otherwise be deemed to be a municipality. In exercising the powers conferred upon the District by such Code provisions, the District may make all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by such Code provisions. Specifically, and notwithstanding contrary provisions in any such Code provisions, the District may:

(1) Provide that such bonds, notes or other evidences of indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of any revenue‑producing facility or facilities, as such net revenues may be defined by the Commission;

(2) Covenant and agree that upon its being adjudged in default as to the payment of any installment of principal and interest upon any obligation issued by it or in default as to the performance of any covenant or undertaking made by it, that in such event the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured;

(3) Confer upon a corporate trustee the power to make disposition of the proceeds from all borrowings and also all revenues derived from the operation of the revenue‑producing facility whose revenues are pledged for the payment of such obligations, in accordance with and in the order of priority prescribed by resolutions adopted by the Commission as an incident to the issuance of any notes, bonds or other evidences of indebtedness;

(4) Dispose of its obligations at public or private sale and upon such terms and conditions as it shall approve;

(5) Make such provision for the redemption of any obligations issued by it prior to their stated maturity, with or without a premium, and on such terms and conditions as the Commission shall approve;

(6) Covenant and agree that any cushion fund established to further secure the payment of principal and interest of any obligation shall be in a fixed amount;

(7) Covenant and agree that it will not enter into any agreements with any person or with the government of this State, the United States, or any of their political subdivisions, for the furnishing of free services where such services are ordinarily charged for;

(8) Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which such consent shall be given; and

(9) Prescribe the evidences of default and conditions upon which all or any obligation shall become or may be declared due before maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

**SECTION 55‑11‑160.** Disposition of unpledged revenues.

All revenues derived by the Commission from the operation of any revenue‑producing facility which may not be required to discharge covenants made by it in issuing bonds, notes or other obligations authorized by Section 55‑11‑150, shall be held, disposed of or expended by the Commission for purposes germane to the functions of the District.

**SECTION 55‑11‑170.** Rates not subject to State supervision or regulations.

The rates charged for services furnished by any revenue‑producing facility of the District as constructed, improved, enlarged or extended shall not be subject to supervision or regulation of any State bureau, commission, board or other like instrumentality or agency thereof.

**SECTION 55‑11‑180.** Property and income exempt from taxes.

Property and income of the District shall be exempt from all taxes levied by the State, county or any municipality, division, subdivision or agency thereof, direct or indirect.

**SECTION 55‑11‑185.** Airport district property may not be annexed ‑ conditions.

No municipality may annex any real property owned by the district without prior written approval of the commission.

**SECTION 55‑11‑190.** Obligations not to be impaired.

So long as the District shall be indebted to any person on any bonds, notes or other obligations issued pursuant to the authority of this article, provisions of this article and the powers granted to the District and the Commission shall not be in any way diminished, and the provisions of this article shall be deemed a part of the contract between the District and the holders of such obligations.

**SECTION 55‑11‑200.** Contributions by counties equalized.

During each year in which an ad valorem tax is levied on the property with the Greenville‑Spartanburg Airport District, the Commission of said District shall determine the total amount realized from such tax and notify the treasurer of that county, paying to the Comptroller General less than that turned over to said Comptroller General by the other county. Thereupon such treasurer shall, from the general funds of his county, pay to the treasurer of the other county, to be placed in the general funds, such amount as shall be necessary to equalize the amount contributed by each county.

**SECTION 55‑11‑210.** Promulgation of rules and regulations governing use of roads, streets and parking facilities on District lands.

The commission is authorized to adopt and promulgate rules and regulations governing the use of roads, streets and parking facilities on lands of the Greenville‑Spartanburg Airport District. Such rules and regulations shall not be in conflict with any state law and all state laws shall be applicable to the roads, streets and parking facilities under the control of the commission. Rules and regulations of the commission shall become effective when filed with the Executive Secretary of the Greenville‑Spartanburg Airport and in the office of the Secretary of State in accordance with Section 1‑1‑210.

The commission is authorized to employ police officers commissioned by the Governor to enforce all laws and the rules and regulations authorized in this section, and such officers shall be authorized to issue summonses for violations in the manner authorized for state highway patrolmen. Violations of any law or any rule or regulation of the commission within the jurisdiction of the Civil and Criminal Court of Spartanburg shall be tried in that court. Violations not within the jurisdiction of that court shall be tried by any magistrate or other court of competent jurisdiction. Any person violating the rules and regulations of the commission shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.

All fines and forfeitures collected pursuant to the provisions of this section shall be forwarded weekly to the Greenville‑Spartanburg Airport Commission by the enforcing court for deposit in the general operating fund of the district.

**SECTION 55‑11‑220.** Property not barrier to contiguity for annexation purposes.

No such airport district property shall be a barrier to the contiguity requirements for the purposes of annexation. Any municipality or political subdivision which is contiguous to property owned by such multi‑county airport district may annex, as provided by law, any property contiguous to such airport district property. Provided, that this provision shall be applicable to annexations taking place after October 1, 1994.

**SECTION 55‑11‑230.** Designation of airport environs area; creation of Greenville‑Spartanburg airport environs planning commission.

(A) An area designated as the airport environs area is created within the district for purposes of assuring land uses compatible with airport operations. The airport environs area consists of all property contained within the area described as follows:

All property consisting of the area described in the Air Installation Compatible Use Zone pursuant to DODINST 4165.57 established by the United States Air Force applicable to runways 3L‑21R (11,000 feet) and the proposed parallel runways 3R‑21L (8,500 feet) including the CLEAR ZONES, ACCIDENT POTENTIAL ZONE I, and the ACCIDENT POTENTIAL ZONE II. Specifically, the environs includes all property 1,000 feet to each side of the runway centerlines and in a corridor 3,000 feet (1,500 feet either side of the runway centerlines) wide, extending from the runway thresholds along the extended runway centerlines for a distance of 15,000 feet, and shall include the property located between the two corridors; provided, however, that the southwestern boundary of the environs area shall be the middle of Rocky Creek.

(B)(1) There is created the Greenville‑Spartanburg Airport Environs Planning Commission, the “Airport Environs Planning Commission”, consisting of nine voting members, which have the powers enumerated herein, and which must be separately constituted from the Greenville‑Spartanburg Airport Commission, as follows:

(a) two members representing and appointed by the City of Greer, one of whom also must be a resident of Greenville County and one of whom also must be a resident of Spartanburg County;

(b) two members representing and appointed by Spartanburg County;

(c) one member representing and appointed by the Town of Duncan;

(d) two members representing and appointed by Greenville County;

(e) all members must be appointed or reappointed biennially by the appointing county or municipality;

(f) two members must be appointed or reappointed biennially by the Greenville‑Spartanburg Airport District, one from Spartanburg County, and one from Greenville County.

If the members are elected members of the county or municipal governing body or members of the district, each such representative shall serve ex officio and with full voting privileges.

(2) If any new municipality is created where its boundaries are wholly or partially within the airport environs area, or if any existing municipality extends its corporate boundaries into the airport environs area, that municipality becomes entitled to appoint a member of the Airport Environs Planning Commission with a representative appointed as described in subitem (g) of item (1) of this subsection, and the membership shall expand accordingly.

(3) The Airport Environs Planning Commission is charged with the responsibility of:

(a) developing a coordinated comprehensive land use plan for the airport environs area in a manner consistent with the process referred to in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 contained in Article 3, Chapter 29, Title 6; however, once the Airport Environs Planning Commission has adopted a land use plan, no further action by any other commission or governing body is necessary in order to give effect to the regulations thereby adopted;

(b) updating the land use plan to reflect changes in the airport environs area and the uses of the airport; and

(c) monitoring the administration of and compliance with the plan by the affected counties and municipalities. The commission’s actions are to assure that land use within the airport environs area is compatible with noise, health, safety, and welfare considerations arising from the operation of the district. The initial meeting of the Airport Environs Planning Commission must be held within forty‑five days of the effective date of this section.

(4) By January 31, 1996, the Airport Environs Planning Commission shall develop a uniform land use plan and uniform building performance standards for the airport environs area, submit them for review and comment to the governing body of each political subdivision represented on the Airport Environs Planning Commission, as well as the South Carolina Department of Commerce and the Federal Aviation Administration, conduct public hearings pursuant to Article 3, Chapter 29, Title 6, on the proposed uniform plan and standards. After receiving comments and conducting hearings, the Airport Environs Planning Commission shall adopt a land use plan and building performance standards to be effective throughout the airport environs area and enforced fully and without amendment by each political subdivision represented on the Airport Environs Planning Commission. The Airport Environs Planning Commission, by majority of all voting members, may extend the January 31, 1996, deadline for a reasonable period of time not to exceed beyond March 31, 1996, for the completion of these tasks. Each political subdivision shall enforce the uniform plan and standards as an “overlay zone”, identifying areas subject to regulation which are supplementary to the existing regulations of that political subdivision, or as new or superseding provisions to that political subdivision’s ordinances. If there is a conflict between the provisions adopted by the Airport Environs Planning Commission under this section or regulations of a political subdivision applicable to the airport environs area, then the provisions adopted by the Airport Environs Planning Commission under this section shall govern. If a uniform land use plan or uniform building performance standards are not developed by the Airport Environs Planning Commission in the manner provided in this section, any of the entities represented on the Airport Environs Planning Commission may file an action for relief, including mandamus or injunctive relief, in the circuit court for Greenville or Spartanburg County, to require adoption of the plan or standards, or both, as directed by this section. Such an action must be brought within sixty days of the deadline as set forth above.

(5) The Airport Environs Planning Commission shall organize itself, electing one of its members as chairman and one of its members as vice chairman, whose terms must be for two years. It shall appoint a secretary, who may or may not be a member, but who must be a representative or employee of the Airport District. The secretary shall give notice of all meetings to all members of the Airport Environs Planning Commission at least three business days prior to the meeting.

(6) The Airport Environs Planning Commission shall provide for the keeping of minutes of its proceedings which shall be a public record. A majority of the voting members of the Airport Environs Planning Commission shall constitute a quorum. A quorum shall be present before any business is conducted, other than the rescheduling of the meeting. A member must be present to vote. All decisions shall be by majority vote of the members present and voting. The Airport Environs Planning Commission, as it considers appropriate, may utilize committees and subcommittees. The general administrative expenses of the Airport Environs Planning Commission shall be borne by the Greenville‑Spartanburg Airport District. A budget for such expenses shall be developed by the Airport Environs Planning Commission to include anticipated costs for consultants.

(7) The Airport Environs Planning Commission is subject to the provisions of the Freedom of Information Act as contained in Chapter 4, Title 30.

(8) The Airport Environs Planning Commission shall work with the Greenville and Spartanburg County Planning Commissions and the planning commission of each affected municipality in the performance of its duties as outlined in item (4) of this subsection. The costs of the services of consultants and advisors, other than provided for in the budget, rendered to the Airport Environs Planning Commission at the request of a specific member must be borne by that member unless otherwise approved by the Airport Environs Planning Commission.

(9) In developing the uniform land use plan and uniform building standards, the Airport Environs Planning Commission shall specifically address, among other items, the following specific issues:

(a) the providing of record notice to property owners of the fact that their property is within the airport environs area;

(b) density criteria for the airport environs area;

(c) sound abatement permit and building criteria;

(d) incompatible use criteria and definition for the airport environs area;

(e) height restriction criteria;

(f) lighting hazard criteria within the airport environs area;

(g) applicable FAA and state regulations for airport activities and operations;

(h) a method by which landowners may seek variances or exemptions from the plans or standards by executing in recordable form avigation easements, releases, or other appropriate documentation in a form approved by the Airport Environs Planning Commission;

(i) application and review processes for building permits;

(j) the providing of ongoing notice to the Airport Environs Planning Commission and each of its members of pending zoning or permitting requests and other actions in the affected counties and municipalities to assure that each member has notice and the opportunity to be heard with respect to such actions;

(k) enforcement and penalty provisions, including injunctive relief;

(l) the utilization of fees to be imposed to defray costs for services and attendant expenses involved in the administration of the regulations;

(m) the development of uniform standards for regulating nonconforming uses; and

(n) the uses in the airport environs area and the sub‑area based on future projected uses of the airport which are not compatible and should not be permitted, which are basically incompatible and should be discouraged, and which are generally compatible with some limitations or restrictions. Such determination shall take into account the public safety and public welfare findings set forth in Section 1 hereof. Such determinations are to conform to and be consistent with noise and overflight zone‑compatible land use recommendations of federal and state authorities, including specifically policies established by the United States Air Force pursuant to DODINST 4165.57 Air Installation Compatible Use Zone (A1CUZ), the uses recommended in the 1993 Greenville‑Spartanburg Development Plan adopted by the county planning commissions, and the South Carolina Department of Commerce, Aviation Division.

(10) Following the adoption of the uniform land use plan and uniform building and performance standards by the Airport Environs Planning Commission, each political subdivision is responsible for the implementation and administration of the uniform provisions within its jurisdiction, including all administrative costs incurred in connection therewith. The district shall pay for any exceptional administrative costs determined by the Airport Environs Planning Commission, and agreed to by the district, to be direct and reasonable costs resulting from any special task required in the administration of the uniform plan and building performance standards. Additionally, the district shall pay for the reasonable administrative expenses involved in the monitoring activities described in subitem (c) of item (3) of this subsection. The Airport Environs Planning Commission shall meet at least annually to review the administration of the uniform plan and building performance standards by the member bodies, to consider issues which may require modifications or additions to the uniform provisions, to recommend appropriate studies to evaluate the effectiveness of the objectives of the uniform provisions, to consider future activities of the district and the impact of the same upon the airport environs area, and conduct such other business as may be appropriate. Based upon these activities, the Airport Environs Planning Commission may determine a need for amendments to the uniform provisions. Amendments shall be made in accord with the same uniform provisions on conducting hearings and submitting for review and comments for the initial uniform land use plan and uniform building performance standards.

(11)(a) In connection with the administration of the uniform provisions by any member political subdivision, the Airport Environs Planning Commission as a whole or any of its member bodies individually or collectively, including the district, have standing to appear and support or oppose the proposed action of the particular political subdivision involved and have the same standing to appeal this action as the affected political subdivision or the affected landowner would have under Article 5, Chapter 29, Title 6.

(b) Affected property owners or other aggrieved parties have the same standing to appeal rights with respect to a decision by a member political subdivision pursuant to its administration of the uniform provisions as property owners or aggrieved parties have in accordance with the appeal processes provided in Article 5, Chapter 29, Title 6.

(12) A lawful use which exists on the date of adoption by the Airport Environs Planning Commission of the uniform provisions required by this section and which is inconsistent with the provisions of the uniform land use plan or uniform performance building standards is exempt from the uniform provisions, and any regulation created by these uniform provisions may not require the removal or alteration of any structure that, as it exists when the uniform provisions are adopted, did not conform to that regulation.

(13) All costs, fees, or awards, or any combination of these, arising from or as a result of any action of the Airport Environs Planning Commission or the enforcement of the uniform provisions enacted pursuant to this section in excess of any state or federal funds received to defray such costs, fees, or awards must be borne by the counties in which the Greenville‑Spartanburg Airport District is located; provided, however, any municipality or county administering the comprehensive land use plan and uniform buildings standards adopted by the Airport Environs Planning Commission is only liable for any costs, fees, or awards arising from their ministerial acts.

(C) The provisions of this section do not apply to dwellings or other buildings which are damaged or destroyed and which are subsequently repaired or rebuilt.

ARTICLE 5.

 LEXINGTON AND RICHLAND COUNTIES

**SECTION 55‑11‑310.** Richland‑Lexington Airport District created.

The territory embraced by the counties of Richland and Lexington is hereby constituted an airport district and a political subdivision of this State, the functions of which shall be public and governmental, and the inhabitants of the territory are hereby constituted a body politic and corporate. The corporate name of the airport district shall be Richland‑Lexington Airport District, and by that name the airport district may sue and be sued.

**SECTION 55‑11‑320.** Richland‑Lexington Airport Commission created; members; appointment; terms; vacancies; compensation.

The corporate powers and duties of the Richland‑Lexington Airport District must be exercised and performed by a commission to be known as Richland‑Lexington Airport Commission. The commission must be composed of twelve members to be appointed by the Governor as follows: five members must be appointed upon the recommendation of a majority of the Lexington County Legislative Delegation, five members must be appointed upon the recommendation of a majority of the Richland County Legislative Delegation, and two members must be appointed upon the recommendation of the City Council of the City of Columbia. The members of the commission shall serve for terms of four years and until their successors are appointed and qualify. Members may not serve more than two consecutive terms. A member serving on July 1, 1994, may serve until the expiration of the term for which he was elected and may serve two additional terms. In the event of a vacancy for any reason, other than the expiration of a term, a successor must be appointed in the same manner of the original appointment for the balance of the unexpired term. Any member may be removed by the appointing authority for neglect of duty, misconduct, or malfeasance in office after being given a written statement of reasons and an opportunity to be heard. Notwithstanding the expiration of the term of office of any member, he shall continue to serve until his successor shall have been recommended, appointed, and qualified, but any delay in appointing a successor shall not extend the term of such successor. The members of the commission shall serve without compensation, except for their actual and necessary expenses while in performance of duties prescribed under this article.

**SECTION 55‑11‑330.** Officers of Commission.

The commission shall appoint one of its members as chairman, one of its members as vice chairman, and one of its members, or any other competent person, as secretary of the commission. The chairman of the commission shall serve for a term of two years and until his successor is appointed and qualified. The vice chairman shall likewise serve for a term of two years and until his successor is appointed and qualified. The office of chairman of the commission must be rotated among the representatives of the three constituent appointing public bodies, appointed by majority vote of the commission, for a term of two years. The frequency of serving as chairman of the commission must be based upon, and substantially equivalent to, the percentage that each public body’s membership on the commission is to the total membership of the commission. No representative of the same public body may be appointed chairman unless there has been at least one full two‑year intervening term in which a representative of one of the other public bodies has served as chairman. In the event that the office of chairman becomes vacant, the duties of the chairman must be temporarily performed by the vice chairman, but a successor must be appointed as expeditiously as possible from the members representing the same constituent public body as did the former chairman who failed to complete his term. Insofar as is practicable, the same scheme of rotation must be applied to the office of vice chairman, but the practice of rotating the office of vice chairman may be dispensed with, if the commission, by a two‑thirds vote, finds that the rotation of this office is impracticable. Office on the commission is deemed an office of honor within the meaning of the provisions of Section 1A of Article 17 of the Constitution of South Carolina. The term of the secretary of the commission must be fixed by the commission.

**SECTION 55‑11‑340.** Powers and duties of Commission.

There is hereby committed to the Commission the functions of planning, establishing, developing, constructing, enlarging, improving, maintaining, equipping, operating, regulating, protecting and policing such airports and air navigation facilities as shall be necessary to serve the people of the Richland‑Lexington Airport district and the public generally. To this end, the Commission shall be empowered:

(1) To have and enjoy perpetual succession.

(2) To adopt, use and alter a corporate seal.

(3) To make bylaws for the management and regulation of its affairs, and to define a quorum for its meetings, which shall require the presence of at least four members. Adequate notification of all meetings and the time and place shall be given to each member.

(4) To plan, establish, develop, construct, enlarge, improve, maintain (which term shall include, here as hereafter, the power to establish a reasonable reserve for maintenance), equip, operate, regulate, protect and police its airports and air navigation facilities under such reasonable rules and regulations as the commission may from time to time promulgate.

(5) To maintain and extend runways, terminals, maintenance shops, access roads, utilities systems, concessions, accommodations, own and maintain within the district postal facilities, and other facilities of whatever nature or kind for the comfort and accommodation of air travelers and air freight; to purchase and sell supplies, goods, and commodities as an incident to the operation of its airport facilities; and for all those purposes, the commission may, by purchase, gift, devise, lease, eminent domain proceedings, or otherwise, acquire, hold, develop, use, lease, mortgage, sell, transfer, and dispose of any property, real or personal, or any interest in it, including easements in or over land needed to prevent airport hazards, or land outside the boundaries of its airports and air navigation facilities necessary to permit the removal, elimination, obstruction‑marking or obstruction‑lighting of airport hazards, or to prevent the establishment of airport hazards.

(6) To license, lease, rent, sell or otherwise provide for the use of any of its airport facilities, and facilities auxiliary thereto, including the privilege of supplying goods, commodities, things, services or facilities at such airport by itself or by any persons or corporations qualified therefor, on such terms and conditions as its discretion may dictate; provided, that in no case shall the public be deprived of its rightful, equal, and uniform use of its airports and air navigation facilities.

(7) For the purpose of promoting the safety of its airports and for the general welfare of air transportation the Commission is empowered by regulation to restrict the height of any building, structure or obstruction including but not limited to towers, dwellings, trees, or any other object which might constitute a hazard to air transportation at its facilities within the area herein described. The Commission may by regulation restrict the construction or erection of any building, structure or obstruction on lands located on the projection of any runways of its airport facilities at a height above a glide angle for aircraft of fifty feet to one foot measured outward from the boundaries of the end of any runway at said airport, for a distance of up to ten thousand feet along a prolongation of the center line of said runways and extending laterally from the projection of said center lines of said runways from a distance of one thousand feet each way at the airport boundary, increasing to a lateral distance of four thousand feet each way from the center of any runway at a distance of ten thousand feet from the boundary of said airport.

It may also by regulation restrict the erection of any building or other type construction of any nature whatsoever on lands adjacent to its air transport facilities at any point adjacent to them, not covered by the preceding paragraphs, at a height above a glide angle for aircraft of fifteen feet to one foot, measured outward from the boundaries of any such air facilities for a distance of twenty‑five hundred feet.

The Commission shall if it shall undertake to adopt regulations prohibiting such construction, conduct a public hearing prior to taking action of their own. Notice of such public meeting shall be published in a newspaper of general circulation within the district not less than seven days prior to the occasion fixed for the holding of such meeting. Such notice shall state the time and place of the meeting and shall briefly indicate the scope of the proposed regulation. At such public meeting all persons affected by the proposed regulation shall be entitled to appear and to be heard. If following such a meeting the regulation restricting the erection of any such buildings or structures as was herein described is adopted, notice of the adoption of the regulation shall be given by filing a certified copy thereof in the office of the Clerk of Court for Richland County and in the office of the Clerk of Court for Lexington County and additional copies shall be posted in the Courthouse for Richland County and in the Courthouse for Lexington County and in at least two public places within the district; and notice of the adoption of such regulations shall be published at least once during each of three successive weeks in a newspaper published in and having general circulation in the district. Such regulations shall become effective only after the foregoing shall have been done.

The Commission is expressly authorized to apply to any court of general jurisdiction within the district for the enforcement of such regulations through the means of mandatory injunctions and other remedial proceedings and such courts are specifically empowered to render mandatory injunctions and such other remedial orders as shall appear to such courts to be just and reasonable.

The provisions of this paragraph (7) are hereby declared separable from the remaining provisions of this article and the invalidity hereof shall not affect or extend to the remaining provisions of this article.

(8) To place in effect, and, from time to time, revise such schedules of licenses, rates, and charges for the use of its facilities as may be necessary or desirable to the orderly operation of its airport facilities, provided, that all such licenses, rates and charges shall be reasonable and nondiscriminatory; provided, further, that the provisions of this section shall not be construed to be in conflict with the provisions of paragraph (6), supra, which authorize the leasing of land and buildings auxiliary to its airport facilities.

(9) To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Section 28‑9‑10 through Section 28‑9‑110. All powers conferred on municipalities under such provisions are conferred hereby on the Richland‑Lexington Airport Commission.

(10) To appoint officers, agents, employees and servants, and to prescribe the duties of such, including the right to appoint persons charged with the duty of enforcing the rules and regulations promulgated pursuant to the provisions of this article, to fix their compensation, and to determine if, and to what extent they shall be bonded for the faithful performance of their duties.

(11) To employ engineers, architects and attorneys, and to contract for such other services of a technical or professional nature as may be necessary or desirable to the performance of the duties of the Commission.

(12) To make contracts for the construction, erection, maintenance and repair of the facilities in its charge, by competitive bidding, after ten days published notice, if such contracts are in excess of ten thousand dollars; if the contracts are less than ten thousand dollars, then to enter into such contracts without competitive bids.

(13) To deposit monies derived from the sale of any bonds authorized to be issued under the provisions of this article or from revenue‑producing facilities in any bank or trust company having an office within the district, and to withdraw the same for the purpose of operating, maintaining, constructing, improving and extending any facility in its charge.

(14) To apply for, accept, receive, receipt for, disburse, and expend Federal, State, county, or municipal monies and other monies, public or private, made available by grant or loan, or both, to accomplish, in whole or in part, any of the purposes of this article, and to this end, to continue to prosecute any application heretofore filed with the Federal Aviation Agency, or any other Federal agency, by the City of Columbia, and to pay from the funds of the district any costs hereafter incurred for any services rendered, since the date the application was filed, in connection with the procuring or processing of the application which is found by the Commission to legitimately inure to the benefit of the Richland‑Lexington Airport District. All Federal monies accepted under this section shall be accepted and expended by the Commission upon such terms and conditions as are prescribed by the United States, and as are consistent with State law; and all other monies accepted under this section shall be accepted and expended by the Commission upon such terms and conditions as are prescribed by the State or other sources thereof.

(15) To pay for any services rendered for the benefit of the district from February 24, 1961 to July 9, 1973 which are found by the Commission to legitimately inure to the benefit of the Richland‑Lexington Airport District.

(16) To accept donations of all sorts, including a deed of conveyance by Lexington County or the City of Columbia of its right, title, and interest in and to lands intended to form the site of the airport facility to be constructed by the district and to accept from the City of Columbia a relinquishment of any leasehold interest or estate now possessed by the City of Columbia.

(17) Invest the funds or moneys in its possession, eligible for investment, in the shares of any federal savings and loan association or in the shares of any building and loan association organized and existing under the laws of this State when such shares are insured by the Federal Savings and Loan Insurance Corporation.

(18) To issue under the conditions prescribed in paragraph (20) of this section general obligation bonds of the district in an amount not exceeding two million seven hundred thousand dollars.

(19) In addition to the powers given by paragraph (18) of this section, to borrow on behalf of the district money and to make and issue negotiable bonds, notes, and other evidences of indebtedness payable solely from the revenue derived from the operation of any revenue‑producing facility, or facilities, in its charge. The sums borrowed may be those needed to pay costs incident to the operation and maintenance of its airport facilities or such sums as may be needed to pay the costs of any extension, addition, or improvement to its airport facilities, or both. If the method of financing authorized by this paragraph is used, neither the faith and credit of the State of South Carolina, nor of any county lying within the district, nor of the district itself shall be pledged to the payment of the principal and interest of the obligations, and there shall be on the face of such obligation a statement, plainly worded, to that effect. Neither the members of the Commission nor any person signing the obligations shall be personally liable thereon. In order that a convenient procedure for borrowing money pursuant to this paragraph may be prescribed, the district shall be fully empowered to avail itself of all powers granted by Chapter 21, Title 6, as now and hereafter amended, and Chapter 17, Title 6, as now or hereafter amended. In exercising the powers conferred upon the district by such Code provisions, the district may make all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by such Code provisions. Specifically and notwithstanding contrary provisions in any such Code provisions, the district may:

(a) Provide that such bonds, notes, or other evidences of indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of any revenue‑producing facility or facilities, as such net revenues may be defined by the Commission.

(b) Covenant and agree that upon its being adjudged in default as to the payment of any installment of principal and interest upon any obligation issued by it or in default as to the performance of any covenant or undertaking made by it, that in such event the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured.

(c) Confer upon a corporate trustee the power to make disposition of the proceeds from all borrowings and also all revenues derived from the operation of the revenue‑producing facility whose revenues are pledged for the payment of such obligations, in accordance with and in the order of priority prescribed by resolutions adopted by the Commission as an incident to the issuance of any notes, bonds, or other evidences of indebtedness.

(d) Dispose of its obligations at public or private sale and upon such terms and conditions as it shall approve.

(e) Make such provision for the redemption of any obligations issued by it prior to their stated maturity, with or without a premium, and on such terms and conditions as the Commission shall approve.

(f) Covenant and agree that any cushion fund established to further secure the payment of principal and interest of any obligation shall be in a fixed amount.

(g) Covenant and agree that it will not enter into any agreements with any person, firm, corporation, or with the government of this State, the United States, or any of the political subdivisions of the same for the furnishing of free services where such services are ordinarily charged for.

(h) Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which such consent shall be given.

(i) Prescribe the evidences of default and conditions upon which all or any obligation shall become or may be declared due before maturity and the terms and conditions upon which such declaration and its consequences may be waived.

(20) The Commission, on behalf of the district, shall be empowered to issue not exceeding two million seven hundred thousand dollars of general obligation bonds of the district, whose proceeds shall be used to defray the cost of constructing and establishing suitable airport facilities within the district. For the purpose of this section, the term “construct and establish” shall embrace the cost of direct construction, the cost of all land, property, rights, easements, and franchises acquired (in addition to such property as may be conveyed to the district by Lexington County and the city of Columbia) which are deemed necessary for the construction and use of runways, terminal buildings, maintenance shops, freight depots, service establishments, and any and all facilities incident, or in anywise appurtenant, to an airport facility, and all machinery and equipment needed therefor, payments to contractors, laborers, or others for work done or material furnished, financing charges, interest incurred in connection therewith, interest on the bonds herewith authorized for not exceeding eighteen months, cost of engineering services, architectural services, legal services, legal and engineering expenses, plans, specifications, surveys, projections, drawings, brochures, administrative expenses and such other expenses as may be necessary or incident to the construction and operation of an airport facility within the district, hereafter incurred, for the purposes for which the district is created. All or any general obligation bonds issued pursuant to this paragraph shall conform to the following specifications and be subject to the following procedures:

(a) They shall be issued as a single issue, or from time to time as several separate issues. They shall bear such date or dates as the Commission shall determine, and bonds of any issue shall mature in such equal or unequal installments as may be determined by the Commission. They shall be made payable at such place or places as the Commission shall prescribe, and they shall bear interest at such rate or rates, and shall be payable in such manner as the Commission may determine. The bonds may be issued with the privilege of having them registered as to principal on the books of the Commission and the principal thus made payable to the registered holder (unless the last registered transfer shall have been to bearer), upon such conditions as the Commission may prescribe. Any bond issued pursuant to this paragraph may be made subject to redemption prior to its stated maturity, on such terms and conditions and with such redemption premium as the Commission shall prescribe.

(b) They shall be sold at not less than par and accrued interest to the date of their respective deliveries at public sale. At least ten days prior to any sale, notice announcing the intention to receive bids for sale of such bonds shall be published in a newspaper of general circulation in the State of South Carolina. In offering the bonds for sale, the Commission shall reserve the right to reject any and all bids, and if all bids shall be rejected, the Commission may negotiate privately for the disposition of such bonds.

(c) Such bonds and all interest to become due thereon shall have the tax exempt status prescribed by Section 12‑1‑60.

(d) All general obligation bonds issued pursuant to this article shall be manually signed by the chairman of the Commission. The seal of the district shall be affixed to, impressed or reproduced upon each of such bonds, and each of such bonds shall be attested by the secretary of the Commission. The coupons attached to such bonds shall be authenticated by a facsimile of the signatures of the chairman and the secretary of the Commission, who shall be in office on the date of the adoption of the resolution of the Commission authorizing the bonds.

(e) The delivery of any bonds so executed and authenticated shall be valid notwithstanding any changes in officers or seal occurring after such execution and authentication.

(f) There shall be irrevocably pledged for the payment of such bonds and interest as they mature the full faith, credit and resources of the district. Until the principal and interest of all bonds issued under this article shall be fully paid, there shall be levied on all taxable property in the district an annual tax ad valorem sufficient to pay the principal and interest of all bonds issued under this article as such principal and interest becomes due. The tax shall be annually levied by the Comptroller General of South Carolina and collected by the county treasurers of Richland and Lexington Counties at the same time and in the same manner as county taxes are collected. Each of the county treasurers shall collect the tax in his county and pay the same to the State Treasurer in the manner and within the time heretofore provided by law for the payment of state taxes to the State Treasurer, who shall set them apart in a special fund and apply them solely to the payment of principal and interest of the bonds so long as any such principal or interest remains outstanding. The tax to be levied under the provisions of this paragraph shall not be substantially greater than the amount necessary to pay principal and interest of bonds maturing during the year in which moneys produced by such levy will come into the hands of the State Treasurer, as reduced by the anticipated balance of funds actually in the hands of the State Treasurer, on the occasion when it becomes necessary to fix such tax levy, produce by: (a) additional collections from such levies made in prior years; (b) net revenues derived by the Commission from the operation of its facilities not required to meet costs of operating, maintaining, enlarging and improving its facilities, or to discharge covenants securing bonds issued pursuant to paragraph (19). When all principal and interest of outstanding bonds have been paid, the State Treasurer shall transfer any balance remaining in the special fund created under the terms of this paragraph to the general fund of the Commission subject to its draft or order for any legitimate purpose incident to the operation, maintenance or extension of the district’s airport facilities.

(g) The proceeds derived from the sale of such bonds shall be deposited with the Treasurer of the State of South Carolina in a separate and special fund, and shall be subject to transfer, upon warrants or orders of the Commission, to any bank or trust company having an office within the district, to be expended by the Commission for the purposes specified herein, and no others; provided, however, that any premium received shall be deposited with the Treasurer of the State of South Carolina and applied by him to the first installment of principal becoming due on the bonds, and any accrued interest received shall be applied by the State Treasurer to the first installment of interest becoming due on the bonds and provided, further, pending such withdrawals, the Treasurer of South Carolina shall, upon the request of the Commission, be empowered to invest and reinvest the proceeds derived from the sale of the bonds in direct general obligations of the United States of America having a maturity of not more than one year from the date as of which such investment shall be made. Income derived from such investments shall be applied to the payment of any interest to accrue on the general obligation bonds of the district. Neither the purchaser of the bonds nor any subsequent holders thereof shall be responsible for the proper application of the proceeds of sales.

(21) Do all other acts and things necessary or convenient to carry out any function or power committed or granted to the district.

**SECTION 55‑11‑350.** Regulation of use of roads, streets and parking facilities; employment of police officers; enforcement of rules and applicable laws; penalty.

The Richland‑Lexington Airport Commission is authorized to adopt and promulgate rules and regulations governing the use of roads, streets and parking facilities upon the lands of the Richland‑Lexington Airport Commission. Such rules and regulations shall not be in conflict with any State law and all State laws are hereby declared to be applicable to the roads, streets and parking facilities under the control of the Commission. The rules and regulations authorized herein shall be effective when filed with the Director of the Columbia Metropolitan Airport and in accordance with Section 1‑1‑210.

The Richland‑Lexington Airport Commission is authorized to employ police officers to be commissioned by the Governor who shall enforce all laws, rules and regulations authorized herein and shall, in addition, have authority to issue summonses for violations thereof in the manner provided for South Carolina State Highway Patrolmen.

Persons violating any of the applicable laws within a magistrate’s jurisdiction or any of the rules or regulations of the Commission shall be tried by magistrates having jurisdiction of the area in which the violation occurred.

Any person violating the provisions of any of the rules and regulations of the Commission shall be deemed guilty of a misdemeanor and, upon conviction, fined not more than one hundred dollars or be imprisoned for not more than thirty days.

All fines and forfeitures collected under the provisions of this article shall be forwarded weekly to the Richland‑Lexington Airport Commission by the enforcing magistrate, to be credited to the general operating fund of the district.

Notwithstanding the provisions of this section, any public road, street, or highway located in the Richland‑Lexington Airport District which is contiguous to or intersects the corporate limits of a municipality is within the police jurisdiction of that municipality. Summonses issued by municipal police officers in the jurisdiction authorized pursuant to this paragraph must be tried in municipal court, and all fines and forfeitures collected under the provisions of this paragraph may be retained by the enforcing municipality.

**SECTION 55‑11‑355.** Airport district not barrier to contiguity requirements for purpose of annexation.

No property of the Richland‑Lexington Airport District is a barrier to the contiguity requirements for the purposes of annexation. Any municipality which is contiguous to property owned by the district may annex, as provided by law, any property contiguous to the district.

**SECTION 55‑11‑360.** Revenues.

All revenues derived by the Commission from the operation of any revenue‑producing facility which may not be required to operate, maintain, enlarge and improve its airport facilities, or to pay obligations incurred in the issuance of any revenue bonds sold pursuant to the authorizations of paragraph (19), Section 55‑11‑340, shall be paid over to the State Treasurer, and held by him for the payment of interest and principal of general obligation bonds of the District.

**SECTION 55‑11‑370.** Rates not subject to State supervision or regulation.

The rates charged for services furnished by any revenue‑producing facility of the District as constructed, improved, enlarged or extended, shall not be subject to supervision or regulation of any State bureau, commission, board or other like instrumentality or agency thereof.

**SECTION 55‑11‑380.** Exemption from taxes.

Property and income of the District shall be exempt from all taxes levied by the State, county or any municipality, division, subdivision or agency thereof, direct or indirect.

**SECTION 55‑11‑390.** Obligations not to be impaired.

So long as the District shall be indebted to any person, firm or corporation on any bonds, notes, or other obligations issued pursuant to the authority of this article, provisions of this article and the powers granted to the District and the Commission shall not be in any way diminished and the provisions of this article shall be deemed a part of the contract between the District and the holders of such obligations.

**SECTION 55‑11‑400.** Richland and Lexington Counties to furnish funds to Airport Commission.

The governing body of the county of Richland and the governing body of the county of Lexington are hereby authorized and directed to make, execute and deliver a contract, each with the other, agreeing to pay to the Richland‑Lexington Airport Commission, in equal amounts, the funds necessary to meet the annual operating deficit, if any, of the Richland‑Lexington Airport Commission or to provide for the Commission sufficient funds to prevent any such deficit from arising by annual equal payments to the Commission’s anticipated budget.

**SECTION 55‑11‑410.** Annual appropriations; defaults.

There shall be provided in the annual act levying taxes for county purposes by Richland County and Lexington County appropriations sufficient to carry out the provisions of Section 55‑11‑400.

In the event that the county of Richland or the county of Lexington, or either of them, should fail or refuse to make any such contract, or if such contract should be made and there should be a default thereunder, and for either of such reasons or for any other reason the county of Richland or the county of Lexington should fail to provide its one‑half share of the operating deficit, the Comptroller General of the State of South Carolina is authorized and directed to withhold from the moneys to be received by the county of Richland or the county of Lexington, as the case may be, from the annual distribution made by the State of South Carolina to counties and municipalities from its receipts from the taxes levied by the State of South Carolina on alcoholic beverages, beer and wine, and on personal and corporate income an amount sufficient to pay such share or shares of the operating deficit.

**SECTION 55‑11‑420.** Exceptions.

The provisions of this article shall not prohibit the operation of any public or private airport located within the district by any other public agency or governmental authority, or by any private agency or person.

ARTICLE 7.

 STATE FUNDING OF AIR CARRIER HUB TERMINAL FACILITIES

**SECTION 55‑11‑500.** Definitions.

As used in this article:

(a) An “air carrier hub terminal facility” is an airport terminal facility from which an air carrier certified or licensed by the Federal Aviation Administration, within five years from the date of issuance of the obligations described in this article, operates either:

(1) at least twenty common carrier departing flights a day on which the general public may fly seven days a week, fifty‑two weeks a year. No less than seventy percent of all seats on these aircraft arriving at or departing from an air carrier terminal facility must be on jet aircraft capable of carrying at least one hundred passengers on each flight;

(2) at least twenty common carrier departing flights a week on an annual basis for the purposes of transporting cargo and air freight; or

(3) irrespective of the number of flights, two or more specially equipped planes that are:

(i) used for the transportation of specialized cargo; and

(ii) subject to ad valorem property taxation or a fee in lieu of taxes in this State.

(b) An “air carrier” is a corporation licensed by the Federal Aviation Administration with a certificate of public convenience and necessity or an operating certificate under other applicable federal law or pertinent regulations which operates aircraft to or from an air carrier hub terminal facility as defined in this section.

(c) “Board” means the State Budget and Control Board.

(d) “Bonds” mean general obligation bonds of this State.

(e) “Secretary” means the Secretary of the Department of Commerce.

**SECTION 55‑11‑505.** Economic development projects functionally related to certain air carrier hub terminal facilities.

The term “air carrier hub terminal facility” includes an economic development project as defined in Section 11‑41‑30(2) that is functionally related to a facility satisfying one of the criteria in Section 55‑11‑500(a).

**SECTION 55‑11‑510.** Authorized payments by state in connection with air carrier hub terminal facilities.

(A) A special purpose district or political subdivision of the State may petition the State for assistance hereunder. Upon receipt of such a petition, the State, from the proceeds of the sale of bonds authorized by Section 55‑11‑520, is authorized to pay a portion or all of the costs of any insurance required to guarantee the payment of, or any credit enhancement facility utilized in connection with, obligations issued or to be issued by a special purpose district or other political subdivision of this State, for the purposes of acquiring land for and constructing and equipping air carrier hub terminal facilities; except that the amount of fees paid by the State to purchase this insurance or other credit enhancement facility must not exceed one and one‑half percent of the principal plus all interest payable on obligations issued by a special purpose district or other political subdivision of this State. The cost of this insurance or other credit enhancement facility may be paid by the State directly to the provider of it, or by way of reimbursement to the special purpose district or political subdivision.

(B) In addition, after review by the Joint Bond Review Committee, the board may allocate bond proceeds for the purposes authorized in Section 55‑11‑520 to match on a dollar‑for‑dollar basis, local funds expended for the purposes authorized in Section 55‑11‑520 by any special purpose district or other political subdivision of this State. Local funds may include user fees and other monies made available by the special purpose district or political subdivision, but may not include federal grants made available to the special purpose district or other political subdivision for runway construction.

**SECTION 55‑11‑520.** Issuance of general obligation bonds; conditions to issuance.

(A) Pursuant to the provisions of subsection 6(c), Section 13, Article 10 of the Constitution of this State, in order to provide funds to pay a portion of the costs of (1) acquiring land, (2) constructing, enlarging, improving, extending, renovating, and equipping suitable air carrier hub terminal facilities to be located in this State, (3) purchasing equipment, ground support equipment, machinery, special tools, maintenance, boarding facilities, and any and all additional necessary real or personal property for the operation of air carrier hub terminal facilities, and (4) if petitioned by a special purpose district or other political subdivision of the State, to pay a portion or all of the costs described in Section 55‑11‑510, not exceeding fifty million dollars of general obligation bonds of this State, to be outstanding at any time may be issued in the manner provided in this article and by law.

(B) A request that bonds be issued pursuant to this article must be accompanied by a binding contract with either an air carrier or the principal user of the air carrier hub terminal facilities to be financed with the issuance of the obligations described in this article, committing the entity to use the air carrier hub terminal facility for a period of five years or the period of time needed to retire any indebtedness incurred to construct the air carrier hub terminal facility, whichever is less. Upon receipt of a certified copy of the executed contract, the secretary shall consider the entity’s financial ability, willingness, and commitment to serve this State and other factors considered relevant by the secretary. If the secretary determines that it is in the best interest of this State for the State to provide or to assist in the providing of suitable air carrier hub terminal facilities, the secretary shall recommend that the board consider approving the issuance of bonds of this State for the purposes authorized in this article and shall forward his written approval and request to the Joint Bond Review Committee and the board. The approval and request must be accompanied by a certificate of the secretary establishing:

(1) the maximum principal amount of the bonds then requested to be authorized;

(2) a description of the infrastructure for which the bonds are to be issued, including a certification from the secretary that the facility is an air carrier hub terminal facility as defined in Section 55‑11‑500(a);

(3) a tentative time schedule for the time during which the sum requested is to be expended; and

(4) the then‑outstanding principal amount of, and the debt service requirements for, all bonds previously issued pursuant to this section.

(C) Following the receipt of the approval and request described in subsection (B), and after approval by the Joint Bond Review Committee, the board may approve the issuance of bonds pursuant to this article. In connection with the approval, the board shall adopt a resolution setting the terms and conditions for the execution, sale, delivery, interest payments, maturities, and redemption of the bonds. For the payment of the principal and interest on all bonds issued and outstanding pursuant to this article, there is pledged the full faith, credit, and taxing power of the State of South Carolina, and in accordance with the provisions of paragraph (4) of Article X, Section 13 of the South Carolina Constitution, the General Assembly hereby allocates on an annual basis sufficient tax revenues to provide for the punctual payment of the principal and interest on the bonds authorized by this article.

ARTICLE 9.

 FLORENCE, MARION, AND DILLON COUNTIES

**SECTION 55‑11‑610.** Pee Dee Regional Airport District created.

The territory of the counties of Florence, Marion, and Dillon is constituted an airport district and a political subdivision of this State, the functions of which are public and governmental and the inhabitants of the territory are constituted a body politic and corporate. The corporate name of the airport district is the Pee Dee Regional Airport District, and by that name the airport district may sue and be sued.

**SECTION 55‑11‑620.** Pee Dee Regional Airport Authority created; membership; terms; vacancies; compensation.

The corporate powers and duties of the Pee Dee Regional Airport District must be exercised and performed by an authority to be known as the Pee Dee Regional Airport Authority which consists of nine members. Two members must be residents of the City of Florence appointed by the Governor upon recommendation of the Florence City Council. Three members must be residents of the County of Florence appointed by the Governor on the recommendation of the Florence County Council. Two members must be residents of each of the counties of Marion and Dillon appointed by the Governor on the recommendation of the respective county councils. Terms of office are for four years, except that of those initially appointed one member from each of the three counties must be appointed for two‑year terms. No member shall serve more than two four‑year terms. All members shall serve until their successors are appointed and qualify. Vacancies on the authority must be filled in the manner of their original appointment for the unexpired term. The authority shall elect its own officers with terms and duties as determined by the authority. The members of the authority must be compensated at the per diem rate of fifty dollars a meeting, not to exceed twelve meetings a year until such time as the amount is increased by the councils of the counties.

**SECTION 55‑11‑630.** Powers and duties of Authority.

(A) The authority shall perform the functions of planning, establishing, developing, constructing, enlarging, improving, maintaining, equipping, operating, regulating, protecting, and policing such airports, air navigation, railroad, and other facilities as are necessary to serve the people of the district and the public generally. The authority may:

(1) have and enjoy perpetual succession;

(2) adopt, use, and alter a corporate seal;

(3) make bylaws for the management and regulation of its affairs, and define a quorum for its meetings, and appoint such subcommittees as it considers appropriate from within and without the authority to advise the authority;

(4) plan, establish, develop, construct, enlarge, improve, maintain, including the power to establish a reasonable reserve for maintenance, equip, operate, regulate, protect, and police its airports and air navigation facilities under such reasonable regulations as the authority may promulgate;

(5) construct, maintain, and extend runways, terminals, maintenance shops, access roads, parking facilities, utilities systems, concessions, accommodations, and other facilities of whatever nature or kind for the comfort and accommodation of air travelers and air freight; purchase and sell supplies, goods, and commodities as an incident to the operation of its airport facilities; and for all these purposes, the authority may, by purchase, gift, devise, lease, eminent domain proceedings, or otherwise, acquire, hold, develop, and use, as well as lease, mortgage, sell, transfer, and dispose of any property, real or personal, or any interest in it, including easements in or over land needed to prevent airport hazards, or land outside the boundaries of its airports and air navigation facilities necessary to permit the removal, elimination, obstruction‑marking, or obstruction‑lighting of airport hazards, or to prevent the establishment of airport hazards. However, the authority may not dispose of any interest in real property without first notifying the chairman of each of the governing bodies of Florence, Marion, and Dillon counties and conducting a public hearing which hearing must be advertised not less than seven days before the hearing in a newspaper or newspapers of general circulation in the district. For the purpose of this article, utilities systems means only facilities for the connection with and the provision of water or sewer services by the water and sewer systems of the City of Florence, its successors, and assigns;

(6) license, lease, sublease, rent, sell, or otherwise provide for the use of any real or personal property of its airport facilities or of facilities auxiliary to it, including the privilege of supplying goods, commodities, things, services, or facilities at the airport by itself or by any qualified persons or corporations, on terms and conditions as its discretion may dictate. The public may not be deprived of its rightful, equal, and uniform use of its airports and air navigation facilities;

(7)(a) promulgate regulations pursuant to and in accordance with Section 55‑9‑240 and Federal Aviation Regulations, Part 77;

(b) apply to any court of general jurisdiction within the district for the enforcement of the regulation through the means of mandatory injunctions and other remedial proceedings, and these courts are specifically empowered to render mandatory injunctions and other remedial orders as it appears to them to be just and reasonable;

(8) exercise the power of eminent domain for any corporate function through procedure prescribed in Chapter 2 of Title 28;

(9) appoint officers, agents, employees, and servants and prescribe the duties of them, including the right to appoint persons charged with the duty of enforcing the regulations promulgated pursuant to the provisions of this article, fix their compensation, and determine if, and to what extent, they must be bonded for the faithful performance of their duties;

(10) employ or contract for services of a technical or professional nature as may be necessary or desirable to the performance of the duties of the authority;

(11) contract for the construction, erection, maintenance, and repair of the facilities in its charge, through any procedure prescribed by law;

(12) acquire, construct, maintain, equip, and operate connecting, switching, terminal, or other railroads. The term “railroad” includes, but is not limited to, tracks, spurs, switches, terminal, terminal facilities, road beds, rights‑of‑way, bridges, stations, railroad cars, locomotives, or other vehicles constructed for operation over railroad tracks, crossing signs, lights, signals, storage, administration, and repair buildings, and all structures and equipment which are necessary for the operation of a railroad; and

(13) develop all of the lands leased by, subleased by, owned by, or under the jurisdiction of the authority.

**SECTION 55‑11‑635.** Funding by counties; amount per capita; procedures for increases in appropriation amounts.

(A) For the fiscal year beginning July 1, 1998, the governing bodies of Florence, Marion, and Dillon Counties shall fund for the authority and its purposes an amount equal to one dollar per capita for each person in that county. Thereafter the amount shall equal sixty cents per capita.

(B) Beginning with the fiscal year beginning July 1, 1999, the appropriation set forth above may be increased by request of the authority upon approval by ordinance of the county councils of the three counties.

**SECTION 55‑11‑640.** Promulgation of regulations governing use of roads, streets and parking facilities on District lands; enforcement; violations; disposition of fines collected.

(A) The authority is authorized to adopt and promulgate regulations governing the use of roads, streets, and parking facilities upon the lands leased by, subleased by, owned by, or under the jurisdiction of the authority. All state laws are declared to be applicable to the roads, streets, and parking facilities under the control of the authority.

(B) The authority may employ police officers to be commissioned by the Governor who shall enforce all laws and regulations authorized under the provisions of this article and, in addition, shall have authority to issue summonses for violations of them in the manner provided for South Carolina State Highway Patrolmen.

(C) Persons violating any of the applicable laws within a magistrate’s jurisdiction or any of the regulations of the authority must be tried by magistrates having jurisdiction of the area in which the violation occurred.

(D) Any person violating the provisions of any of the regulations of the authority is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

(E) All fines and forfeitures collected under the provisions of this article must be forwarded to the authority to be credited to the general operating fund of the county where the final disposition of the case is made.

**SECTION 55‑11‑650.** Revenue; bonds.

(A) For the purpose of this article, the authority may:

(1) deposit monies derived from the sale of bonds authorized to be issued under the provisions of this article or from revenue‑producing facilities in any bank or trust company having an office within the district and to withdraw them for the purpose of operating, maintaining, constructing, improving, and extending any facility in its charge.

(2) apply for, accept, receive, receipt for, disburse, and expend federal, state, county, or municipal monies and other monies, public or private, made available by grant or loan, or both, to accomplish, in whole or in part, any of the purposes of this article, and, to this end, to continue to prosecute any application previously filed with the Federal Aviation Agency, or any other federal agency, by the Florence City‑County Airport Commission, and to pay from the funds of the district any costs incurred for any services rendered since the date the application was filed in connection with the procuring or processing of the application which is found by the authority to legitimately inure to the benefit of the district. All federal monies accepted under this section must be accepted and expended by the authority upon those terms and conditions prescribed by the United States and consistent with state law. All other monies accepted under this section must be accepted and expended by the authority upon the terms and conditions prescribed by the State or other sources.

(3) accept donations of all sorts, including a deed of conveyance by any landowners of the landowner’s right, title, and interest in and to lands within the district, and to accept relinquishments of any leasehold interest or estate now possessed by the City or County of Florence on or in lands or property on airport property.

(B) The district may issue negotiable bonds, notes, and other evidences of indebtedness payable solely from the gross revenues or net revenues derived from the operation of any revenue‑producing facility, or facilities, in its charge. The sums borrowed may be those needed to pay the costs of any extension, addition, or improvement to its airport facility. The proceeds of the bonds may, in addition, be used to refund any bonds issued under the provisions of this article, to pay interest during the estimated construction period of the project being financed, to fund any necessary reserves for the bonds, to purchase any necessary credit enhancement for the bonds, and to pay costs of issuance of the bonds. If the method of financing authorized by this subsection is used, neither the faith and credit of the State of South Carolina, nor of any county lying within the district, nor of the district itself, may be pledged to the payment of the principal and interest of the obligations, and there must be on the face of the obligation a statement, plainly worded, to that effect. Neither the members of the authority nor any person signing the obligations are personally liable on them. In order that a convenient procedure for borrowing money pursuant to this subsection may be prescribed, the authority may use the provisions of Chapter 21, Title 6 and Chapter 17, Title 6. In exercising the powers conferred upon the district by those code provisions, the authority may make all pledges and covenants authorized by the provisions of them and may confer upon the holders of its securities all rights and liens authorized by these code provisions. Specifically, and notwithstanding contrary provisions in those code provisions, the district may:

(1) provide that the bonds, notes, or other evidences of indebtedness are payable, both as to principal and interest, from the gross revenues or net revenues derived from the operation of any revenue‑producing facility or facilities, as the gross revenues or net revenues may be defined by the authority, and to impose a lien upon the facilities, the revenues of which are pledged to the payment of the bonds enforceable to the same extent and in the same manner as the statutory lien described in Sections 6‑21‑330 through 6‑21‑360;

(2) provide that the bonds must be issued as serial or term bonds, maturing in equal or unequal amounts, at such times and on occasions as the authority determines. They must bear such rates of interest, payable on such occasion, as the authority prescribes, and the bonds are in such denominations, are payable in such medium of payment, and at such place as the authority prescribes. All bonds may be issued with a provision permitting their redemption prior to their respective maturities. Bonds made subject to redemption before their stated maturities may contain a provision requiring the payment of a premium for the privilege of exercising the right of redemption, in such amount or amounts as the authority prescribes. All bonds that are subject to redemption must contain a statement to that effect on the face of each bond. The resolution authorizing their issuance must contain provisions specifying the manner of call and the notice of call that must be given. Notwithstanding anything in this chapter to the contrary, the authority may issue bonds which, in lieu of paying current interest periodically, pay an accreted value at maturity;

(3) authorize the officer or officers of the authority to execute the bonds, by manual or facsimile signature, as the authority considers necessary; bonds may be in the form of registered bonds or may be issued in coupon form, payable to bearer, or, in the discretion of the authority, may be issued as fully registered uncertificated book‑entry securities;

(4) covenant and agree that upon its being adjudged in default as to the payment of any installment of principal and interest upon any obligation issued by it or in default as to the performance of any covenant or undertaking made by it, that in that event the principal of all obligations of the issue may be declared immediately due and payable, notwithstanding that any of them may not have then matured, and that any court having jurisdiction in any proper action may appoint a receiver to administer and operate the facilities whose revenues must be pledged for the payment of the bonds, with power to fix rates and charges for the facilities, sufficient to provide for the payment of the expense of operating and maintaining such facilities, and to apply the income and revenues of the facilities to the payment of the bonds, and the interest on them;

(5) confer upon a corporate trustee the power to make disposition of the proceeds from all borrowings and also all revenue‑producing facilities whose revenues are pledged for the payment of the obligations, in accordance with and in the order of priority prescribed by resolutions adopted by the authority as an incident to the issuance of any notes, bonds, or other evidences of indebtedness;

(6) dispose of its obligations at public or private sale and upon such terms and conditions as it approves;

(7) covenant and agree that a reserve fund must be established to further secure the payment of principal and interest of any obligation;

(8) covenant and agree that it will not enter into any agreements with any person, firm, corporation, or with the government of this State, the United States, or any of the political subdivisions of the same, for the furnishing of free services where the services are ordinarily charged for;

(9) prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent to it, and the manner in which the consent must be given;

(10) prescribe the evidence of default and conditions upon which all or any obligation becomes or may be declared due before maturity and the terms and conditions upon which the declaration and its consequences may be waived;

(11) covenant to establish and maintain such system of rules as will ensure the continuous use and occupancy of the facilities whose revenues are pledged to secure any bonds;

(12) covenant that an adequate schedule of charges will be established and maintained for the facilities designated by the authority, whose revenues must be pledged to secure any bonds, to the extent necessary to produce sufficient revenues to:

(a) pay the cost of operating and maintaining the facilities, whose revenues or net revenues must be pledged for the payment of the bonds, including the cost of fire, extended coverage, and use and occupancy insurance;

(b) pay the principal and interest of the bonds as they respectively become due;

(c) create and at all times maintain an adequate debt service reserve fund to meet the payment of the principal and interest; and

(d) create and at all times maintain an adequate reserve for contingencies and for major repairs and replacements.

(C) The authority, on behalf of the district, may issue general obligation bonds of the district, whose proceeds must be used to defray the cost of constructing and establishing an airport facility within the district. In order that a convenient procedure for borrowing money pursuant to this subsection may be prescribed, the authority may use the provisions of Article 5, Chapter 11, Title 6. For the purpose of this section, the term “construct and establish” means the cost of direct construction, the cost of all land, property, rights, easements, and franchises acquired (in addition to property conveyed to the district by the City or County of Florence) which are considered necessary for the construction and use of runways, terminal buildings, maintenance shops, freight depots, service establishments, and any and all facilities incident, or in any way appurtenant, to an airport facility, and all machinery and equipment needed for it, payments to contractors, laborers, or others for work done or material furnished, financing charged, interest incurred in connection with it, interest on the bonds authorized by this article, cost of engineering services, architectural services, legal services, legal and engineering expenses, plans, specifications, surveys, projections, drawings, brochures, administrative expenses, and such other expenses as may be necessary or incident to the construction of any airport facility within the district incurred for the purposes for which the district is created.

(D) The district shall do all other acts and things necessary or convenient to carry out any function or power committed or granted to the district.

(E) All bonds issued pursuant to this article and all interest to become due on them have the tax‑exempt status prescribed by Section 12‑2‑50.

(F) It is lawful for all executors, administrators, guardians, and fiduciaries, all sinking fund commissions, the State Budget and Control Board, as trustee of the South Carolina Retirement System, and all other governmental entities within the State to invest any monies in their hands in the bonds issued pursuant to this chapter.

**SECTION 55‑11‑660.** Disposition of revenues derived from facilities.

All revenues derived by the authority from the operation of any revenue‑producing facility which may not be required to operate, maintain, enlarge, and improve its airport facilities, or to create any necessary reserves for them, or to pay obligations incurred in the issuance of any revenue bonds sold pursuant to the resolution or resolutions adopted by it in connection with the issuance of the bonds may, in the discretion of the authority, either:

(1) create surplus revenues to be used for future capital projects of the authority;

(2) used to reduce the outstanding bonded indebtedness of the authority; or

(3) otherwise be used for purposes permitted by FAA policy and applicable procedures, as they now exist or may hereafter be adopted.

**SECTION 55‑11‑670.** Rates not subject to State supervision or regulation.

The rates charged for services furnished by any revenue‑producing facility of the district as constructed, improved, enlarged, or extended is not subject to supervision or regulation of any state bureau, commission, board, or other instrumentality or agency of it.

**SECTION 55‑11‑680.** Exemption from taxes.

Property and income of the district is exempt from all taxes levied by the State, county, or any municipality, division, subdivision, or agency of them, directly or indirectly.

**SECTION 55‑11‑690.** Obligations not to be impaired.

For the period the district is indebted to a person on any bonds, notes, or other obligations issued pursuant to the provisions of this article, the powers granted to the district and the authority may not be diminished. The provisions of this article are considered a part of the contract between the district and the holders of the obligations.

**SECTION 55‑11‑700.** Exceptions.

The provisions of this article do not prohibit the operation of any public or private airport located within the district by any other public agency or governmental authority, or by any private agency or person.

**SECTION 55‑11‑710.** Counties and City of Florence not liable.

Neither the City of Florence nor the counties of Florence, Marion, or Dillon are liable in damages for any neglect or mismanagement in the operation and maintenance or otherwise of the airport.

**SECTION 55‑11‑720.** Electric utilities and suppliers unaffected.

Nothing in this article may be construed to affect the rights and duties of electric utilities and electrical suppliers under the provisions of Chapter 27 of Title 58.

**SECTION 55‑11‑730.** Annexation of district property by City of Florence.

Nothing in this article shall prohibit annexation by the City of Florence of the property of the district.