

**BOARD OF AVIATION COMMISSIONERS**

**RESOLUTION NO. 16-04**

**A RESOLUTION OF THE BOARD OF AVIATION COMMISSIONERS OF THE CITY OF  
GREENWOOD TO ADOPT ABANDONED, DISABLED, OR DERELICT AIRCRAFT  
DISPOSAL POLICY**

WHEREAS, the Board of Aviation Commissioners of the City of Greenwood, Indiana (the "Board") has certain prescribed powers with respect to the operation and management of the Greenwood Municipal Airport as outlined in Ind. Code § 8-22-2-5;

WHEREAS, as part of operation of the Airport, the Board leases aircraft T-hangars to tenants for limited aviation purposes;

WHEREAS, from time-to-time tenants abandon their aircraft and/or cause their aircraft to become disabled or derelict; and

WHEREAS, it has been determined that it is in the best interest of the Airport to adopt a policy that establishes procedure for regulation and disposal of such abandoned, disabled, and derelict aircraft.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF AVIATION COMMISSIONERS OF THE CITY OF GREENWOOD, INDIANA THAT:

Section 1.     *Disabled Aircraft.* "Disabled Aircraft" shall mean any aircraft that has become unable to move under its own power or through the normal use of an appropriate tow tractor and tow bar. Subject to compliance with appropriate Federal regulations, the aircraft owner shall be responsible for the prompt removal of a Disabled Aircraft and its parts from the Airport, as reasonably directed by the Airport Manager or authorized representative. Disabled Aircraft shall be disposed according to Section 4 of this Policy.

Section 2.     *Abandoned Aircraft.* "Abandoned Aircraft" shall mean an aircraft that has been disposed of or stored at the Airport grounds in a wrecked, inoperative, or partially dismantled condition or an aircraft for which no lease payments have been made for at least 2 consecutive months by the owner / operator. Abandoned Aircraft shall be disposed according to Section 4 of this Policy.

Section 3.     *Derelict Aircraft.* "Derelict Aircraft" shall mean any aircraft that is not in a flyable condition, does not have a current certificate of air worthiness issued by the Federal Aviation Administration, and is not in the process of actively being repaired. Other factors to be considered in determination whether an aircraft is a Derelict Aircraft may include the following:

- a. The aircraft's certificate of registration or aviation document is no longer effective and the registered owner no longer resides at the address listed in the aircraft registration document records of the Federal Aviation Administration; or
- b. The last registered owner disclaims ownership and the current owner's name or address cannot be determined; or
- c. The aircraft identification numbers and other means of identification have been removed so as to nullify efforts to locate or identify the owner; or
- d. The aircraft registration records of the Federal Aviation Administration contain no record that the aircraft has ever been registered and the owner's name or address cannot be determined.

Derelict Aircraft shall be disposed according to Section 4 of this Policy.

Section 4.     *Disposal Procedure.*

(A) Once the Airport Manager determines that an aircraft is either Disabled, Abandoned, or Derelict, the Airport Manager shall, by certified mail, return receipt requested, or by personal delivery, notify the owner of such aircraft and require the owner to repair and/or remove the aircraft from the Airport premises within ninety (90) calendar days. If the aircraft is not repaired or removed, the Airport

Manager may seek the Board's approval to cause Disabled, Abandoned, or Derelict Aircraft to be immediately taken into custody. The Airport Manager shall, by certified mail, return receipt requested, or by personal delivery, provide a minimum of ten (10) days' notice to the owner of such aircraft of the date and time when the Board shall consider the matter. At the Board's meeting, the owner of Disabled, Abandoned, or Derelict aircraft shall have an opportunity to be heard regarding the matter. Upon the Board's approval, the Airport Manager may immediately take Disabled, Abandoned or Derelict Aircraft into custody for disposal.

(B) Upon taking custody of Disabled, Abandoned or Derelict Aircraft, the Airport Manager shall concurrently:

- a. Give public notice of intended disposition;
- b. When possible, post a notice of intended disposition by certified mail, return receipt requested:
  1. On the registered owner of the aircraft at the last address shown on records in the Federal Aviation Administration;
  2. On all lien holders who have filed a financing statement indexed in the name of the registered owner in the bureau of conveyances or who are shown in the records of the Federal Aviation Administration; and
  3. On any other person known to have an interest in the aircraft whose address is known to the FAA or Indiana Department of Transportation.

If the aircraft is not repossessed within thirty (30) days after the giving and mailing of the notice, whichever occurs later, the aircraft may be disposed of by negotiated sale, except that, when two or more purchasers indicate an interest in purchasing the aircraft, the aircraft will be sold at public auction to the highest bidder. If no purchaser expresses a desire to purchase the aircraft, the aircraft may be destroyed or disposed of by any other authorized method.

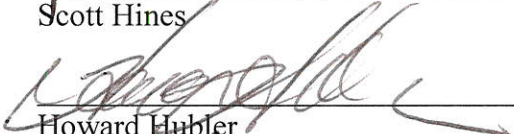
Section 5. *Fees.* Upon expiration of the initial notice of an aircraft's status as outlined in Section 4(A), the owner of Disabled, Abandoned or Derelict Aircraft, shall be subject to a fee of \$100 per day until the aircraft is disposed as outlined in this policy or the actual costs which may include but are not limited to removal, storage, disposition, sale, and professional fees, whichever is greater.

Section 6. This resolution shall be in full force and effect immediately upon its adoption.

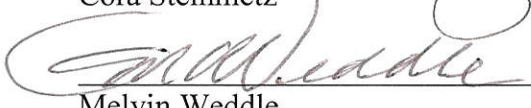
PASSED BY THE BOARD OF AVIATION COMMISSIONERS OF THE CITY OF GREENWOOD, INDIANA this 14 day of July, 2016, by a vote of 4 ayes, 0 nays.

BOARD OF AVIATION COMMISSIONERS

  
\_\_\_\_\_  
Scott Hines

  
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Howard Hubler

  
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Cora Steinmetz

  
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Melvin Weddle

ATTEST:

  
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Diana Downey, Recording Secretary