

(6) When the operator has violated the conditions attached to the authorization.

*Article 40. Restriction on the Installation of Obstructions.*—No person shall install, plant or leave any structure (excluding the parts relevant to construction work in progress at the time of public notice), plant or other obstacles which project above the approach surface, horizontal or transitional surface (as to the part to which the projected area of said surface corresponds, the lowest surface is to be considered) as shown by the notification, after notification under Article 34 (including where Article 36, paragraph 2 applies) of any airdrome for public use has been made. However, the same shall not apply to such provisional construction or any other obstacles as designated by an Ordinance of the Ministry of Transportation (excluding those approximating the approach surface or transitional surface) which have been installed, abandoned or those obstacles to be removed before the scheduled date of the use of aircraft, with the consent of the operator of the airdrome.

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 the preceding paragraph (including plants which have grown up to project above the approach surface, horizontal or transitional surface), to remove the obstacles.

3. The operator of an airdrome may request the owner of, and persons having authority over, obstacles existent at the time of notification under paragraph 1, which project above the approach surface, horizontal or transitional surface (including plants extant at the time of notification which after growth project above the aforementioned surfaces. Also buildings under construction which later project above the surfaces), to eliminate such portion of the object as projects. However, the operator shall pay compensation for damages as may normally be caused by the removal of the object, in accordance with a State Council Decree.

4. The owner of any obstacle, or any land on which such obstacle referred to in the preceding paragraph exists, may request the operator of an airdrome to purchase the object or land, when, by the removal of said obstacle, it becomes extremely difficult to make use of or take profit from, the obstacle or land.

5. When it is impossible to remove the obstacle in accordance with the preceding three paragraphs because of the failure of the parties concerned to reach an agreement, the Minister of Transportation, if he deems it necessary, may order the operator of an airdrome to remove the said obstacle.

6. Under the preceding paragraph, the Minister of Transportation or the operator of an airdrome shall pay compensation for the loss or damage arising from the removal of an obstacle to the owner or occupant. The amount of compensation for loss or damage shall be determined by the Minister of Transportation with the consent of the Aviation Council.

*Article 41. Installation of Aeronautical Obstruction Light.*—The operator of an airdrome shall install, in accordance with the provisions of an Ordinance of the Ministry of Transportation, aeronautical obstruction lights on objects designated by the said Ordinance (excluding