

(5) when the location, structure, etc. of an airdrome fails to comply with the standards under Article 39, paragraph 1, item 1;

(6) when the operator has violated the conditions attached to the permission.

(Restriction, etc. of Object)

Article 49. No person shall install, plant or leave any structure, plant or other object which is projecting above the approach or transitional surface as shown by the notification, after notification under Article 40 (including where Article 43, paragraph 2 applies) of any airdrome for public use has been made. [As amended by Law No. 90, 1960 to read as follows:] However, the same shall not apply in cases where the provisional object and others specified by Ordinance of the Ministry of Transportation are installed or remain with the approval of the operator (except those relating to approach and transitional surfaces) and where such object is removed by the scheduled commencement date of use.

2. The operator of an airdrome may request the owner of, and other persons having authority over, any object installed, planted or left in violation of preceding paragraph (including plants which have grown up to project above the approach or transitional surface), to remove the object.

3. [Amended by Law No. 90, 1960.] The operator of an airdrome may request the owner of, and persons who have authority over, the object existing at the time of the notification under paragraph 1, which projects above the approach or transitional surface (including plants existing at the time of notification which have grown to project above the approach, transitional or horizontal surface and structures existing at the time of notification which now project above such surfaces to due such construction work) to eliminate such portion of the object as projects above the approach or transitional surface, but he shall pay compensation for damages as may normally be caused thereby, in accordance with the provisions of a Cabinet Order.

4. The owner of any object or any land on which such object mentioned in the preceding paragraph exists may request the operator of an airdrome to purchase the object or land, when, by the removal of the object mentioned in the same paragraph, it has become extremely difficult to make use of the object or land for the purpose for which it has hitherto been utilized.

5. The amount of damages to be compensated for under paragraph 3, and conditions for the purchase and price, etc. under the preceding paragraph, shall be decided after consultation between the persons concerned. The Minister of Transportation shall decide in cases where consultation has not led or cannot lead to an agreement.

6. [As amended by Law No. 140, May 16, 1962.] Any person who is dissatisfied with the amount of damages and the purchase price decided upon under the preceding paragraph may bring a suit for an increase or decrease of the amount within 3 months from the day when he has received a notification of the decision.

7. The operator of the airdrome or the owner of any object or land or any other person in authority shall be a defendant in a suit under the preceding paragraph.

8. [Added by Law No. 161, Sept. 15, 1942.] In the case of an objection to the decision mentioned in paragraph 5, the objection to the conditions for the purchase shall not be the cause of the objection to the said decision.