

<b>Tulahoma Municipal Airport Authority Policy</b>	Document No: Policy 04	Page: 1 of 2
<b>Abandoned / Disabled Aircraft</b>	Effective Date: 14 Oct 2010	Revision: 1

### 1.0 Purpose

To define the Tulahoma Municipal Airport Authority (TAA) policy for removal of abandoned and / or disabled aircraft from Tulahoma Municipal Airport. The provisions contained in the Fixed Base Operator (FBO) lease apply.

### 2.0 Scope of Application

This applies to any tied-down or parked aircraft located on the Airport that is abandoned and/or disabled, if in the sole discretion of the TAA, such aircraft creates a Safety Issue to the Airport and/or aviation.

### 3.0 References

Federal Aviation Administration (FAA) Regulations, 14 CFR parts 21, 43, 91 and 135.  
FAA Order 3180.2F

### 4.0 Definitions

4.1 Abandoned Aircraft. An aircraft that is left sitting outside of a hangar on Tulahoma Municipal Airport property and for which no storage fees have been paid for at least 3 consecutive months by the owner / operator to either the Fixed Base Operator or to the Tulahoma Municipal Airport Authority.

4.2 Airworthy. The term "airworthy" is not defined in Title 49, United States Code (49 U.S.C.), or in 14 CFR; however, a clear understanding of its meaning is essential for use in the agency's airworthiness certification program. Below is a summary of the conditions necessary for the issuance of an airworthiness certificate. A review of case law relating to airworthiness reveals two conditions that must be met for an aircraft to be considered "airworthy." 49 U.S.C. § 44704(c) and 14 CFR § 21.183(a), (b), and (c) state that the two conditions necessary for issuance of an airworthiness certificate:

4.2.1 The aircraft must conform to its Type Code. Conformity to type design is considered attained when the aircraft configuration and the components installed are consistent with the drawings, specifications, and other data that are part of the TC, which includes any supplemental type certificate (STC) and field approved alterations incorporated into the aircraft.

4.2.2 The aircraft must be in a condition for safe operation. This refers to the condition of the aircraft relative to wear and deterioration, for example, skin corrosion, window de-lamination / crazing, fluid leaks, and tire wear.

4.2.3 Annual Inspection. A required inspection that requires that a person who operates an aircraft must ensure that the aircraft has been inspected in accordance with the requirements of an annual inspection.

4.2.4 Certificate of Airworthiness. A standard airworthiness certificate remains valid as long as the aircraft meets its approved type design, is in a condition for safe operation, and maintenance, preventative maintenance, and alterations are performed in accordance with 14 CFR parts 21, 43, and 91.

NOTE: If one or more of these conditions are not met, the aircraft shall be considered non-airworthy.

4.3 Condition for Safe Operation. This is an initial determination by an FAA inspector or authorized Representative of the Administrator that the overall condition of an aircraft is conducive to safe operations. This refers to the condition of the aircraft relative to wear and deterioration, e.g., corrosion, window de-lamination / crazing, fluid leaks, tire wear, etc.

4.4 Disabled Aircraft. An aircraft that has become unable to move under its own power.

4.5 Tied-Down Aircraft. An aircraft that is secured in its parking location (outside of a hangar) through the use of tie-down ropes or straps which prevent the aircraft from moving during windy conditions.

## **5.0 Policy**

Any aircraft that becomes disabled on an active runway shall be immediately removed if circumstances permit. The owner of any abandoned and / or disabled aircraft, or his / her / its representative (i.e. pilot or operator), shall be responsible for the removal of any aircraft wrecked or damaged on the premises of the Airport (or after such aircraft has been officially released by the National Transportation Safety Board or Federal Aviation Administration Flight Standards District Office representative if applicable). Such removal shall occur not later than 90 calendar days from the date of abandonment or disablement unless prior written permission for an extension of time is obtained from the Tullahoma Municipal Airport Authority.

In the event an aircraft becomes disabled while on the aircraft movement area due to flat tire, engine failure, etc., the owner or his / her / its representative shall immediately arrange for prompt removal of the aircraft by the FBO to an appropriate tie down area on the Airport. If the owner or his / her / its representative fails to promptly remove the disabled aircraft, such aircraft may be removed by the FBO or other agent of the Tullahoma Municipal Airport Authority at the owner's expense and without liability for damage which may result in the course of or after such removal.

5.1 Permitted Exceptions: The owner of any non-airworthy or disabled aircraft shall be permitted to tie down the aircraft and pay the applicable tie down fees for a period of one year. At the end of the one-year time period, the owner shall either relocate the non-airworthy or disabled aircraft to an aircraft hangar for storage or remove the aircraft from Airport property. Owners of aircraft that are non-airworthy or disabled and which are tied down at the Airport on 14 August 2007 shall have one (1) year from this date to comply with the requirement to relocate such aircraft unless prior written agreement has been requested by and provided to the owner by the TAA.

In the event the forgoing items are not satisfied, then TAA will pursue its legal remedies to enforce its rights and to recover any attorney fees and other costs associated therewith from the aircraft owner.

## **6.0 Description of Revisions.**

Clarifies exceptions for non-airworthy or disabled aircraft.