

## 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.

HISTORY: 1990 Act No. 545, Section 3; 1998 Act No. 365, Section 1, eff June 10, 1998; 2012 Act No. 270, Section 5, eff June 18, 2012.

#### **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.

HISTORY: 1990 Act No. 545, Section 3; 1998 Act No. 365, Section 1, eff June 10, 1998; 2012 Act No. 270, Section 5, eff June 18, 2012.

#### **SECTION 55-11-630.** Powers and duties of Authority.

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 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 55-9-250 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, 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.

HISTORY: 1990 Act No. 545, Section 3; 1998 Act No. 365, Section 1, eff June 10, 1998; 2012 Act No. 270, Section 5, eff June 18, 2012.

**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.

HISTORY: 1998 Act No. 365, Section 1, eff June 10, 1998; 2012 Act No. 270, Section 5, eff June 18, 2012.

**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.

HISTORY: 1990 Act No. 545, Section 3; 1998 Act No. 365, Section 1, eff June 10, 1998; 2012 Act No. 270, Section 5, eff June 18, 2012.

**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.

HISTORY: 1999 Act No. 6, Section 1, eff upon approval (became law without the Governor's signature on March 24, 1999); 2012 Act No. 270, Section 5, eff June 18, 2012.

**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.

HISTORY: 1990 Act No. 545, Section 3; 1998 Act No. 365, Section 1, eff June 10, 1998; 2012 Act No. 270, Section 5, eff June 18, 2012.

**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.

HISTORY: 1990 Act No. 545, Section 3; 1998 Act No. 365, Section 1, eff June 10, 1998; 2012 Act No. 270, Section 5, eff June 18, 2012.

**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.

HISTORY: 1990 Act No. 545, Section 3; 1998 Act No. 365, Section 1, eff June 10, 1998; 2012 Act No. 270, Section 5, eff June 18, 2012.

**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.

HISTORY: 1990 Act No. 545, Section 3; 1998 Act No. 365, Section 1, eff June 10, 1998; 2012 Act No. 270, Section 5, eff June 18, 2012.

**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.

HISTORY: 1990 Act No. 545, Section 3; 1998 Act No. 365, Section 1, eff June 10, 1998; 2012 Act No. 270, Section 5, eff June 18, 2012.

**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.

HISTORY: 1990 Act No. 545, Section 3; 1998 Act No. 365, Section 1, eff June 10, 1998; 2012 Act No. 270, Section 5, eff June 18, 2012.

**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, Title 58.

HISTORY: 1990 Act No. 545, Section 3; 1998 Act No. 365, Section 1, eff June 10, 1998; 2012 Act No. 270, Section 5, eff June 18, 2012.

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

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

HISTORY: 1990 Act No. 545, Section 3; 1998 Act No. 365, Section 1, eff June 10, 1998; 2012 Act No. 270, Section 5, eff June 18, 2012.