

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 335
HOUSE BILL 639

AN ACT TO AMEND THE PROVISIONS UNDER WHICH THE PIEDMONT TRIAD AIRPORT AUTHORITY REGULATES PARKING AT THE PIEDMONT TRIAD INTERNATIONAL AIRPORT.

The General Assembly of North Carolina enacts:

Section 1. Sections 1 through 5.5 of Chapter 1273 of the 1953 Session Laws, as amended by Chapter 245 of the 1961 Session Laws, Chapter 354 of the 1975 Session Laws, Chapter 431 of the 1983 Session Laws, Chapter 696 of the 1987 Session Laws, and Chapter 990 of the 1987 Session Laws (Reg. Sess., 1988) read as rewritten:

"Section 1. Declaration of necessity. The Piedmont Triad Airport Authority is a body politic and corporate and is the owner and operator of the Piedmont Triad International Airport in Guilford County; and traffic congestion, confusion and difficulties are being experienced by the operators of motor vehicles and the general public using said airport, resulting in possible danger and injuries to persons and damages to property and such traffic should be regulated.

Sec. 2. Definition. The term 'motor vehicle' as used herein shall mean every vehicle which is self-propelled, including but not limited to automobiles, trucks and aircraft, and every vehicle designed to run upon the highways, or on the surface of airports, which is pulled by a self-propelled vehicle. The term 'street or roadway' as used herein shall mean those portions of the Piedmont Triad International Airport which have been improved and designed and are ordinarily used for ground motor vehicular traffic, except those portions so improved within the Air Operations Area as said area is defined and established from time to time by the Piedmont Triad Airport Authority.

Sec. 3. Power to adopt rules and regulations. The Board of Directors of the Piedmont Triad Airport Authority is hereby authorized and empowered to adopt, amend, or repeal, from time to time, as it may deem necessary, useful or proper, rules and regulations relating to or concerning the use, operation and parking of motor vehicles on the Piedmont Triad International Airport in Guilford County. The use and operation of such motor vehicles may be prohibited or restricted in certain areas and the places, lengths of time for parking and manner of parking may be likewise regulated and rules made in reference thereto.

Sec. 3.1. The Board of Directors of the Piedmont Triad Airport Authority may by rule or regulation set aside spaces on the Piedmont Triad International Airport in designated parking areas in which motor vehicles may be parked for specified periods of time. To regulate parking in such spaces, the Board of Directors may install a system of parking meters and ~~make it unlawful for any person to park prohibit any person from~~

parking a motor vehicle in a metered space without activating the meter for the entire time that the vehicle is parked, up to the maximum length of time allowed for that space. The meters may be activated by using coins of the United States. Proceeds from the use of such parking meters must be used to defray the cost of enforcing and administering traffic and parking rules and regulations or other purpose related to parking and traffic or as a pledge to secure the payment of or in payment of revenue bonds issued in whole or in part for the construction of such parking areas or the roadways on the Airport operated by the Airport Authority.

Sec. 3.2. All of the provisions of Chapter 20 of the General Statutes of North Carolina relating to the use of streets, highways and public vehicular areas and the operation of motor vehicles thereon shall apply to the streets and roadways and parking lots and parking structures designed for ground transportation motor vehicles of the Piedmont Triad International Airport. Any person violating any of the provisions of Chapter 20 as so applied shall, upon conviction thereof, be punished as prescribed by Chapter 20 for such violations. Nothing herein contained shall be construed as in any way interfering with the ownership or control of said streets and roadways and parking lots and parking structures by the Piedmont Triad Airport Authority. The Board of Directors of the Piedmont Triad Airport Authority may also adopt rules and regulations relating to the use of the streets and roadways and parking lots and parking structures of the Airport not inconsistent with the provisions of Chapter 20, including rules and regulations fixing speed limits lower than those provided in Chapter 20.

Sec. 4. Posting rules and regulations. All regulations and rules relating to motor vehicles adopted by the Board of Directors of the Piedmont Triad Airport Authority pursuant to this Act shall be posted at the Piedmont Triad International Airport in its public waiting room and at two other places on said airport, and in addition, all parking areas shall be plainly marked so that any person parking a motor vehicle in any area shall be able to observe any prohibited or restricted use of same and the length of time any vehicle may park in such area.

Sec. 5. ~~Violation of any rule or regulation adopted by the Board of Directors of the Greensboro High Point Airport Authority relating to the use, operation and parking of motor vehicles on the streets and roadways and in parking lots and parking structures designed for ground transportation motor vehicles of the Piedmont Triad International Airport shall be an infraction punishable by a penalty of not more than one hundred dollars (\$100.00). Violation of any other rule or regulation adopted by the Board of directors of the Greensboro High Point Airport Authority pursuant to this act shall be a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100.00) or imprisonment for a period of time not to exceed 10 days, in the discretion of the court.~~ Except as provided in Section 5.1, violations of the rules and regulations adopted by the Board of Directors of the Piedmont Triad Airport Authority pursuant to this act have the following status and are punishable as follows:

- (1) Violation of a rule or regulation relating to the use, operation, or parking of motor vehicles on the streets and roadways and in parking lots and parking structures designed for ground transportation motor vehicles at the Piedmont Triad International Airport is an infraction

and is punishable by a penalty of not more than one hundred dollars (\$100.00).

(2) Violation of any other rule or regulation adopted pursuant to this act is a Class 3 misdemeanor.

Sec. 5.1. Any officer of the Airport Police established by the Greensboro High Point Airport Authority is authorized and empowered in the case of the violation of any regulation or rule adopted by the Authority relating to the parking of automobiles, trucks, and motorcycles in any loading zone, or designated parking area owned by the Authority, or upon any public street within the property of the Authority, and made effective pursuant to the provisions of this act to give, serve, or mail, any person a ticket or citation for any such violation; any person receiving such citation or ticket for any such automobile, truck, or motorcycle parking violation may pay, within the time named in such ticket or citation, to the Authority, for delivery to the finance office of Guilford County, in person or by mail, the sum of three dollars (\$3.00) for each violation as payment of a penalty therefor and such payment shall constitute an admission of responsibility for the infraction and a waiver of the right to a hearing thereon; and such person shall not be required to appear at any judicial proceeding to answer said violation, and such person shall be exempt from any further penalty. In the event any officer of said Airport Police deems it necessary to move any automobile, truck, or motorcycle from any area where a violation occurs, such officer is authorized and empowered to move, or cause the moving of, such automobile, truck, or motorcycle, and to park and store or cause to be parked and stored such automobile, truck, or motorcycle, and neither the Authority nor the said officer shall have liability for any such charges for removal and storage of such automobile, truck, or motorcycle. The owner or person in charge of such automobile, truck, or motorcycle shall pay all costs of such removal and storage and the same shall constitute a lien on the vehicle the may be enforced in the manner provided by law for enforcement of possessory liens for towing and storage of motor vehicles. Notwithstanding Section 5 of this act, the Piedmont Triad Airport Authority may specify that certain violations of rules or regulations relating to the parking of ground transportation motor vehicles at the Piedmont Triad International Airport shall constitute neither an infraction nor a misdemeanor, but shall instead subject the offender to a civil penalty not to exceed fifty dollars (\$50.00). The amount of the civil penalty shall be determined by the Authority in its discretion, and may be changed from time to time in the discretion of the Authority. The Authority may further provide that the failure of the offender to pay the penalty within a prescribed period of time after issuance of a citation therefor shall subject the offender to a civil action in the nature of a debt to collect the civil penalty, plus an additional penalty not to exceed fifty dollars (\$50.00), together with the costs of the action to be taxed by the court. The Airport Police established by the Authority as well as other employees of, and designated by, the Authority may issue citations charging violations and stating the amount of the civil penalty assessed, the period of time for payment, and the additional penalty for which the offender shall be liable, together with court costs, in the event of the offender's failure to pay the initial penalty within the prescribed time. All civil penalties and additional penalties collected by the Authority for violation of

any rule or regulation which it makes enforceable by civil penalty under this section shall be paid into the general fund of the Authority.

Sec. 5.2. No State tax shall be paid to the State of North Carolina in cases finally disposed of by payment of the amount of the penalty. In any action brought in any court of this State to collect any civil penalties provided for in Section 5.1 of this act for violation of any rule or regulation of the Piedmont Triad Airport Authority relating to the parking of a ground transportation motor vehicle, the fact that any motor vehicle was found parked at the Piedmont Triad International Airport in violation of the rule or regulation shall be *prima facie* evidence that the vehicle was parked and left at the location where the violation occurs by the person in whose name the vehicle is registered with the North Carolina Division of Motor Vehicles or with the comparable agency of any other state. In any prosecution for violation of any rule or regulation constituting an infraction, the rule or regulation shall be considered a municipal ordinance within the meaning of G.S. 20-162.1, but the infraction penalty shall be as specified in Section 5 of this act.

Sec. 5.3. It shall be the duty of the Airport Police established by the Greensboro-High Point Airport Authority to enforce the provisions of this act, and the Authority shall collect the penalties for violation of the rules and regulations adopted and made effective hereunder and shall account for said funds. In the event any person shall violate any rule or regulation relating to the parking of a ground transportation motor vehicle at the Piedmont Triad International Airport, and any officer of the Airport Police deems it necessary to move that motor vehicle from the area where the violation occurs, the officer may move, or cause the moving of, that motor vehicle and to park and store or cause to be parked and stored that motor vehicle, and neither the Authority nor the officer shall be liable for any charges for the removal and storage of that motor vehicle. The owner or person in charge of that motor vehicle shall pay all costs of the removal and storage, and the charges shall constitute a lien on the vehicle that may be enforced in the manner provided by law for enforcement of possessory liens for towing and storage of motor vehicles.

Sec. 5.4. All penalties collected pursuant to the provisions of this act shall be paid by the Greensboro High Point Airport Authority to the finance office of Guilford County for disbursement in the manner provided by law. It shall be the duty of the Authority to enforce the provisions of this act.

Sec. 5.5. Nothing contained in Sections 5.1, 5.2, 5.3, or 5.4 hereof shall prevent prosecution and imposition of the penalties for violations pursuant to provisions of Section 5 hereof in the event payment of said three dollars (\$3.00) penalty is not made. In any such prosecution, the rules and regulations of the Authority shall be considered municipal ordinances within the meaning of G.S. 20-162.1."

Sec. 2. If any one or more sections, clauses, sentences, or parts of this act shall be adjudged invalid, that judgment shall not affect, impair, or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions held invalid, and the inapplicability or invalidity of any section, clause, sentence, or part of this act in one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Sec. 3. This act becomes effective December 1, 1995.

In the General Assembly read three times and ratified this the 27th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives