

CHAPTER IX—ENVIRONS OF AIRPORTS AND AIRDROMES

Art. 133. Property in the environs of airports and airdromes shall be subject to special restrictions.

Paragraph 1. The restrictions referred to in this article shall have reference to the use of property in regard to installations, buildings or plants which may impede the departure or landing of aircraft.

Paragraph 2. The Government shall designate the areas adjoining the airport and airdrome within which maximum altitude of the obstacles shall be established.

Paragraph 3. The Government, in special cases, may allow obstacles having a higher altitude.

Paragraph 4. The limitations of the areas and of the obstacles may only be changed by orders of the National Council of Aeronautics which, under exceptional circumstances, may restrict or enlarge the area established.

Art. 134. In the absence of natural boundaries, the boundaries of airports and airdromes shall be fixed by an adequate system of visible markings.

Art. 135. A plan of restrictions on the use of neighboring properties shall be prepared by the competent federal authority, for each airport or airdrome, upon advice of the ministries who might have an interest in the matter and upon consultation with the local, state, and municipal authorities.

Sole Paragraph. Such plan shall be approved by a decree.

Art. 136. Whenever such restrictions prevent erection of any building, the neighboring property owners shall have a right to compensation determined by the courts in the absence of direct agreement.

CHAPTER X—MORTGAGE OF AIRCRAFT

Art. 137. Aircraft may be the object of a mortgage which shall depend on recordation in the Brazilian Registry of Aircraft and which shall be copied in the pertinent certificate.

Sole Paragraph. An aircraft mortgage shall require a notarized instrument.

Art. 138. Aircraft which are subject to mortgage in this country shall not be capable of conveyance outside the country without the express consent of the creditor.

Art. 139. The preference in favor of the mortgage creditor shall attach in the case of loss or expropriation of the aircraft to the compensations paid by the person who caused the damage, by the insurer, or by the person expropriating it.

Art. 140. An aircraft mortgage shall be favored over any others, with the exception of the following:

- a) court costs or expenses intended to preserve the aircraft until a judicial sale;
- b) compensation due for assistance or rescue;
- c) fees for the use of an airport, or for services accessory to, or in aid of aerial navigation;