

Landscape Act

(Act No. 110 of June 18, 2004)

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This page contains an English translation of the Landscape Act (景観法, Act No. 110 of 2004) prepared by the Landscape Office of the Ministry of Land, Infrastructure and Transport.

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This English translation of this law or regulation has been translated (through the revisions of Act No. 50 of 2006) in compliance with the Standard Bilingual Dictionary (March 2006 edition).

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Chapter I General Provisions

Article 1 (Purpose)

The purpose of this Act is to build a beautiful and dignified land, create an attractive and comfortable living environment and realize vibrant communities with distinct personalities by taking comprehensive measures to develop good urban and rural landscapes such as formulating landscape plans, in order to improve the quality of life of the people of Japan and contribute to the growth of the national economy and sound development of society.

Article 2 (Basic philosophy)

(1) In view of the fact that good landscapes are essential for building a beautiful and dignified land and creating an attractive and comfortable living environment, every effort shall be made to create and conserve good landscapes so that the present and future generations of people can enjoy the benefits of landscapes as the common property of the people of Japan.

(2) In view of the fact that a good landscape of an area is produced by the harmony between the nature, history and culture of the area and people's lifestyles and economic and other activities, effort shall be made to create and conserve good landscapes so as to promote land uses that help achieve such harmony under proper restraints.

(3) In view of the fact that a good landscape of an area is closely related to peculiar characteristics of the area, effort shall be made to develop diverse landscapes so that the personality and characteristics of each area are enhanced, taking into consideration the opinions of the local residents.

(4) In view of the fact that good landscapes play a significant role in

promoting tourism and other interregional exchange, a concerted effort shall be made by local governments, businesses and local residents to enhance regional vitality.

(5) Effort to develop good landscapes shall be made with the aim of not only conserving existing good landscapes but also creating good landscapes.

Article 3 (Responsibilities of the national government)

(1) The national government shall be responsible for formulating and implementing comprehensive measures to develop good landscapes in accordance with the basic philosophy prescribed in the foregoing article (hereinafter referred to as the "basic philosophy").

(2) The national government shall endeavor to help people gain a deeper understanding of the basic philosophy through education and enlightenment measures concerning the development of good landscapes.

Article 4 (Responsibilities of local governments)

Local governments shall be responsible for formulating and implementing measures to promote the development of good landscapes in accordance with the basic philosophy, taking into consideration the respective duties of the national and local governments.

Article 5 (Responsibilities of businesses)

Businesses shall endeavor to develop good landscapes in their land use and other business activities in accordance with the basic philosophy and cooperate with the national and local governments in connection with the measures taken to develop good landscapes.

Article 6 (Responsibilities of local residents)

Local residents shall not only endeavor to gain a deeper understanding of good landscapes and take active part in developing good landscapes in accordance with the basic philosophy, but also cooperate with the national and local governments in connection with the measures taken to develop good landscapes.

Article 7 (Definitions, etc.)

(1) The term "landscape administrative organization" as used in this Act shall mean an ordinance-designated city in the case of an area designated as an ordinance-designated city under Article 252-19 paragraph 1 of the Local Autonomy Act (Act No. 67 of 1947) (hereafter in this paragraph referred to as an "ordinance-designated city"), a core city in the case of an area designated as a core city under Article 252-22 paragraph 1 of said act (hereafter in this paragraph referred to as a "core city") or a prefecture in the case of an area other than the areas mentioned above provided, however, that said term refers to a municipality in the case of an area of a municipality whose head has consulted with and obtained the consent of the prefectural governor concerned in connection with the execution of any of the duties prescribed in Section 1 to Section 4 of Chapter II, in Chapter IV or in Chapter V of this Act on behalf of the prefectural governor.

(2) The term "building" as used in this Act shall mean a building defined in Article 2 (i) of the Building Standard Act (Act No. 201 of 1950).

(3) The term "outdoor advertisement" as used in this Act shall mean an outdoor advertisement defined in Article 2 paragraph 1 of the Outdoor Advertisement Act (Act No. 189 of 1949).

(4) The term "public facility" as used in this Act shall mean a road, river, park, plaza, coast, port, fishing port or other public-use facility specified in a Cabinet Order.

(5) The term "national park" as used in this Act shall mean a national park defined in Article 2 (ii) of the Natural Parks Act (Act No. 161 of 1957), and the term "quasi-natural park" shall mean a quasi-natural park defined in Article 2 (iii) of said act.

(6) The term "city planning area" as used in this Act shall mean a city planning area defined in Article 4 paragraph 2 of the City Planning Act (Act No. 100 of 1968), and the term "quasi-city planning area" shall mean a quasi-city planning area defined in the same paragraph of said act.

(7) Any municipality that acts as a landscape administrative organization under the proviso of paragraph 1 of this article shall give public notice to that effect in accordance with the provision of an ordinance of the Ministry of Land, Infrastructure and Transport, the Ministry of Agriculture, Forestry and Fisheries or the Ministry of the Environment at least thirty days prior to the day on which the municipality becomes a landscape administrative organization pursuant to said proviso.

Chapter II Landscape Plan and Measures Taken under the Plan

Section 1 Landscape Planning, Etc.

Article 8 (Landscape plan)

(1) Every landscape administrative organization may formulate a plan for developing a good landscape (hereinafter referred to as a "landscape plan") for an area of land (including water surfaces; the same shall apply to the rest of this paragraph, Article 11, and paragraph 2 of Article 14) that falls

under any of the categories listed below in a built-up area or settlement such as a city, a rural village or an area that integrally forms a landscape together with said area:

- (i) an area of land where it is found that an existing good landscape needs to be conserved;
- (ii) an area of land where it is found, judging from the standpoint of the nature, history, culture, etc. of the area, that a landscape suitable for the characteristics of the area needs to be developed;
- (iii) an area that is a center of interregional exchange and where it is found that a landscape desirable for promoting such exchange needs to be developed;
- (iv) an area of land where a project for the development of urban residential land or the construction or improvement of a building or its site will be or has been carried out and it is found that a new good landscape needs to be created; or
- (v) an area of land where an undesirable landscape is likely to be produced, judging from the local land use trends.

(2) Every landscape plan shall specify the following:

- (i) the area covered by the landscape plan (hereinafter referred to as the "landscape planning area");
- (ii) a policy for developing a good landscape in the landscape planning area;
- (iii) matters related to restrictions on acts for developing good landscapes;
- (iv) a policy for designating structures of landscape importance under paragraph 1 of Article 19 and trees of landscape importance under paragraph 1 of Article 28 (only in cases where structures or trees eligible for such designation are located in the landscape planning area concerned);
- (v) any of the following items that is needed to develop a good landscape:
 - (a) matters concerning acts related to the display of an outdoor advertisement or the installation of an article for displaying an outdoor advertisement;

(b) matters related to the development of a road under the Road Act (Act No. 180 of 1952), a river under the River Act (Act No. 167 of 1964), an urban park under the Urban Parks Act (Act No. 79 of 1956), a coast related to a coastal conservation area, etc. (the same as a coastal conservation area, etc. as defined in Article 2 paragraph 3 of the Seacoast Act (Act No. 101 of 1956)), a port under the Port and Harbor Act (Act No. 218 of 1950), a fishing port under the Fishing Port and Fishing Grounds Act (Act No. 137 of 1950), a facility related to a park project under the Natural Parks Act (limited to a project implemented by the national government or a public body as defined in Article 9 paragraph 2 of said act) or any other public facility specified in a Cabinet Order (hereinafter referred to as a "designated public facility") that is important for the development of a good landscape (hereinafter referred to as a "public facility of landscape importance");

(c) any of the following criteria for a public facility of landscape importance that is necessary for the development of a good landscape:

1. the permitting criteria of paragraph 1 or paragraph 3 of Article 32 of the Road Act;
2. the permitting criteria of Article 24, Article 25, paragraph 1 of Article 26 or paragraph 1 of Article 27 of the River Act (including the cases in which these provisions are applied mutatis mutandis under Article 100 paragraph 1 of said act);
3. the permitting criteria of Article 5 paragraph 1 of the Urban Parks Act or paragraph 1 or paragraph 3 of Article 6 of said act;
4. the permitting criteria of paragraph 1 of Article 7, paragraph 1 of Article 8, Article 37-4 or Article 37-5 of the Seacoast Act;
5. the permitting criteria of Article 37 paragraph 1 of the Port and Harbor Act; or
6. the permitting criteria of Article 39 paragraph 1 of the Fishing Port and Fishing Grounds Act;

(d) basic matters related to the formulation of a landscape-oriented agricultural promotion area improvement plan; or

(e) criteria for permitting (limited to ones for acts specified in a Cabinet Order) under paragraph 3 of Article 13, paragraph 3 of Article 14 or paragraph 3 of Article 24 of the Natural Parks Act that are necessary for the development of a good landscape (limited to cases where the landscape planning area concerned includes a national or quasi-national park area); or
(vi) other matters stipulated in an ordinance of the Ministry of Land, Infrastructure and Transport, the Ministry of Agriculture, Forestry and Fisheries or the Ministry of the Environment.

(3) Concerning the matters related to restrictions on acts referred to in (iii) of the preceding paragraph, the following shall be specified in accordance with criteria prescribed in a Cabinet Order:

(i) if an act that requires notification as stipulated in paragraph 1 of Article 16 needs to be specified in accordance with an ordinance referred to in paragraph 1 (iv) of Article 16, the act to be specified in such ordinance;

(ii) any of the following restrictions that is necessary as criteria for regulation or measures under the provision of paragraph 3 or paragraph 6 of Article 16 or paragraph 1 of Article 17:

(a) restrictions on the shape, color or other design features (hereinafter referred to as "design features") of a building or structure (structure that is not a building; the same shall apply hereinafter);

(b) the maximum limit or minimum limit of the height of a building or structure;

(c) restrictions on a wall location or the minimum limit on the area of a building site; or

(d) restrictions for the development of a good landscape on each act that requires notification as prescribed in paragraph 1 of Article 16.

(4) Every landscape plan shall be consistent with all plans formulated pursuant to the laws related to national land plans or regional plans including, but not limited to, the National Land Improvement Plan, Metropolitan Region Improvement Program, Kinki Region Improvement

Plan, Chubu Region Development and Improvement Plan, Hokkaido Comprehensive Development Plan, Okinawa Development Plan and all national plans for facilities such as roads, rivers, railways, ports, airports, etc.

(5) Every landscape plan shall be consistent with the Basic Environment Plan (including the regional environmental pollution control program for the landscape planning area concerned if such program has been formulated) prescribed in Article 15 paragraph 1 of the Basic Environment Act (Act No. 91 of 1993).

(6) Every landscape plan formulated for a city planning area shall comply with the policy for the improvement, development and conservation of the city planning area as prescribed in Article 6-2 paragraph 1 of the City Planning Act.

(7) Every landscape plan formulated by a municipality acting as a landscape administrative organization shall conform to a basic construction scheme of the municipality formulated after municipal council deliberations. Every landscape plan formulated for a city planning area or a quasi-city planning area shall conform to a basic policy related to a city plan of the municipality concerned as prescribed in Article 18-2 paragraph 1 of the City Planning Act.

(8) The matters listed in paragraph 2 (v) (b) and (c) to be specified in a landscape plan shall conform to a policy or plan for the development or management of public facilities prescribed in a Cabinet Order according to the type of public facilities of landscape importance concerned.

(9) In every landscape plan that specifies the matters listed in paragraph 2 (v) (d), the part of the plan pertaining to the matters prescribed in an ordinance of the Ministry of Agriculture, Forestry and Fisheries out of the

matters listed in (i), (ii) and (v) (d) of said paragraph and the matters listed in (iv) of said paragraph shall conform to the basic policy for agricultural promotion area improvement as prescribed in Article 4 paragraph 1 of the Act on the Development of Agricultural Promotion Areas (Act No. 58 of 1969). Every landscape plan formulated by a municipality acting as a landscape administrative organization shall conform to the agricultural promotion area improvement plan (which refers to an agricultural promotion area improvement plan formulated pursuant to the provision of Article 8 paragraph 1 of said act; the same shall apply hereinafter).

(10) The matters listed in paragraph 2 (v) (e) specified in a landscape plan shall conform to the park plan as prescribed in Article 2 (v) of the Natural Parks Act.

Article 9 (Planning procedure)

(1) When a landscape administrative organization intends to formulate a landscape plan, said landscape administrative organization shall in advance take measures necessary for reflecting the opinions of local residents, such as holding a public hearing.

(2) When a landscape administrative organization intends to formulate a landscape plan, said landscape administrative organization shall in advance hear the opinion of a city planning council of the prefecture concerned (or a city planning council of the municipality concerned, if any) concerning the part of the plan related to a city planning area or quasi-city planning area.

(3) When a prefecture acting as a landscape administrative organization intends to formulate a landscape plan, said prefecture shall in advance hear the opinion of the municipality concerned.

(4) When a landscape administrative organization intends to determine any

of the matters listed in paragraph 2 (v) (b) and (c) of the preceding article, said landscape administrative organization shall in advance consult with and obtain the consent of the manager (excluding landscape administrative organizations) of the public facility of landscape importance concerned pursuant to the provision of an ordinance of the Ministry of Land, Infrastructure and Transport, the Ministry of Agriculture, Forestry and Fisheries or the Ministry of the Environment.

(5) When a landscape administrative organization intends to determine any of the matters listed in paragraph 2 (v) (e) of the preceding article as part of a landscape plan, said landscape administrative organization shall in advance consult with and obtain the consent of the manager of the national park or quasi-national park concerned (the Minister of the Environment in the case of a national park and the prefectural governor concerned in the case of a quasi-national park; the same shall apply hereinafter) concerning the matter or matters concerned.

(6) When a landscape administrative organization has formulated a landscape plan, said landscape administrative organization shall give public notice to that effect and make the plan available for public inspection at the office of said landscape administrative organization concerned pursuant to the provision of an ordinance of the Ministry of Land, Infrastructure and Transport, the Ministry of Agriculture, Forestry and Fisheries or the Ministry of the Environment.

(7) The provisions of the preceding paragraphs shall not preclude the landscape administrative organization from laying down necessary provisions in an ordinance concerning the matters (limited to those that do not violate the provisions of the preceding paragraphs) related to the procedure for formulating a landscape plan.

(8) The provisions of the preceding paragraphs shall apply mutatis

mutandis to any change in a landscape plan.

Article 10 (Request by manager of specified public facilities)

(1) The manager of a specified public facility may request any landscape administrative organization that has formulated or intends to formulate a landscape plan to deem said specified public facility as a public facility of landscape importance and specify in said landscape plan the matters listed in Article 8 paragraph 2 (v) (b) or (c) for said specified public facility if it is located in the landscape planning area (or an area that is to become a landscape planning area under the landscape plan that the landscape administrative organization intends to formulate) for said landscape plan. In this case, the manager of such specified public facility shall attach to the request a draft of the part of the landscape plan related to said request.

(2) The manager of a public facility of landscape importance specified in a landscape plan may request the landscape administrative organization concerned to make addition to or change the matters as listed in Article 8 paragraph 2 (v) (b) or (c) in said landscape plan. In this case, the provision of the second sentence in the preceding paragraph shall apply mutatis mutandis.

(3) If a request as prescribed in either of the two preceding paragraphs has been made, the landscape administrative organization concerned shall respect such request.

Article 11 (Proposal by local residents, etc.)

(1) A person who holds a right of ownership to a group of land areas as defined in Article 8 paragraph 1 that are suitable for a scheme for integrated development of a good landscape and that are not smaller than the size specified in a Cabinet Order or who holds a right of superficies or ground

lease (excluding any right that has obviously been established for temporary use such as a right for the use of temporary facilities; hereinafter referred as a "leasehold right") that satisfies the requirement for asserting building ownership against third parties to such group of lands (hereafter in this article referred to as a "landowner, etc.") may singly or jointly with others propose the formulation or alteration of a landscape plan to the landscape administrative organization concerned. In this case, the landowner, etc. submitting such proposal shall attach a draft landscape plan to the proposal.

(2) All specified nonprofit corporations defined in Article 2 paragraph 2 of the Act on Promotion of Specified Nonprofit Activities (Act No. 7 of 1998) and all juridical persons as prescribed in Article 34 of the Civil Code (Act No. 89 of 1896) established for the purpose of carrying out activities to promote community building efforts and all other organizations defined in an ordinance of a landscape administrative organization as equivalent organizations may propose to the landscape administrative organization concerned the formulation or alteration of a landscape plan for land areas referred to in the preceding paragraph. In this case, the provision of the second sentence of the preceding paragraph shall apply *mutatis mutandis*.

(3) Every proposal as prescribed in the two preceding paragraphs (hereinafter referred to as a "planning proposal") shall be made as prescribed in an ordinance of the Ministry of Land, Infrastructure and Transport, the Ministry of Agriculture, Forestry and Fisheries or the Ministry of the Environment if the consent of two-thirds or more (limited to the case where the sum of the total area of the land owned by the persons who have consented and the total area of the land covered by the leasehold rights held by the persons who have consented is equal to or greater than two-thirds of the sum of the total area of land in the areas concerned and the total area of the land covered by the leasehold rights) of the landowners, etc. in the areas of land (excluding land that is owned by the national

government or a local government and that is being used for a public facility; the same shall apply hereafter in this paragraph) covered by the draft landscape plan for which said planning proposal has been made has been obtained.

Article 12 (Landscape administrative organization's judgment on planning proposal, etc.)

When a planning proposal has been made to a landscape administrative organization, said landscape administrative organization shall without delay judge whether or not a landscape plan needs to be formulated or altered in view of said planning proposal and, if the landscape administrative organization finds it necessary to formulate or alter a landscape plan as proposed, draw up a draft plan.

Article 13 (Submission of draft plan based on planning proposal to prefectural city planning council, etc.)

When a landscape administrative organization intends to formulate or alter a landscape plan taking into consideration a planning proposal pursuant to the provision of the preceding article, if the formulation or alteration of such plan results in the realization of part of a draft landscape plan based on the planning proposal, said landscape administrative organization shall submit the draft landscape plan based on the planning proposal to a prefectural city planning council or a municipal city planning council that hears opinions about the landscape plan pursuant to paragraph 2 of Article 9.

Article 14 (Measures to be taken when the formulation, etc. of landscape plan based on planning proposal is not made)

(1) When a landscape administrative organization has judged pursuant to

the provision of Article 12 that the formulation or alteration of a landscape plan based on a planning proposal is not necessary, said landscape administrative organization shall without delay notify the person who made said planning proposal of the reason for the judgment.

(2) When a landscape administrative organization intends to make notification as prescribed in the preceding paragraph concerning land in a city planning area or quasi-city planning area, said landscape administrative organization shall in advance submit a draft landscape plan based on the planning proposal concerned to a prefectural city planning council (or a municipal city planning council if there is such a council in the municipality acting as the landscape administrative organization) and hear the opinion of the council.

Article 15 (Landscape council)

(1) A landscape administrative organization, the manager of a public facility of landscape importance specified in a landscape plan and a landscape management organization designated pursuant to the provision of paragraph 1 of Article 92 (and a municipality concerned if the landscape administrative organization concerned is a prefecture and the manager of a national park, etc. if a national park or quasi-national park area is included in the landscape planning area concerned; hereafter in this paragraph referred to as "landscape administrative organizations, etc.") may jointly form a landscape council (hereafter in this article referred to as the "council") to hold deliberations necessary for the development of a good landscape in a landscape planning area. In this case, if the landscape administrative organizations, etc. find it necessary, they may include as council members a person or persons who are engaged in activities to promote the development of a good landscape including, but not limited to, relevant administrative organs, tourism-related organizations, commerce- and industry-related organizations, agriculture-, forestry- and

fisheries-related organizations, public utilities such as electric utilities, telecommunications carriers and railroad operators, and local residents.

(2) If the council finds it necessary, the council may ask any relevant administrative organ or utility other than the council members for cooperation including, but not limited to, expressing opinions and making explanations.

(3) All council members shall respect the matters agreed at a council meeting held for the purpose of deliberation as prescribed in the first sentence of paragraph 1.

(4) All matters necessary for the operation of the council other than those prescribed in the three preceding paragraphs shall be determined by the council.

Section 2 Regulation of Acts, Etc.

Article 16 (Notification, recommendation, etc.)

(1) Any person who intends to commit any of the following acts in a landscape planning area shall in advance notify the head of the landscape administrative organization concerned of the type of act, place, design or construction method, the scheduled date of commencement, and other matters specified in an ordinance of the Ministry of Land, Infrastructure and Transport pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport (or, in the case of any of the acts listed in (iv), an ordinance of a landscape administrative organization; the same shall apply hereafter in this article).

(i) The construction, addition, reconstruction or relocation of a building, repair or remodeling that alters the appearance of a building, or color

alteration (hereinafter referred to as "building, etc.")

(ii) The construction, addition, reconstruction or relocation of a structure, repair or remodeling that alters the appearance of a structure, or color alteration (hereinafter referred to as "construction, etc.")

(iii) Any of the acts of development referred to in Article 4 paragraph 12 of the City Planning Act and other acts specified in a Cabinet Order

(iv) Any of the acts other than those listed in the three preceding items that are specified in an ordinance of a landscape administrative organization in accordance with a landscape plan as acts that could adversely affect the development of a good landscape

(2) If a person who has made notification as prescribed in the preceding paragraph intends to change any of the matters specified in an ordinance of the Ministry of Land, Infrastructure and Transport, said person shall in advance give notification to that effect to the head of the landscape administrative organization concerned.

(3) In cases where notification as prescribed in the two preceding paragraphs has been made, if the head of the landscape administrative organization concerned finds that the notified act does not comply with any of the restrictions on said act specified in the landscape plan, the head of the landscape administrative organization may recommend to the person who made such notification that said person take necessary measures such as making changes in design in connection with said act.

(4) The recommendation as prescribed in the preceding paragraph shall be made within thirty days from the date of notification pursuant to the provision of paragraph 1 or paragraph 2.

(5) Notwithstanding the provision of the preceding paragraphs, neither a national organ nor a local government shall be required to make notification as prescribed in paragraph 1 of any act that said national organ

or local government commits. In this case, when said national organ or local government intends to commit an act that requires notification as prescribed in said paragraph, said national organ or local government shall in advance give notice to that effect to the head of the landscape administrative organization concerned.

(6) If the head of a landscape administrative organization finds it necessary for the development of a good landscape when notice as prescribed in the second sentence of the preceding paragraph has been given, the head of the landscape administrative organization may ask the national organ or local government concerned to discuss with the landscape administrative organization measures to be taken to comply with the restrictions on the planned act specified in the landscape plan.

(7) The provisions of the preceding paragraphs shall not apply to the following acts:

(i) ordinary acts of management, minor acts or other acts specified in a Cabinet Order;

(ii) acts committed as emergency measures needed in the event of an extraordinary disaster;

(iii) acts committed for a structure of landscape importance after obtaining permission as prescribed in paragraph 1 of Article 22;

(iv) acts committed for the development of a public facility of landscape importance for which the matters listed in paragraph 2 (v) (b) of Article 8 have been described in a landscape plan;

(v) acts carried out after obtaining permission (limited to one for which criteria are described in a landscape plan) as prescribed in paragraph 2 (v)

(c) (1) through (6) of Article 8 in connection with a public facility of landscape importance;

(vi) acts of development defined in Article 15-2 paragraph 1 of the Act on Improvement of Agricultural Promotion Areas committed, after obtaining permission as prescribed in the same paragraph, in an agricultural land area

(which refers to an agricultural land area defined in Article 8 paragraph 2 (i) of said law) in an area referred to in paragraph 2 (i) of article 55;

(vii) acts committed after obtaining permission (limited to one for which criteria are described in a landscape plan) as prescribed in paragraph 2 (v) (e) of Article 8;

(viii) the building, etc. of a building in a landscape district (referred to in the following item as a "landscape district") as prescribed in paragraph 1 of Article 61;

(ix) the construction, etc. of a structure in a landscape district in cases where restrictions are imposed under a landscape district structure restriction ordinance as defined in paragraph 2 of Article 72 for all restrictions on the construction of structures specified in a landscape plan,

(x) changes in the shape and use of a land lot, the construction, reconstruction or extension of a building, or any other acts specified in a Cabinet Order committed in a district plan, etc. (which refers to a district plan, etc. as defined in Article 4 paragraph 9 of the City Planning Act; the same shall apply hereinafter) area (limited to an area for which a district development plan (which refers to a district development plan as defined in Article 12-5 paragraph 2 (iii) of the same Act), a specified building district development plan (which refers to a specified building district development plan as defined in Article 32 paragraph 2 (ii) of the Act on Promotion of Development of Disaster Prevention Blocks in Built-up Areas (Act No. 49 of 1997); the same shall apply hereinafter), a disaster prevention block development plan (which refers to a disaster prevention block development plan as defined in Article 32 paragraph 2 (iii) of the same Act; the same shall apply hereinafter), a roadside development plan (which refers to a roadside development plan as defined in the Act on Development of Areas along Arterial Roads (Act No. 34 of 1980); the same shall apply hereinafter) or a rural settlement improvement plan (which refers to a rural settlement improvement plan as defined in Article 5 paragraph 3 of the Rural Settlement Improvement Act (Act No. 63 of 1987); the same shall apply hereinafter); and

(xi) other acts specified in a Cabinet Order or an ordinance of a landscape administrative organization.

Article 17 (Change order, etc.)

(1) When the head of a landscape administrative organization finds it necessary for the development of a good landscape, he or she may order a person who intends to commit or has committed any specified to-be-notified act (which refers to any act specified in an ordinance of the landscape administrative organization concerned among the to-be-notified acts as listed in paragraph 1 (i) or (ii) of the preceding article; the same shall apply in paragraph 7 of this article and paragraph 1 of the following article) that does not comply with any of the restrictions on the design features of a building or structure as prescribed in a landscape plan to take necessary measures in connection with said act such as making design changes to the extent needed to make said act comply with said restrictions. In this case, the provision of paragraph 3 of the preceding article shall not apply.

(2) The disposition as prescribed in the preceding paragraph to a person who has made notification as prescribed in paragraph 1 or paragraph 2 of the preceding article may be taken within thirty days from the day on which said notification was made.

(3) If the design features of a building or structure or their part are required as an obligation under a law or regulation referred to in a Cabinet Order, the disposition as prescribed in paragraph 1 shall be such that it does not hamper the fulfillment of said obligation.

(4) When notification as prescribed in paragraph 1 or paragraph 2 of the preceding article has been made, if it is necessary to conduct an on-site investigation or if there is a reasonable reason for being unable to take the

action as prescribed in paragraph 1 within the period prescribed in paragraph 2, the head of the landscape administrative organization concerned may extend the period prescribed in paragraph 2 as long as said reason exists within a limit of ninety days. In this case, the head of the landscape administrative organization shall within said period notify the person who made notification as prescribed in paragraph 1 or paragraph 2 of the preceding article of the planned extension, the extension period and the reason for such extension.

(5) The head of a landscape administrative organization may order a person who has violated any disposition as prescribed in paragraph 1 or a person who has succeeded to the right to the building or structure concerned from the person who has violated such disposition to take recovery measures to the extent needed to make the building or structure conform to the restrictions on its design features described in the landscape plan or, if the recovery of the original condition is extremely difficult, take necessary alternative measures within a specified reasonable period of time.

(6) In cases where the head of a landscape administrative organization intends to issue an order to take recovery measures or necessary alternative measures pursuant to the provision of the preceding paragraph (hereafter in this article referred to as "recovery measures, etc."), if the person to be ordered to take such recovery measures, etc. cannot be ascertained without negligence, the head of the landscape administrative organization may, at the expense of that person, take the recovery measures, etc. or order or commission another person to take the recovery measures, etc. In this case, the head of the landscape administrative organization shall in advance give public notice that said recovery measures, etc. must be taken within a specified reasonable period and that if the recovery measures, etc. are not taken within that period, either the head of the landscape administrative organization or a person who has been ordered or commissioned by the head of the landscape administrative organization to take those measures

will do so.

(7) The head of a landscape administrative organization may either have the person who has been ordered to take necessary measures as prescribed in paragraph 1 report the progress of said measures and other necessary matters to the extent needed to enforce the provision of paragraph 1, or have an employee or employees of the landscape administrative organization enter the site of the building concerned or the plot of land on which the structure concerned is located and inspect the progress of said measures or investigate the influence of the specified to-be-notified act on landscapes.

(8) Any person who intends to take recovery measures, etc. pursuant to the provision of paragraph 6 and any person who conducts an on-site inspection or on-site investigation pursuant to the provision of the preceding paragraph shall carry a certificate of identification and produce it to the people concerned if so requested.

(9) The authority for on-site inspection or on-site investigation under the provision of paragraph 7 shall not be construed as having been granted for the purpose of criminal investigation.

Article 18 (Restrictions on commencement of acts)

(1) Any person who has made notification as prescribed in paragraph 1 or paragraph 2 of Article 16 shall not commence the notified act (excluding acts related to pit excavation or other construction work specified in a Cabinet Order; the same shall apply in item iv of Article 102)) within thirty days (or, if the period for notification of a specified to-be-notified act as prescribed in paragraph 2 of the preceding article has been extended pursuant to the provision of paragraph 4 of the same article, that extended period) from the day on which the landscape administrative organization

received said notification provided, however, that this shall not apply to any to-be-notified act that is committed under an order issued pursuant to paragraph 1 of Article 16.

(2) If the head of a landscape administrative organization finds that a to-be-notified act as prescribed in paragraph 1 or paragraph 2 of Article 16 does not hamper the development of a good landscape, he or she may shorten the period as prescribed in the main clause of the preceding paragraph.

Section 3 Structures of Landscape Importance, Etc.

Subsection 1 Designation of Structures of Landscape Importance, Etc.

Article 19 (Designation of structures of landscape importance)

(1) The head of a landscape administrative organization may designate any structure (including land and other articles that form a single landscape together with the structure; the same shall apply hereafter in this section) that is important for the development of a good landscape in a landscape planning area and that satisfies the criteria specified in an ordinance of the Ministry of Land, Infrastructure and Transport as a structure of landscape importance in accordance with a policy for the designation of structures of landscape importance (referred to in paragraph 3 of the following article as the "designation policy") specified in a landscape plan.

(2) When the head of a landscape administrative organization intends to make designation as prescribed in the preceding paragraph, he or she shall in advance hear the opinion of the owner (or all of the owners if there are two or more owners; the same shall apply in paragraph 2 of the following article and paragraph 1 of Article 21) of the structure concerned.

(3) The provision of paragraph 1 shall not apply to a structure that has been designated or provisionally designated as a National Treasure, Important Cultural Property, Special Historic Site, Special Scenic Site, Special Natural Monument, Historic Site, Scenic Site or Natural Monument under the provisions of the Cultural Properties Protection Act (Act No. 214 of 1950).

Article 20 (Proposal for designation of structures of landscape importance)

(1) If the owner of a structure in a landscape planning area finds that said structure is important for the development of a good landscape and satisfies the criteria specified in an ordinance of the Ministry of Land, Infrastructure and Transport as prescribed in paragraph 1 of the preceding article, the owner of said structure may propose to the head of the landscape administrative organization concerned, pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport, that said structure be designated as a structure of landscape importance. In this case, if said structure is co-owned by an owner or owners other than the owner who intends to propose the designation of the structure, the owner who intends to propose such designation shall in advance obtain the consent of the other owner or owners regarding the proposal.

(2) If a landscape management organization designated pursuant to the provision of paragraph 1 of Article 92 (hereafter in this section and Section 5 referred to as a "landscape management organization") finds that a structure in a landscape planning area is important for the development of a good landscape and satisfies the criteria specified in an ordinance of the Ministry of Land, Infrastructure and Transport as prescribed in paragraph 1 of the preceding article, the landscape management organization may, after obtaining the consent of the owner of said structure, propose to the head of the landscape administrative organization concerned that said structure be

designated as a structure of landscape importance.

(3) When the head of a landscape planning organization has judged, after evaluating the structure concerned with the proposal as prescribed in the two preceding paragraphs against the designation policy, the criteria specified in an ordinance of the Ministry of Land, Infrastructure and Transport, and other criteria, that said structure does not need to be designated as a structure of landscape importance, the head of the landscape administrative organization shall without delay notify the proposer of that judgment and the reason for the judgment.

Article 21 (Notice of designation, etc.)

(1) When the head of a landscape administrative organization has designated a structure of landscape importance pursuant to the provision of paragraph 1 of Article 19, he or she shall immediately notify the owner of said structure of landscape importance (or, if the designation is based on a proposal made pursuant to the provision of paragraph 2 of the preceding article, the owner of the structure of landscape importance and the landscape management organization concerned with said proposal) of the designation and other matters specified in an ordinance of the Ministry of Land, Infrastructure and Transport.

(2) When a structure of landscape importance has been designated pursuant to the provision of paragraph 1 of Article 19, the head of the landscape administrative organization concerned shall without delay install a sign indicating the designation as prescribed in an ordinance or rule.

Article 22 (Restrictions on changes in current conditions)

(1) No person may extend, reconstruct, relocate or remove any structure of landscape importance; repair or remodel such structure to the extent of

changing its appearance; or change the color of such structure without obtaining permission from the head of the landscape administrative organization concerned provided, however, that this provision shall not apply to ordinary acts of management, minor acts, other acts specified in a Cabinet Order and acts committed as emergency measures needed in the event of an extraordinary disaster.

(2) In cases where an application for permission as prescribed in the preceding paragraph has been made, if the head of the landscape administrative organization concerned finds that the act for which such application has been made hampers the conservation of a good landscape involving the structure of landscape importance concerned, he or she shall not grant permission as prescribed in said paragraph.

(3) In cases where an application for permission as prescribed in paragraph 1 has been made, if the head of the landscape administrative organization concerned finds it necessary for the conservation of a good landscape involving the structure of landscape importance concerned, he or she may attach conditions to the permission to be granted.

(4) Notwithstanding the provision of paragraph 1, no state organ or local government shall be required to obtain permission as prescribed in said paragraph for any act. In this case, when a state organ or local government intends to carry out an act, the state organ or local government shall in advance consult with the head of the landscape administrative organization concerned.

Article 23 (Recovery order, etc.)

(1) In cases where a person has violated the provision of paragraph 1 of the preceding article or any of the conditions attached to permission as prescribed in paragraph 3 of the same article, the head of the landscape

administrative organization concerned may order said person or any person who has succeeded to the right to the structure of landscape importance concerned from said person to take recovery measures to the extent needed to conserve a good landscape involving the structure of landscape importance concerned or, if the recovery of the original condition is extremely difficult, take necessary alternative measures within a reasonable period of time specified by the head of the landscape administrative organization.

(2) In cases where the head of a landscape administrative organization intends to issue an order to take recovery measures or necessary alternative measures pursuant to the provision of the preceding paragraph (hereafter in this article referred to as "recovery measures, etc."), if the person to be ordered to take said recovery measures, etc. cannot be ascertained without negligence, the head of the landscape administrative organization may, at the expense of that person, take the recovery measures, etc. or order or commission another person to take the recovery measures, etc. In this case, the head of the landscape administrative organization shall in advance give public notice that said recovery measures, etc. must be taken within a reasonable period specified by the head of the landscape administrative organization and that if the recovery measures, etc. are not taken within that period, either the head of the landscape administrative organization or the person who has been ordered or commissioned to take those measures will do so.

(3) Any person who intends to take recovery measures, etc. pursuant to the provision of paragraph 6 shall carry a certificate of identification and produce it to the people concerned if so requested.

Article 24 Compensation for loss

(1) The head of a landscape administrative organization shall compensate

the owner of a structure of landscape importance that has suffered a loss because of being unable to obtain permission as prescribed in paragraph 1 of Article 22 for a loss that would ordinarily occurs in a similar case provided, however, that in cases where there is a law (including any order or ordinance under said law) other than this Act that requires, as a condition for committing the act for which application for such permission has been made, that permission or other disposition be received from an administrative organ (excluding any law that stipulates an obligation to compensate a person who has suffered a loss because of being unable to receive said permission or other disposition for said loss), if an application for such permission or other disposition has been or should be denied, this provision shall not apply to the act for which application for said permission has been made.

(2) Compensation for any loss to be made pursuant to the provision of the preceding paragraph shall be discussed between the head of the landscape administrative organization concerned and the person who has suffered such loss.

(3) If no agreement can be reached as a result of the discussion as prescribed in the preceding paragraph, the head of the landscape administrative organization concerned or the person who has suffered such loss may apply to the Expropriation Committee for determination under Article 94 paragraph 2 of the Land Expropriation Act (Act No. 219 of 1951).

Article 25 (Management obligation of the owners of structures of landscape importance)

(1) The owners and managers of all structures of landscape importance shall manage those structures appropriately so as not to degrade good landscapes involving those structures.

(2) All landscape administrative organizations may set by ordinance management standards necessary for the conservation of good landscapes involving structures of landscape importance.

Article 26 (Orders or recommendations related to management)

When the head of a landscape administrative organization finds that a structure of landscape importance is in danger of loss or damage because of inappropriate management of said structure or, in cases where an ordinance under the provision of paragraph 2 of the preceding article has been enacted, that the management of a structure of landscape importance is not being performed in accordance with said ordinance, the head of the landscape administrative organization may order or recommend that the owner or manager of the structure of landscape importance concerned improve the management method or take other necessary management measures.

Article 27 (Cancellation of designation)

(1) When a structure of landscape importance has become a structure as defined in paragraph 3 of Article 19 or when the reason for the designation of a structure of landscape importance has disappeared because of loss, damage or other cause, the head of the landscape administrative organization concerned shall without delay cancel the designation of the structure of landscape importance.

(2) The head of a landscape administrative organization may cancel the designation of any structure of landscape importance if there is a special reason such as a reason involving the public interest.

(3) The provision of paragraph 1 of Article 21 shall apply *mutatis mutandis*

to the cancellation of the designation of a structure of landscape importance under the provisions of the two preceding paragraphs.

Subsection 2 Designation of Trees of Landscape Importance, Etc.

Article 28 (Designation of trees of landscape importance)

(1) The head of a landscape administrative organization may designate any tree that is important for the development of a good landscape in a landscape planning area and satisfies the criteria specified in an ordinance of the Ministry of Land, Infrastructure and Transport (or, for a tree in an area outside a city planning area, an ordinance of the Ministry of Land, Infrastructure and Transport or the Ministry of Agriculture, Forestry and Fisheries; the same shall apply hereafter in this subsection) as a tree of landscape importance in accordance with a policy for the designation of trees of landscape importance (referred to in paragraph 3 of the following article as the "designation policy") specified in a landscape plan.

(2) When the head of a landscape administrative organization intends to make designation as prescribed in the preceding paragraph, he or she shall in advance hear the opinion of the owner (or all of the owners if there are two or more owners; the same shall apply in paragraph 2 of the following article and paragraph 1 of Article 30) of the tree to be designated.

(3) The provision of paragraph 1 shall not apply to a tree that has been designated or provisionally designated as a Special Historic Site, Special Scenic Site Special Natural Monument, Historic Site, Scenic Site or Natural Monument under the provisions of the Cultural Properties Protection Act.

Article 29 (Proposal for designation of trees of landscape importance)

(1) If the owner of a tree in a landscape planning area finds that said tree is important for the development of a good landscape and satisfies the criteria specified in the ordinance of the Ministry of Land, Infrastructure and Transport referred to in paragraph 1 of the preceding article, the owner of said tree may propose, pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport, to the head of the landscape administrative organization concerned that said tree be designated as a tree of landscape importance. In this case, if said tree is co-owned by an owner or owners other than the owner who intends to propose the designation of the tree, the owner who intends to propose the designation shall in advance obtain the consent of the other owner or owners regarding the proposal.

(2) If a landscape management organization finds that a tree in a landscape planning area is important for the development of a good landscape and satisfies the criteria specified in the ordinance of the Ministry of Land, Infrastructure and Transport referred to in paragraph 1 of the preceding article, the landscape management organization may, after obtaining the consent of the owner of said tree, propose to the head of the landscape administrative organization concerned that said tree be designated as a tree of landscape importance.

(3) When the head of a landscape planning organization has judged, after evaluating the tree concerned with the proposal as prescribed in the two preceding paragraphs against the designation policy, the criteria as specified in an ordinance of the Ministry of Land, Infrastructure and Transport, and other criteria, that said tree does not need to be designated as a tree of landscape importance, the head of the landscape administrative organization shall without delay notify the proposer of that judgment and the reason for the judgment.

Article 30 (Notice of designation, etc.)

(1) When the head of a landscape administrative organization has designated a tree of landscape importance pursuant to the provision of paragraph 1 of Article 28, he or she shall immediately notify the owner of said tree of landscape importance (or, if the designation is based on a proposal made pursuant to the provision of paragraph 2 of the preceding article, the owner of the tree of landscape importance and the landscape management organization concerned with said proposal) of the designation and other matters specified in an ordinance of the Ministry of Land, Infrastructure and Transport.

(2) When a tree of landscape importance has been designated pursuant to the provision of paragraph 1 of Article 28, the head of the landscape administrative organization concerned shall without delay install a sign indicating the designation as prescribed in an ordinance or rule.

Article 31 (Restrictions on changes in current conditions)

(1) No person may cut or transplant any tree of landscape importance without obtaining permission from the head of the landscape administrative organization concerned provided, however, that this provision shall not apply to ordinary acts of management, minor acts, other acts specified in a Cabinet Order or acts committed as emergency measures needed in the event of an extraordinary disaster.

(2) The provisions of paragraph 2 through paragraph 4 of Article 22 shall apply *mutatis mutandis* to permission as prescribed in the preceding paragraph. In this case, the term "structure of landscape importance" in paragraph 2 and paragraph 3 of said article shall be deemed to be replaced with "tree of landscape importance."

Article 32 (Application *mutatis mutandis* of provisions regarding recovery order, etc.)

(1) The provisions of Article 23 shall apply mutatis mutandis in cases where there is a person who has violated the provision of paragraph 1 of the preceding article or a person who has violated any of the conditions attached to permission granted under the provision of paragraph 3 of Article 22 applied mutatis mutandis under paragraph 2 of Article 31. In this case, the term "structure of landscape importance" in paragraph 1 of Article 23 shall be deemed to be replaced with "tree of landscape importance."

(2) The provision of Article 24 shall apply mutatis mutandis to any loss suffered by the owner of a tree of landscape importance caused by the inability to obtain permission as prescribed in paragraph 1 of the preceding article.

Article 33 (Management obligation of the owners of trees of landscape importance)

(1) The owners and managers of all trees of landscape importance shall manage those trees appropriately so as not to degrade good landscapes involving those trees.

(2) All landscape administrative organizations may set by ordinance management standards for the conservation of good landscapes involving trees of landscape importance.

Article 34 (Orders or recommendations related to management)

When the head of a landscape administrative organization finds that a tree of landscape importance is in danger of loss or death because of inappropriate management of said tree or, in cases where an ordinance under the provision of paragraph 2 of the preceding article has been enacted, that the management of a tree of landscape importance is not being

performed in accordance with said ordinance, the head of the landscape administrative organization may order or recommend that the owner or manager of the tree of landscape importance concerned improve the management method or take other necessary management measures.

Article 35 (Cancellation of designation)

(1) When a tree of landscape importance has become a tree as defined in paragraph 3 of Article 28 or when the reason for the designation of a tree of landscape importance has disappeared because of loss, death or other cause, the head of the landscape administrative organization concerned shall without delay cancel the designation of the tree of landscape importance.

(2) The head of a landscape administrative organization may cancel the designation of any tree of landscape importance if there is a special reason such as a reason involving the public interest.

(3) The provision of paragraph 1 of Article 30 shall apply mutatis mutandis to the cancellation of the designation of a tree of landscape importance pursuant to the provisions of the two preceding paragraphs.

Subsection 3 Management Agreement

Article 36 (Conclusion of management agreement, etc.)

(1) When a landscape administrative organization or a landscape management organization finds it necessary for appropriate management of a structure of landscape importance or a tree of landscape importance, said landscape administrative organization or landscape management organization may conclude an agreement that stipulates the matters listed below with the owner (or all of the owners if there are two or more owners; the same shall apply in paragraph 1 of Article 42) of the structure of

landscape importance or tree of landscape importance concerned and perform the management of said structure of landscape importance or tree of landscape importance accordingly.

(i) A structure of landscape importance for which the management agreement is concluded (hereinafter referred to as an "agreement structure") or a tree of landscape importance for which the management agreement is concluded (hereinafter referred to as an "agreement tree")

(ii) Matters pertaining to the method of management of an agreement structure or an agreement tree

(iii) The term of the management agreement

(iv) Measures to be taken in the event of violation of the management agreement

(2) The content of a management agreement shall comply with both of the criteria listed in the following items:

(i) The management agreement must not unreasonably restrict the use of an agreement structure or agreement tree.

(ii) The matters listed in item ii through item iv of the preceding paragraph must comply with the criteria specified in an ordinance of the Ministry of Land, Infrastructure and Transport (or, for a management agreement for a tree in an area other than a city planning area, an ordinance of the Ministry of Land, Infrastructure and Transport or the Ministry of Agriculture, Forestry and Fisheries; the same shall apply hereafter in this subsection).

(3) When a landscape management organization intends to conclude a management agreement, it shall in advance obtain the approval of the head of the landscape administrative organization concerned.

Article 37 (Public inspection of management agreement, etc.)

(1) When a landscape administrative organization or its head intends to conclude a management agreement or when an application for approval of

a management agreement under the provision of paragraph 3 of the preceding article has been made, said landscape administrative organization or its head shall give public notice to that effect and make that management agreement available for inspection by the persons concerned for two weeks from the day of said public notice pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport.

(2) When public notice as prescribed in the preceding paragraph has been given, any of the persons concerned may submit to the landscape administrative organization concerned or its head a written opinion on said management agreement by the expiration date of the inspection period prescribed in the preceding paragraph.

Article 38 (Approval for management agreement)

If an application for approval of a management agreement as prescribed in paragraph 3 of Article 36 falls under all of the following items, the head of the landscape administrative organization concerned shall approve said management agreement.

- (i) The application procedure does not violate any law or regulation.
- (ii) The content of the management agreement complies with both of the criteria listed in paragraph 2 of Article 36.

Article 39 (Public notice of management agreement)

When a landscape administrative organization or its head has concluded a management agreement or has granted approval as prescribed in the preceding paragraph, the landscape administrative organization or its head shall give public notice to that effect and make a copy of said management agreement available for public inspection at the office of the landscape administrative organization as prescribed in an ordinance of the Ministry of Land, Infrastructure and Transport.

Article 40 (Changes in management agreement)

The provisions of paragraph 2 and paragraph 3 of Article 36 and the three preceding articles shall apply mutatis mutandis to any change in the matters stipulated in a management agreement.

Article 41 (Validity of management agreement)

Any management agreement of which public notice has been given as prescribed in Article 39 (including the cases where said article is applied mutatis mutandis) shall remain binding even on any person who has become the owner of the agreement structure or agreement tree concerned after such public notice was given.

Article 42 (Special provisions on duties of green space management organization)

(1) When a green space management organization that has been designated pursuant to the provision of Article 68 paragraph 1 of the Urban Green Space Act (Act No. 72 of 1973) and that performs the duty listed in Article 69 (i) (a) of said act (hereafter in this section referred to as a "green space management organization") finds it necessary for appropriate management of a tree of landscape importance, said green space management organization may conclude a management agreement with the owner of said tree of landscape importance and perform the management of said tree of landscape importance and attendant duties besides the duties listed in the items of said article.

(2) In the case referred to in the preceding paragraph, the words "or the duties listed in (d) 1" shall be deemed to be replaced with "or the duties listed in (d) 1 or the duties prescribed in Article 42 paragraph 1 of the

Landscape Act."

(3) The provisions of paragraph 2 and paragraph 3 of Article 36 and the provisions of Article 37 through the preceding article shall apply mutatis mutandis in cases where a green space management organization performs any of the duties prescribed in the two preceding paragraphs.

Subsection 4 Miscellaneous Provisions

Article 43 (Reporting in cases of ownership change)

In the event of a change of ownership to a structure of landscape importance or a tree of landscape importance, the new owner shall without delay notify the head of the landscape administrative organization concerned to that effect.

Article 44 (Register)

(1) The head of every landscape administrative organization shall prepare and keep a register of structures of landscape importance or trees of landscape importance.

(2) All matters necessary for the preparation and keeping of a register as prescribed in the preceding paragraph shall be specified in an ordinance of the Ministry of Land, Infrastructure and Transport (or, for a register of trees of landscape importance that are not located in any city planning area, an ordinance of the Ministry of Land, Infrastructure and Transport or the Ministry of Agriculture, Forestry and Fisheries).

Article 45 (Collection of reports)

When the head of a landscape administrative organization finds it necessary,

he or she may ask the owner of a structure of landscape importance or a tree of landscape importance to report the present state of said structure of landscape importance or tree of landscape importance.

Article 46 (Advice or assistance)

The owner of a structure of landscape importance may ask a landscape administrative organization or a landscape management organization and the owner of a tree of landscape importance may ask a landscape administrative organization, a landscape management organization or a green space management organization to provide advice or assistance in connection with the management of said structure of landscape importance or tree of landscape importance.

Section 4 Development of Public Facilities of Landscape Importance, Etc.

Article 47 (Development of public facilities of landscape importance)

In cases where a landscape plan specifies matters pertaining to the development of a public facility of landscape importance as defined in paragraph 2 (v) (b) of Article 8, the development of said public facility of landscape importance shall be carried out in accordance with said landscape plan.

Article 48 (Special provisions on the Act on Special Measures on Construction, Etc. of Common Cable Ducts)

For the purpose of the application of the provision of Article 3 of the Act on Special Measures on Construction, etc. of Common Cable Ducts (Act No. 39 of 1995) to a road as defined in the Road Act specified as a public facility of landscape importance in a landscape plan (hereinafter referred to

as a "road of landscape importance"), the words "in order to ensure safe and smooth traffic flow and improve landscapes" in paragraph 1 of the same article shall be deemed to be replaced with "in order to improve landscapes and ensure safe and smooth traffic flow in accordance with a landscape plan (which refers to a landscape plan as defined in Article 8 paragraph 1 of the Landscape Act)"; "especially necessary" shall be deemed to be replaced with "necessary"; "the municipality concerned (excluding any municipality concerned in cases where the road administrator of the road to be designated is a municipality)" in paragraph 2 of the same article shall be deemed to be replaced with "the municipality concerned (excluding any municipality concerned in cases where the road administrator of the road to be designated is a municipality), the prefecture concerned (excluding any prefecture concerned in cases where the road administrator of the road to be designated is a prefecture and any prefecture that has made a request as prescribed in the following paragraph)"; and "municipality" in paragraph 3 of the same article shall be deemed to be replaced with "municipality or the prefecture acting as a landscape administrative organization."

Article 49 (Special provisions on the Road Act)

For the purpose of the application of the provisions of Article 33, paragraph 2 of Article 36 and paragraph 1 of Article 87 of the Road Act to a road of landscape importance for which matters pertaining to the permission criteria as prescribed in paragraph 2 (v) (c) 1 of Article 8 are specified in a landscape plan, the words "criteria specified in a Cabinet Order" in Article 33 and paragraph 2 of Article 36 of the Road Act shall be deemed to be replaced with "criteria specified in a Cabinet Order and the permission criteria as prescribed in Article 8 paragraph 2 (v) (c) 1 of the Landscape Act specified in a landscape plan as defined in Article 8 paragraph 1 of the same act"; and the words "ensure smooth traffic flow" in Article 87 paragraph 1 of the Road Act shall be deemed to be replaced with "ensure

smooth traffic flow or develop a good landscape."

Article 50 (Special provisions on permission under the River Act)

When a river administrator (which refers to a river administrator as defined in Article 7 (including the case where same article is applied mutatis mutandis under in Article 100 paragraph 1 of the River Act) of the River Act) finds that an act that requires permission under Article 24, Article 25, paragraph 1 of Article 26 or paragraph 1 of Article 27 of the River Act (including the cases where these provisions are applied mutatis mutandis under Article 100 paragraph 1 of the same law) in a river zone (which refers to a river zone as defined in Article 6 paragraph 1 (including the case where said paragraph is applied mutatis mutandis under paragraph 1 of Article 100) of the same law) of a river as defined in the River Act that is a public facility of landscape importance for which criteria for permission as prescribed in Article 8 paragraph 2 (v) (c) 2 hereof have been specified in a landscape plan (hereafter in this article referred to as a "river of landscape importance") does not comply with the criteria for permission under Article 8 paragraph 2 (v) (c) 2 hereof specified in said landscape plan, the river administrator shall not grant permission under these provisions for said act.

Article 51 (Special provisions on permission under the Urban Parks Act, etc.)

(1) When a park authority (which refers to a park authority as defined in Article 5 paragraph 1 of the Urban Parks Act) finds that an act that requires permission under Article 5 paragraph 1 of the Urban Parks Act at an urban park as defined in the same law that is a public facility of landscape importance for which criteria (limited to the criteria for permission under Article 5 paragraph 1 of the Urban Parks Act; the same shall apply hereafter in this paragraph) for permission as prescribed in Article 8 paragraph 2 (v) (c) 3 hereof have been specified in a landscape plan

(hereafter in this article referred to as an "urban park of landscape importance") does not comply with any of the criteria for permission under Article 8 paragraph 2 (v) (c) 3 hereof specified in said landscape plan, the park authority shall not grant permission under Article 5 paragraph 1 of the Urban Parks Act.

(2) For the purpose of the application of the provision of Article 7 of the Urban Parks Act to a park of landscape importance for which criteria (limited to criteria for permission as prescribed in Article 6 paragraph 1 or paragraph 3 of the Urban Parks Act) for permission under Article 8 paragraph 2 (v) (c) 3 hereof are specified in a landscape plan, the words "technical standards specified in a Cabinet Order" in Article 7 of the Urban Parks Act shall be deemed to be replaced with "technical standards specified in a Cabinet Order and criteria for permission as prescribed in Article 8 paragraph 2 (v) (c) 3 of the Landscape Act specified in a landscape plan as defined in Article 8 paragraph 1 of the same act."

Article 52 (Special provisions on the Seacoast Act, etc.)

(1) For the purpose of the application of the provisions of Article 7 paragraph 2 and Article 7 paragraph 2 of the Seacoast Act in connection with a coast related to a seacoast conservation area, etc. that is a public facility of landscape importance (referred to in the following paragraph as a "coast of landscape importance") for which criteria for permission under Article 8 paragraph 2 (v) (c) 4 hereof (limited to criteria related to permission under Article 7 paragraph 1 or Article 8 paragraph 1 of the Seacoast Act) are specified in a landscape plan, the words "is likely to seriously hamper coastal protection" in Article 7 paragraph 2 of the Seacoast Act shall be deemed to be replaced with "is likely to seriously hamper coastal protection or if said use does not comply with any of the criteria for permission under Article 8 paragraph 2 (v) (c) 4 of the Landscape Act (limited to criteria related to permission under the preceding

paragraph) specified in a landscape plan as defined in Article 8 paragraph 1 of the same act"; the words "paragraph 2 of the preceding article" in Article 8 paragraph 2 of the Seacoast Act" shall be deemed to be replaced with "paragraph 2 of the preceding article as applied mutatis mutandis pursuant to the provision of Article 52 paragraph 1 of the Landscape Act"; and the words "apply mutatis mutandis to permission under the preceding paragraph" shall be deemed to be replaced with "apply mutatis mutandis to permission under the preceding paragraph. In this case, the words 'criteria related to permission under the preceding paragraph' in paragraph 2 of the same article shall be deemed to be replaced with 'criteria related to permission under paragraph 1 of the following article.'"

(2) When a coast authority (which refers to a coast authority as defined in Article 2 paragraph 3 of the Seacoast Act) finds that an act that requires permission under Article 37-4 or Article 37-5 of the Seacoast Act in a public seacoast area (which refers to a public seacoast area as defined in Article 2 paragraph 2 of the Seacoast Act) of a coast of landscape importance for which criteria (limited to criteria related to permission under Article 37-4 or Article 37-5 of the Seacoast Act; the same shall apply hereafter in this paragraph) for permission under Article 8 paragraph 2 (v) (c) 4 hereof have been specified in a landscape plan does not comply with any of the criteria for permission under Article 8 paragraph 2 (v) (c) 4 hereof specified in said landscape plan, the coast authority shall not grant permission under these provisions.

Article 53 (Special provisions on the Port and Harbor Act)

For the purpose of the application of the provision of Article 37 paragraph 2 of the Port and Harbor Act pertaining to ports and harbors that are public facilities of landscape importance for which criteria for permission under Article 8 paragraph 2 (v) (c) 5 hereof are specified in a landscape plan, the words "port or harbor, or materially impedes" in Article 37 paragraph 2 of

the Port and Harbor Act shall be deemed to be replaced with "port or harbor or materially impedes"; and the words "development of a port or harbor" shall be deemed to be replaced with "development of a port or harbor, or does not comply with the criteria for permission as prescribed in Article 8 paragraph 2 (v) (c) 5 of the Landscape Act specified in a landscape plan as defined in Article 8 paragraph 1 of the same law."

Article 54 (Special provisions on the Fishing Port and Fishing Grounds Act)

For the purpose of the application of the provisions of Article 39 paragraph 2 and paragraph 3 of the Fishing Port and Fishing Grounds Act pertaining to fishing ports under the same law that are public facilities of landscape importance for which criteria for permission under Article 8 paragraph 2 (v) (c) 6 hereof have been specified in a landscape plan, the words "project, materially impedes the use of a fishing port" in Article 39 paragraph 2 of the Fishing and Fishing Grounds Act shall be deemed to be replaced with "project or the use of a fishing port"; the words "development of a port or harbor" in the same paragraph shall be deemed to be replaced with "development of a port or harbor, or does not comply with the criteria for permission as prescribed in Article 8 paragraph 2 (v) (c) 5 of the Landscape Act specified in a landscape plan as defined in Article 8 paragraph 1 of the same law"; and the words "for the conservation of a fishing port" in paragraph 3 of the same law shall be deemed to be replaced with " for the conservation of a fishing port or the development of a good landscape."

Section 5 Landscape-oriented Agricultural Promotion Area Improvement Plan, Etc.

Article 55 (Landscape-oriented agricultural promotion area improvement plan)

(1) When a municipality finds it necessary to carry out integrated development of agricultural land (which refers to agricultural land as defined in Article 3 paragraph 1 of the Act on Improvement of Agricultural Promotion Areas; the same shall apply hereinafter), agricultural facilities and other facilities suitable for the characteristics of that part of a landscape planning area under a landscape plan that specifies the basic matters as listed in Article 8 paragraph 2 (v) (d) hereof located in an agricultural promotion area (which refers to an area designated pursuant to the provision of Article 6 paragraph 1 of the Act on Improvement of Agricultural Promotion Areas) in order to implement an agricultural promotion area improvement plan and ensure favorable conditions for agriculture that are in harmony with the landscape, said municipality may formulate a landscape-oriented agricultural promotion area improvement plan.

(2) Every landscape-oriented agricultural promotion area improvement plan shall specify the following:

- (i) the area covered by the landscape-oriented agricultural promotion area improvement plan;
- (ii) matters related to agricultural land use in harmony with the landscape of the area referred to in the preceding item; and
- (iii) the matters listed in Article 8 paragraph 2 (ii), (ii-2) and (iv) of the Act on Improvement of Agricultural Promotion Areas pertaining to the development of an agricultural promotion area in the area referred to in item i.

(3) Every landscape-oriented agricultural promotion area improvement plan shall be consistent with the landscape plan and the agricultural promotion area improvement plan, be in harmony with any of the plans referred to in Article 4 paragraph 3 of the Act on Improvement of Agricultural Promotion Areas, and cover in an integrated manner all matters necessary for comprehensive promotion of agriculture, taking into consideration the

natural, economic and social conditions in the area referred to in item i of the preceding paragraph.

(4) The provisions of the first sentence in Article 8 paragraph 4, Article 10 paragraph 2, Article 11 (excluding the second sentence in paragraph 9 and paragraph 12), Article 12, the first sentence in paragraph 1 of Article 13, and paragraph 4 of the same article of the Act on Improvement of Agricultural Promotion Areas shall apply mutatis mutandis to all landscape-oriented agricultural promotion area improvement plans. In this case, the words "in an agricultural land area covered by an agricultural land use plan included in an agricultural promotion area improvement plan" in Article 11 paragraph 3 of the same act shall be deemed to be replaced with "in the area referred to in Article 55 paragraph 2 (i) of the Landscape Act covered by a landscape-oriented agricultural promotion area improvement plan (which refers to a landscape-oriented agricultural promotion area improvement plan as prescribed in Article 55 paragraph 1 of the Landscape Act; the same shall apply hereinafter)"; the words "said agricultural land use plan" shall be deemed to be replaced with "said landscape-oriented agricultural promotion area improvement plan"; the words "the same paragraph" shall be deemed to be replaced with "paragraph 1"; and the words "agricultural land area" in Article 11 paragraph 10 of the Act on Improvement of Agricultural Promotion Areas shall be deemed to be replaced with "an area referred to in Article 55 paragraph 2 (i) of the Landscape Act"; the words "use said state-owned land as agricultural land, etc." in Article 11 paragraph 11 of the Act on Improvement of Agricultural Promotion Areas shall be deemed to be replaced with "use said state-owned land in accordance with a landscape-oriented agricultural promotion area improvement plan"; the words "basic policy for agricultural promotion area improvement" in the first sentence in Article 13 paragraph 1 of the same law shall be deemed to be replaced with "a landscape plan as defined in Article 8 paragraph 1 of the Landscape Act or an agricultural promotion area improvement plan"; the words "an agricultural promotion area,

because of the result of a basic survey as prescribed in paragraph 1 of the preceding article or because" shall be deemed to be replaced with "an agricultural promotion area or because"; the words "agricultural promotion area improvement plan as prescribed in a Cabinet Order" shall be deemed to be replaced with "agricultural promotion area improvement plan"; and the words "Article 8 paragraph 4 and Article 11 (excluding paragraph 12)" shall be deemed to be replaced with "the first sentence in Article 8 paragraph 4 (excluding the second sentence in paragraph 9 and paragraph 12)."

Article 56 (Recommendation on land use)

(1) In cases where a plot of land located in an area referred to in paragraph 2 (i) of the preceding article is not being used in accordance with a landscape-oriented agricultural promotion area improvement plan, if necessary for the implementation of said landscape-oriented agricultural promotion area improvement plan, the mayor of the municipality concerned may recommend to the owner of said plot of land or the person who is using and profiting from said plot of land based on title other than ownership that said owner or person use said plot of land in accordance with said landscape-oriented agricultural promotion area improvement plan.

(2) In the case of a recommendation made pursuant to the provision of paragraph 2 of the preceding article, if the person to which a recommendation as prescribed in the preceding paragraph has been made does not or is not likely to follow said recommendation, the mayor of the municipality concerned may recommend to said person, in order to use said plot of land in accordance with a landscape-oriented agricultural promotion area improvement plan, that said person discuss with a person who intends to acquire the ownership to said plot of land or the right to use and profit from said plot of land and who has been designated by said mayor the

transfer of the ownership or the establishment or transfer of a right for the purpose of using or profiting from said plot of land.

Article 57 (Special provisions on the Agricultural Land Act)

(1) Notwithstanding the provisions of Article 3 paragraph 2 (limited to the provisions related to paragraph 2-2, paragraph 4, paragraph 5, paragraph 7 or paragraph 8) of the Agricultural Land Act (Act No. 229 of 1952), when a landscape management organization has been designated pursuant to the provision of said paragraph in the case referred to in paragraph 2 of the preceding article, if the person to which the recommendation referred to in paragraph 2 of the preceding paragraph was made intends, as agreed as a result of discussion pertaining to said recommendation, to establish a right by loan for use or a leasehold right for the landscape management organization concerned for the agricultural land or meadow (agricultural land or meadow as defined in Article 2 paragraph 1 of the Agricultural Land Act; the same shall apply hereinafter) for which said recommendation was made, an agriculture committee (or, in a municipality that does not have an agriculture committee as permitted under Article 3 paragraph 5 of the Act on Agriculture Committee, Etc. (Act No. 88 of 1951), the mayor of that municipality) or the governor of the prefecture concerned may grant permission as prescribed in Article 3 paragraph 1 of the Agricultural Land Act.

(2) The provision of Article 6 paragraph 1 of the Agricultural Land Act shall not apply to any agricultural land for which a right by loan for use or a leasehold right has been established for a landscape management organization as agreed as a result of discussion pertaining to a recommendation as prescribed in paragraph 2 of the preceding article.

(3) The provisions of the main clause of Article 19 and the main clause of paragraph 1, paragraph 7 and paragraph 8 of Article 20 of the Agricultural

Land Act shall not apply to the lease of agricultural land or meadow for which a leasehold right has been established for a landscape management organization as agreed as a result of discussion pertaining to a recommendation as prescribed in paragraph 2 of the preceding article.

Article 58 (Special provisions on the Act on Improvement of Agricultural Promotion Areas)

(1) In cases where a prefectural governor intends to grant permission under Article 15-2 paragraph 1 of the Act on Improvement of Agricultural Promotion Areas and where the plot of land related to any of the acts of development as defined in the same paragraph is located in an area referred to in Article 55 paragraph 2 (i) hereof, if the prefectural governor finds that said act of development falls under any of the items in Article 15-2 paragraph 4 of the same law or if said act of development makes it difficult to use the land related to said act of development in accordance with a landscape-oriented agricultural promotion area improvement plan, said prefectural governor shall not grant permission for said act.

(2) For the purpose of the application of the provision of Article 15-2 paragraph 5 of the Act on Improvement of Agricultural Promotion Areas pertaining to permission referred to in the preceding paragraph, the words "to ensure the use of the land related to said act of development and surrounding agricultural land for agriculture" shall be deemed to be replaced with "to ensure the use of the land related to said act of development and surrounding agricultural land for agriculture or in accordance with a landscape-oriented agricultural promotion area improvement plan formulated pursuant to the provision of Article 55 paragraph 1 of the Landscape Act."

Article 59 (Changes in municipal forest improvement plan)

(1) In the cases referred to in paragraph 2 and paragraph 3 of Article 10-6 of the Forest Act (Act No. 249 of 1951) or in cases where a municipality finds it appropriate to maintain and augment the public interest functions of a forest for which a regional forest plan has been formulated pursuant to the provision of Article 5 paragraph 1 of said law located in the area of the municipality, said municipality may change part of a municipal forest improvement plan formulated pursuant to the provision of Article 10-5 paragraph 1 of said law.

(2) Any change made as prescribed in the preceding paragraph shall be deemed to have been made pursuant to the provision of Article 10-6 paragraph 3 of the Forest Act.

Section 6 Special Provisions on the Natural Parks Act

Article 60

For the purpose of the application of the provisions of Article 13 paragraph 4, Article 14 paragraph 4 and Article 24 paragraph 4 of the Natural Parks Act in a landscape planning area covered by a landscape plan that specifies the matters listed in Article 8 paragraph 2 (v) (e) hereof, the words "the criteria specified in an ordinance of the Ministry of the Environment" shall be deemed to be replaced with "the criteria specified in an ordinance of the Ministry of the Environment and the criteria prescribed in Article 8 paragraph 2 (v) (e) of the Landscape Act specified in a landscape plan as defined in Article 8 paragraph 1 of the same law."

Chapter III Landscape Districts, etc.

Section 1 Landscape Districts

Subsection 1 City Plan for Landscape District

Article 61

(1) Every municipality may define a landscape district in a city plan in order to develop a good urban landscape in an area of land in a city planning area or a quasi-city planning area.

(2) Every city plan pertaining to a landscape district shall specify the matters listed in Article 8 paragraph 3 (i) and (iii) of the City Planning Act, the matter listed in item i in this paragraph, and necessary matters among the matters listed in items ii to iv in this paragraph. In this case, in a landscape planning district covered by a landscape plan that specifies matters equivalent to those listed above, the city plan shall be formulated so that the development of a good landscape under said landscape plan is not hampered.

(i) Restrictions on design features of buildings

(ii) Maximum and minimum limits of the height of buildings

(iii) Restrictions on wall location

(iv) Minimum limit on the area of building sites

Subsection 2 Restrictions on Design Features of Buildings

Article 62 (Restrictions on design features of buildings)

The design features of all buildings in a landscape district shall comply with the restrictions on design features of buildings specified in the city plan concerned provided, however, that this provision shall not apply to the design features of a building or its parts that are required by any other law or regulation specified in a Cabinet Order.

Article 63 (Certification of plan)

(1) Any person who intends to carry out the building, etc. of a building in a landscape district shall in advance submit a written application for certification of compliance of said plan with the provision of the preceding article to the mayor of the municipality concerned and obtain certification. The same shall apply in cases where a person who has obtained certification for a building plan intends to change the plan and carry out building, etc. accordingly.

(2) In cases where a municipal mayor has received a written application as prescribed in the preceding paragraph, said municipal mayor shall examine the plan for the building for which said application was submitted and, if said municipal mayor finds that said plan complies with the provision of the preceding article, he or she shall issue a certificate to the applicant within thirty days from the day the application was received.

(3) In the case of examination as prescribed in the preceding paragraph, if the municipal mayor concerned finds that the plan for the building for which an application has been submitted does not comply with the provision of the preceding article or if there is a justifiable reason that compliance or noncompliance with said provision cannot be determined, said municipal mayor shall issue a written notice describing that result and the reason for that result to the applicant concerned within the period prescribed in said article.

(4) Building, etc. work (excluding pit excavation and other construction work specified in a Cabinet Order; the same shall apply in Article 101 (iii)) for the building referred to in paragraph 2 shall not be executed until a certificate as prescribed in the same paragraph is received.

(5) The formats of the written application as prescribed in paragraph 1, the certificate as prescribed in paragraph 2 and the written notice as prescribed in paragraph 3 shall be specified in an ordinance of the Ministry of Land,

Infrastructure and Transport.

Article 64 (Measures against illegal buildings)

(1) If there is a building that violates the provision of Article 62, the municipal mayor concerned may order the building, etc. owner (which refers to a person who carries out the building, etc. of a building; the same shall apply hereinafter), the contractor for the building, etc. of the violating building (including all subcontractors concerned; the same shall apply hereafter in this chapter) or the site manager, or the owner, manager or occupant of the violating building to stop the execution of the construction work related to said building or take measures needed to correct the violation of said provision such as reconstructing, repairing or remodeling the violating building or altering the color of the violating building within a reasonable period specified by the municipal mayor concerned.

(2) In the event of a disposition as prescribed in the preceding paragraph, the municipal mayor concerned shall give public notice to that effect by a method specified in an ordinance of the Ministry of Land, Infrastructure and Transport such as installing a sign.

(3) The sign referred to in the preceding paragraph may be installed on the building concerned with the disposition as prescribed in paragraph 1 or at the site of said building. In this case, neither the owner nor the manager nor the occupant of the building concerned with the disposition as prescribed in said paragraph may refuse or prevent the installation of said sign.

(4) In cases where a municipal mayor intends to issue an order to take necessary measures pursuant to the provision of paragraph 1, if the person to be ordered to take those measures cannot be ascertained without negligence and if it is found that leaving the violation uncorrected is likely to have material adverse effects on the public interest, said municipal

mayor may, at the expense of said person, take those measures or order or commission another person to take those measures. In this case, said municipal mayor shall in advance give public notice that said measures must be taken within a specified reasonable period and that if said measures are not taken within that period, either the municipal mayor or the person who has been ordered or commissioned by the municipal mayor to take those measures will do so.

(5) Any person who intends to take the measures as prescribed in the preceding paragraph shall carry a certificate of identification and produce it to the people concerned if so requested.

Article 65 (Measures against designers, etc. of illegal buildings)

(1) In the event of a disposition as prescribed in paragraph 1 of the preceding article, the municipal mayor concerned shall give notice, pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport, of the name or trade name and domicile of the designer of the building concerned with the disposition, the construction supervisor (which refers to a construction supervisor as defined in Article 2 paragraph 6 of the Architects Act (Act No. 202 of 1950); the same shall apply hereinafter) or the construction contractor, or the real estate agent (which refers to a real estate agent as defined in Article 2 paragraph 3 of the Building Lots and Buildings Transaction Business Act (Act No. 176 of 1952); the same shall apply hereinafter) engaged in the building lots and buildings transaction business (which refers to building lots and buildings transaction business as defined in Article 2 paragraph 2 of the same law; the same shall apply hereinafter) involving said building and other matters specified in an ordinance of the Ministry of Land, Infrastructure and Transport to the Minister of Land, Infrastructure and Transport or the prefectural governor who supervises these persons pursuant to the provisions of the Architects Act, the Construction Contractors Act (Act No. 100 of 1949) or the

Building Lots and Buildings Transaction Business Act.

(2) When the Minister of Land, Infrastructure and Transport or a prefectural governor has received notice as prescribed in the preceding paragraph, the Minister of Land, Infrastructure and Transport or the prefectural governor shall without delay take necessary measures such as suspending business under the Architects Act, the Construction Contractors Act or the Building Lots and Buildings Transaction Business Act against the person of which said notice was given and notify the municipal mayor who gave notice as prescribed in the same paragraph of the results of the measures taken.

Article 66 (Special provisions on certification, etc. of buildings of national government or local governments)

(1) The provisions of Article 63 through the preceding article shall apply neither to national government buildings nor local government buildings, and all national government buildings and local government buildings shall be governed by the provisions of the following paragraph and paragraph 5.

(2) If the person who intends to carry out the building, etc. of any building in a landscape district is a national organ or a local government (hereafter in this article referred to as a "national organ, etc."), said national organ, etc. shall notify the municipal mayor concerned of the plan for said building construction before said construction begins.

(3) When a municipal mayor has received notice as prescribed in the preceding paragraph, said municipal mayor shall, within thirty days from the day said notice was received, examine the plan for the building of which said notice was given for compliance with the provision of Article 62 and either issue a certificate to the notifying national organ etc. if said municipal mayor finds that said plan complies with said provision or, if the municipal mayor finds that said plan does not comply with said provision

or if there is a justifiable reason that compliance or noncompliance with said provision cannot be determined, issue a written notice describing that result and the reason for that result to the notifying national organ, etc.

(4) Building, etc. work (excluding pit excavation and other construction work specified in a Cabinet Order) for the building of which notice as prescribed in paragraph 2 has been made shall not be executed until a certificate as prescribed in the preceding paragraph is received.

(5) If the national government or a local government finds that a building violates the provision of Article 62, the municipal mayor concerned shall immediately give notice to that effect to the national organ responsible for the management of said building and request that necessary measures as prescribed in Article 64 paragraph 1 be taken.

Article 67 (Relationship with ordinances)

The provisions of paragraph 2 of Article 63 and paragraph 3 of the preceding article shall not preclude the stipulation of necessary provisions by ordinance unless a municipality violates any of the provisions of said paragraphs in connection with the certification examination procedure followed pursuant to these provisions.

Article 68 (Indication of certificates at construction sites, etc.)

(1) The constructor who executes the construction work for the building, etc. of a building in a landscape district shall indicate, as prescribed in an ordinance of the Ministry of Land, Infrastructure and Transport, at a prominent place the name or trade name of the building, etc. owner, the designer (which refers to a person who has prepared design drawings and specifications at one's own responsibility; the same shall apply hereinafter), the constructor (which refers to a contractor for the construction of a

building or a person who executes such construction work without entering into a contract; the same shall apply hereinafter) and the construction site manager, and the fact that the plan for said construction work has been certified as prescribed in Article 63 paragraph 2 and Article 66 paragraph 3 hereof.

(2) The constructor who executes the construction work for the building, etc. of a building in a landscape district shall keep at the site of said construction work a copy of the plan for said construction work certified pursuant to the provisions of paragraph 2 of Article 63 and paragraph 3 of Article 66.

Article 69 (Exclusion from application)

(1) The provisions of Article 62 through the preceding article shall not apply to any of the buildings listed below.

(i) A building designated as a structure of landscape importance pursuant to the provision of Article 19 paragraph 1

(ii) A building designated as a National Treasure, Important Cultural Property, Special Historic Site, Special Scenic Site, Special Natural Monument, Historic Site, Scenic Site or Natural Monument under the provisions of the Cultural Properties Protection Act

(iii) A building located in a traditional buildings preservation district as prescribed in Article 143 paragraph 1 of the Cultural Properties Protection Act

(iv) A building listed in paragraph 2 that is to be restored and whose restoration has been found inevitable by the mayor of the municipality concerned

(v) An addition to the buildings listed in the preceding items, any building that has been designated by municipal ordinance as a building that is not likely to hamper the development of a good landscape

(2) If a building that is in existence or a building whose building, etc. work is in progress when a city plan for a landscape district is changed does not comply with the provision of Article 62 or has a part that does not comply with the provision of said article, the provisions of said article through the preceding article shall not apply to said building or said part of it.

(3) The provision of the preceding paragraph shall not apply to a building or part of it that falls under any of the following items:

(i) a building or part of it that violates the provision of Article 62 before a city plan for a landscape district is changed;

(ii) a building whose extension, reconstruction or relocation was started after a city plan for a landscape district was formulated or changed; or

(iii) in cases where the repair or remodeling of a building that changes the appearance of the building or the alteration of the color of a building began after a city plan for a landscape district is formulated or changed, that part of the building that was repaired or remodeled or whose color was altered.

Article 70 (Measures against buildings not in conformity with restrictions on design features)

(1) When a municipal mayor finds that the design features of a building to which the provisions of Article 62 through Article 68 do not apply under the provision of paragraph 2 of the preceding article materially hampers the development of a good landscape in a landscape district, said municipal mayor may, only if the consent of the council of the municipality concerned has been obtained, order the owner, the manager or the occupant of said building to take measures needed to comply with the design feature restrictions prescribed in the city plan concerned including, but not limited to, the reconstruction and remodeling of said building and color alteration within a specified period. In this case, the municipality shall compensate at market value for damage that would normally result from the measures taken under said order.

(2) If a person who can receive compensation pursuant to the provision of the preceding paragraph is dissatisfied with the amount of said compensation, he or she may, as prescribed in a Cabinet Order, seek adjudication by the Expropriation Committee as prescribed in Article 94 paragraph 2 of the Land Expropriation Act within one month from the day the notice of compensation decision was received.

Article 71 (Reporting and on-site inspection)

(1) The mayor of any municipality may have the owner, manager or occupant of a building, the building, etc. owner, the designer, the construction supervisor or the constructor report on the building, etc. work for said building and the state of construction or have the municipality's employees enter the building site or the construction site and inspect the building, building materials and any other articles related to the construction work for the building.

(2) All municipal employees who conduct on-site inspection as prescribed in the preceding paragraph shall carry a certificate of identification and produce it to the people concerned if so requested.

(3) The authority for on-site inspection as prescribed in the preceding paragraph shall not be construed as having been granted for the purpose of criminal investigation.

Subsection 3 Restrictions on Structures, Etc.

Article 72 (Restrictions on design features of structures)

(1) Every municipality may, pursuant to standards specified in a Cabinet Order, prescribe by ordinance restrictions on design features of a structure

in a landscape district, the highest or lowest limit of the height of such structure, or restrictions on the construction or installation of structures (including structures that are not anchored to ground; the same shall apply in paragraph 4) in a wall setback area (which is an area of land between a line indicating the limit of a wall surface line and the site boundary line in cases where the limit of a wall surface line is specified in a city plan for said landscape district; the same shall apply in paragraph 4). In this case, in a landscape planning area covered by a landscape plan that specifies matters equivalent to these restrictions, such ordinance shall be formulated so as not to hamper the development of a good landscape under said landscape plan.

(2) An ordinance specifying restrictions on design features of structures enacted pursuant to the first sentence of the preceding paragraph (hereinafter referred to as an "ordinance on restrictions on structures in landscape districts") may include provisions on the certification of plans by the mayor of the municipality concerned, measures to correct violations involving illegal structures, and other measures necessary for the enforcement of said ordinance in accordance with the provisions of Article 63, Article 64, Article 66, Article 68 and the preceding article.

(3) The provision of the preceding paragraph shall not preclude the stipulation of necessary provisions in an ordinance on restrictions on structures in landscape districts on the procedure for examination for certification by a municipal mayor prescribed in said ordinance in accordance with the provisions of paragraph 2 of Article 63 and paragraph 3 of Article 66 unless such provisions in said ordinance violate the provisions of said articles.

(4) An ordinance on restrictions on structures in landscape districts specifying the maximum limit or minimum limit of the height of a structure or restrictions on the construction or installation of a structure in a wall

setback area may include provisions on measures to correct violations involving illegal structures and other measures necessary for the enforcement of the ordinance in accordance with the provisions of Article 64 and the preceding paragraph.

(5) An ordinance on restrictions on structures in landscape districts may include a provision to the effect that when a municipal mayor has rendered a disposition equivalent to any of the dispositions prescribed in paragraph 1 of Article 64 pursuant to said ordinance, said municipal mayor shall give notice of the name or trade name and domicile of the contractor for the construction of the structure concerned with said disposition and other matters specified in an ordinance of the Ministry of Land, Infrastructure and Transport to the Minister of Land, Infrastructure and Transport or the prefectural governor who is responsible for the supervision of said contractor pursuant to the provisions of the Construction Contractors Act.

(6) When the Minister of Land, Infrastructure and Transport or a prefectural governor has received notice as prescribed in the preceding paragraph pursuant to the provision of an ordinance on restrictions on structures in landscape districts under the provision of the preceding paragraph, the Minister of Land, Infrastructure and Transport or the prefectural governor shall without delay take necessary measures such as suspending business under the Construction Contractors Act against the contractor of which said notice was given and notify the municipal mayor who gave said notice of the results of the measures taken.

Article 73 (Restrictions on acts of development, etc.)

(1) All municipal mayors may regulate by ordinance any of the acts of development defined in Article 4 paragraph 12 of the City Planning Act (referred to in the following section as "acts of development") and other acts specified in a Cabinet Order as needed for the development of a good

landscape in accordance with standards specified in a Cabinet Order.

(2) The provision of Article 51 of the City Planning Act shall apply mutatis mutandis to dissatisfaction with any disposition rendered pursuant to an ordinance enacted under the preceding paragraph.

Section 2 Quasi-landscape Districts

Article 74 (Designation of quasi-landscape districts)

(1) A municipality may designate an area in a landscape district that is located in neither a city planning area nor a quasi-city planning area and in which a considerable number of buildings have been built and a good landscape has actually been formed as a quasi-landscape district, in order to conserve the landscape.

(2) When a municipality intends to designate a quasi-landscape district, said municipality shall in advance give public notice to that effect pursuant to the provision of an ordinance of the Ministry of Land, Infrastructure and Transport and make a proposal for the designation of said quasi-landscape district accompanied by a written reason for the proposed designation of said quasi-landscape district for public inspection for two weeks from the date of public notice.

(3) In the case of a public notice as prescribed in the preceding paragraph, residents and stakeholders may by the expiration date of the public inspection period submit a written opinion on the proposal for the designation of a quasi-landscape district made available for public inspection.

(4) When a municipality intends to designate a quasi-landscape district pursuant to the provision of paragraph 1, said municipality shall in advance

consult with the prefectural governor concerned on the proposed designation by submitting a copy of all written opinions submitted pursuant to the provision of the preceding paragraph and obtain the consent of said prefectural governor.

(5) The designation of a quasi-landscape district shall be made by giving public notice pursuant to the provision of an ordinance of the Ministry of Land, Infrastructure and Transport.

(6) The provisions of the preceding paragraphs shall apply *mutatis mutandis* to any alteration of a quasi-landscape district.

Article 75 (Regulation of acts in quasi-landscape districts)

(1) Every municipality may enact an ordinance for the regulation (excluding the regulation of buildings made pursuant to the provision of Article 69 paragraph 2 of the Building Standard Act) of buildings or structures in a quasi-landscape district necessary for the conservation of a good landscape in accordance with criteria prescribed in a Cabinet Order pursuant to the regulation of those buildings and structures in a landscape district.

(2) Every municipality may enact an ordinance for the regulation of acts of development and other acts in a quasi-landscape district specified in a Cabinet Order necessary for the conservation of a good landscape in accordance with criteria prescribed in a Cabinet Order.

(3) The provision of Article 51 of the City Planning Act shall apply *mutatis mutandis* to dissatisfaction with any disposition rendered pursuant to an ordinance enacted under the preceding paragraph.

Section 3 Restrictions on Design Features of Buildings, Etc. in Areas

Covered by District Plans, Etc.

Article 76

(1) Every municipality may, in accordance with criteria prescribed in a Cabinet Order, enact an ordinance stipulating that all design features of buildings, etc. in an area covered by a district plan, etc. (limited to an area for which restrictions on design features of buildings or structures (hereafter in this article referred to as "buildings, etc.") have been stipulated under a district plan, district development plan, specified building district development plan, disaster prevention block development plan, roadside development plan or rural area development plan) shall comply with the restrictions on design features of buildings, etc. specified in said district plan, etc.

(2) Restrictions under the provision of the preceding paragraph shall be imposed within the limit that is deemed to be reasonably necessary for the development of a good landscape appropriate to the characteristics of the area concerned, in consideration of factors such as the necessity of use of buildings, etc. and the state of land use in the area concerned.

(3) An ordinance enacted pursuant to the provision of paragraph 1 (hereinafter referred to as an "ordinance on design features of district plans, etc.") may include provisions on the certification of plans by the mayor of the municipality concerned, measures to correct violations involving illegal buildings or illegal structures, and other measures necessary for the enforcement of said ordinance in accordance with the provisions of Article 63, Article 64, Article 66, Article 68 and Article 71.

(4) The provision of the preceding paragraph shall not preclude the stipulation of necessary provisions in an ordinance on design features of district plans, etc. on the procedure for examination for certification by a

municipal mayor prescribed in said ordinance in accordance with the provisions of paragraph 2 of Article 63 and paragraph 3 of Article 66 unless such provisions in said ordinance violate the provisions of said articles.

(5) An ordinance on design features of district plans, etc. may include a provision to the effect that when a municipal mayor has rendered a disposition equivalent to any of the dispositions prescribed in paragraph 1 of Article 64 pursuant to said ordinance, said municipal mayor shall either give notice of the name or trade name and domicile of the designer of the building concerned with said disposition, the construction supervisor or the construction contractor, or the real estate agent engaged in the building lots and buildings transaction business involving the building concerned to the Minister of Land, Infrastructure and Transport or the prefectural governor who is responsible for the supervision of these persons pursuant to the provisions of the Architects Act, the Construction Contractors Act or the Building Lots and Buildings Transaction Business Act if said disposition concerns the building, etc. of a building, or give notice of the name or trade name and domicile of the contractor for the construction of the structure concerned with said disposition and other matters specified in an ordinance of the Ministry of Land, Infrastructure and Transport to the Minister of Land, Infrastructure and Transport or the prefectural governor who is responsible for the supervision of said contractor pursuant to the provisions of the Construction Contractors Act if said disposition concerns the construction, etc. of a structure.

(6) When the Minister of Land, Infrastructure and Transport or a prefectural governor has received notice as prescribed in the preceding paragraph pursuant to the provision of an ordinance on design features of district plans, etc. under the provision of the preceding paragraph, the Minister of Land, Infrastructure and Transport or the prefectural governor shall without delay take necessary measures such as suspending business under the Architects Act, the Construction Contractors Act or the Building Lots and

Buildings Transaction Business Act against the person of which said notice was given and notify the municipal mayor who gave said notice of the results of the measures taken.

Section 4 Miscellaneous Provisions

Article 77 (Relaxation of restrictions on temporary buildings or temporary structures)

(1) In the event of an extraordinary disaster, in the area affected by said disaster and adjoining areas specified by the municipal mayor concerned, the provisions of this chapter shall not apply to emergency repair of buildings or structures damaged because of said disaster, the building, etc. of emergency temporary buildings falling under any of the items listed below, or the construction, etc. or installation of emergency temporary structures falling under any of the items listed below that is started within one month from the day of occurrence of said disaster.

(i) A building or structure whose building, etc., construction, etc. or installation is carried out by the national government, a local government or the Japanese Red Cross Society for the purpose of disaster relief

(ii) A building whose building, etc. is carried out by a person or persons affected by a disaster for his or her or their own use and whose total floor area is not greater than the value specified in a Cabinet Order

(2) The provisions of this chapter shall not apply to emergency temporary buildings or emergency temporary structures, such as stations, post offices, and government and public offices, intended for uses necessary for the public interest for which building, etc., construction, etc. or installation work is carried out in the event of a disaster, or temporary buildings or temporary structures constructed or installed at construction sites for the purpose of construction work, such as offices, construction sheds and material yards.

(3) In cases where a person who has carried out the building, etc. of an emergency temporary building or the construction, etc. of an emergency temporary structure referred to in the two preceding paragraphs intends to make said building or structure continue to exist for more than three months after completion of such construction work without being governed by the provisions of this chapter, said person shall obtain permission from the municipal mayor concerned before the day following three months after completion of said construction work provided, however, that in cases where an application for said permission has been made, if no disposition is rendered in response to such application before the day following the three-month period, said building or structure may exist without being governed by the provisions of this chapter until said disposition is rendered.

(4) In cases where an application for permission as prescribed in the preceding paragraph has been made, if the municipal mayor concerned finds that the development of a good landscape is not materially hampered, he or she may grant permission for a period of up to two years.

(5) In cases where an application for permission as prescribed in paragraph 1 has been made, if the municipal mayor concerned finds it necessary for the development of a good landscape, he or she may attach conditions to the permission to be granted.

Article 78 (Recommendation, advice or assistance of the Minister of the Land, Infrastructure and Transport and prefectural governors)

(1) Every municipal mayor may seek necessary advice or assistance from the prefectural governor concerned or the Minister of Land, Infrastructure and Transport on the application of the provisions of this chapter.

(2) The Minister of Land, Infrastructure and Transport and prefectural

governors may provide municipal mayors with necessary recommendations or assistance concerning the application of the provisions of this chapter.

Article 79 (Instructions to municipal mayors)

(1) In cases where a municipal mayor has violated any of the provisions of this chapter or of the provisions of any order under those provisions or has failed to render any disposition under those provisions, when the Minister of Land, Infrastructure and Transport finds it necessary in connection with any building that is important for the national interest, the Minister of Land, Infrastructure and Transport may instruct said municipal mayor to take necessary measures within a period of time specified by said minister.

(2) Unless there is a justifiable reason not to do so, all municipal mayors shall follow an instruction given by the Minister of Land, Infrastructure and Transport pursuant to the provision of the preceding paragraph.

(3) If a municipal mayor does not follow an instruction as prescribed in paragraph 1 within a specified time limit without a justifiable reason, the Minister of Land, Infrastructure and Transport may take the necessary measures concerned with said instruction after obtaining confirmation about the lack of a justifiable reason from the Infrastructure Development Council.

Article 80 (Inspection of documents)

Upon a request for inspection of any of the documents that concern certification as prescribed in paragraph 1 of Article 63 or a disposition under the provisions of this chapter and the provisions of any order or ordinance under said provisions and that have been specified in an ordinance of the Ministry of Land, Infrastructure and Transport, the municipal mayor concerned shall make such document available for

inspection.

Chapter IV Landscape Agreement

Article 81 (Conclusion of landscape agreement)

(1) The owners and leaseholders (or, in the case of land plots designated as provisional replotting areas pursuant to the provision of Article 98 paragraph 1 (including cases where said paragraph is applied mutatis mutandis under Article 83 of the Act on Special Measures for Facilitating Supply of Housing and Residential Land in Metropolitan Areas (Act No. 67 of 1975; hereinafter referred to as the "Metropolitan Housing, Etc. Supply Act"); the same shall apply hereafter in this chapter) of the Land Readjustment Act (Act No. 119 of 1954), the owners and leaseholders of land plots corresponding to said land plots; hereafter in this chapter referred to as "landowners, etc.") of a group of land plots (excluding land used for public facilities and land specified in a Cabinet Order) in a landscape district may conclude an agreement on the development of a good landscape in said area of land (hereinafter referred to as a "landscape agreement") by the agreement of all of the landowners, etc. concerned provided, however, that if there is a plot of land for which a leasehold right has been established in an area of land designated as a provisional replotting area, the landowners, etc. shall not be required to obtain the consent of the owner of said plot of land for which the leasehold right has been established.

(2) Every landscape agreement shall stipulate the matters listed below.

- (i) An area of land for which the landscape agreement is concluded (hereinafter referred to as a "landscape agreement area")
- (ii) Necessary ones among the matters listed below
 - (a) Criteria related to design features of buildings
 - (b) Criteria related to building site, location, size, structure, intended use or

equipment

(c) Criteria related to building location, size, structure, intended use or design features

(d) Matters related to the conservation or greening of woodlands, grasslands, etc.

(e) Criteria related to the display of outdoor advertisements and the installation of objects on which outdoor advertisements are placed

(f) Matters related to the conservation or use of agricultural land

(g) Other matters related to the development of good landscapes

(iii) Effective period of landscape agreement

(iv) Measures to be taken in case of violation of a landscape agreement

(3) A landscape agreement may stipulate, in addition to the matters listed in the items of the preceding paragraph, any area of land adjacent to a landscape agreement area in a landscape planning area that landowners, etc. in said landscape agreement area are desirous of making part of the land in said landscape planning area so as to contribute to the development of a better landscape (hereinafter referred to as a "landscape planning area vicinity").

(4) Every landscape agreement shall be approved by the head of the landscape administrative organization concerned.

Article 82 (Public inspection of landscape agreement for application for approval, etc.)

(1) When an application for approval of a landscape agreement under paragraph 4 of the preceding article has been made, the head of the landscape administrative organization concerned shall give public notice to that effect and make said landscape agreement available for inspection by the persons concerned for two weeks from the day of said public notice pursuant to an ordinance of the Ministry of Land, Infrastructure and

Transport or the Ministry of Agriculture, Forestry and Fisheries.

(2) When public notice as prescribed in the preceding paragraph has been given, any of the persons concerned may submit to the head of the landscape administrative organization concerned a written opinion on said landscape agreement.

Article 83 (Approval for landscape agreement)

(1) When an application for approval of a landscape agreement as prescribed in paragraph 4 of Article 81 falls under both of the following items, the head of the landscape administrative organization concerned shall approve said landscape agreement.

(i) The application procedure does not violate any law or regulation.

(ii) The use of land, buildings or structures is not unduly restricted.

(iii) The matters listed in the items of paragraph 2 of Article 81 (and, if a landscape agreement area vicinity is stipulated in said landscape agreement, matters related to said landscape agreement area vicinity) comply with the criteria specified in an ordinance of the Ministry of Land, Infrastructure and Transport.

(2) When the head of a landscape administrative organization that is a municipality without a building official as defined in Article 4 paragraph 1 of the Building Standard Act intends to grant permission referred to in the preceding paragraph for a landscape agreement that stipulates the matters listed in Article 81 paragraph 2 (ii) (b) hereof, he or she shall consult with the prefectural governor concerned by submitting a copy of all written opinions submitted pursuant to the provision of paragraph 2 of the preceding article and obtain the consent of said prefectural governor.

(3) When the head of a landscape administrative organization has granted permission under paragraph 1, he or she shall give public notice to that

effect pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport or the Ministry of Agriculture, Forestry and Fisheries, make a copy of the landscape agreement concerned available at the office of said landscape administrative organization for public inspection, and clearly indicate in the area concerned that said area is a landscape agreement area.

Article 84 (Amendment of landscape agreement)

(1) When landowners, etc. in a landscape planning area (excluding any person who is not bound by the landscape agreement concerned) intend to change any of the matters stipulated in a landscape agreement, said landowners, etc. shall stipulate to that effect by the agreement of all of the landowners, etc. and obtain the approval of the head of the landscape administrative organization concerned.

(2) The provisions of the preceding two articles shall apply *mutatis mutandis* to permission for a change referred to in the preceding paragraph.

Article 85 Exclusion from landscape agreement area

(1) If a leasehold right to all or part of a plot of land in a landscape agreement area (or, in the case of a plot of land designated as a provisional replotting area pursuant to the provision of Article 98 paragraph 1 of the Land Readjustment Act, the former plot of land corresponding to said plot of land) owned by a person who is not bound by said landscape agreement has disappeared, the plot of land for which said leasehold right was established (or, in the case of a former plot of land corresponding to a land plot designated as a provisional replotting area under said paragraph, the land plot designated as a provisional replotting area for said plot of land) shall be excluded from said landscape agreement area.

(2) If a plot of land in a landscape agreement area designated as a

provisional replotting area pursuant to the provision of Article 98 paragraph 1 of the Land Readjustment Act has not been stipulated as a provisional replotting area for a former plot of land corresponding to said plot of land in a provisional replotting plan referred to in Article 86 paragraph 1 of the same law or a provisional replotting plan referred to in Article 72 paragraph 1 of the Metropolitan Housing, Etc. Supply Act and if said plot of land has not been stipulated as a plot of land a part of which is to be given, as a share of co-owned land, to the owner of a former plot of land corresponding to said plot of land pursuant to the provision of Article 91 paragraph 3 of the Land Readjustment Act (including the case where said paragraph is applied mutatis mutandis under Article 82 of the Metropolitan Housing, Etc. Supply Act), said plot of land shall be excluded from the landscape agreement area concerned as of the end of the day of public notice as prescribed in Article 103 paragraph 4 of the Land Readjustment Act (including the case where said paragraph is applied mutatis mutandis under Article 83 of the Metropolitan Housing, Etc. Supply Act).

(3) If a plot of land in a landscape agreement area has been excluded from said landscape agreement area pursuant to the provisions of the two preceding paragraphs, the owner of the leasehold right concerned or the landowner, etc. concerned with a former plot of land corresponding to the plot of land designated as the provisional replotting area concerned (excluding all persons who are not bound by said landscape agreement) shall without delay give notice to that effect to the head of the landscape administrative organization concerned.

(4) The provision of paragraph 3 of Article 83 shall apply mutatis mutandis in cases where notice has been given pursuant to the preceding paragraph or in cases where the head of a landscape administrative organization has come to know that a plot of land in a landscape agreement area has been excluded in said landscape agreement area pursuant to the provision of paragraph 1 or paragraph 2.

Article 86 (Effect of landscape agreement)

Any landscape agreement for which public notice on approval as prescribed in paragraph 3 of Article 83 (including the case where said paragraph is applied mutatis mutandis under paragraph 2 of Article 84) has been given shall be effective against any person who has become a landowner, etc. (excluding any person who has succeeded to the ownership of land owned by a person who did not agree on the landscape agreement as prescribed in paragraph 1 of Article 81 or paragraph 1 of Article 84) in the landscape agreement area concerned after said public notice was given.

Article 87 (Procedure for joining landscape agreement after public notice on approval, etc.)

(1) Any owner of land in a landscape agreement area (or, in the case of a plot of land designated as a provisional replotting area pursuant to the provision of Article 98 paragraph 1 of the Land Readjustment Act, an owner of a former plot of land corresponding to said plot of land) against whom the landscape agreement concerned is not effective may join said landscape agreement by indicating his or her intention in writing to the head of the landscape administrative organization concerned anytime after public notice of approval prescribed in paragraph 3 of Article 83 (including the case where said paragraph is applied mutatis mutandis under paragraph 2 of Article 84) is given.

(2) Any of the landowners, etc. concerned with land in the area of a landscape agreement area vicinity may join the landscape agreement concerned, by the agreement of all of the landowners, etc. concerned with said land, by indicating his or her intention in writing to the head of the landscape administrative organization concerned anytime after public notice of approval prescribed in paragraph 3 of Article 83 (including its

application under paragraph 2 of Article 84) is given provided, however, that if there is a plot of land for which a leasehold right has been established in said land area (or, in the case of an area of land designated as a provisional replotting area under the provision of Article 98 paragraph 1 of the Land Readjustment Act, a former plot of land corresponding to said land area), the landowners, etc. shall not be required to obtain the consent of the owner of said plot of land for which the leasehold right has been established.

(3) Any area of land concerned with a landowner, etc. who has indicated his or her intention referred to in the preceding paragraph in a landscape agreement area vicinity area shall become part of the landscape agreement area concerned after said intention is indicated.

(4) The provision of paragraph 3 of Article 83 shall apply *mutatis mutandis* in cases where the indication of intention as prescribed in paragraph 1 or paragraph 2 has been made.

(5) Every landscape agreement shall be effective against any person who, after public notice as prescribed in paragraph 3 of Article 83 applied *mutatis mutandis* in the preceding paragraph was given, became a landowner, etc. (excluding any person who has succeeded to the ownership of land previously owned by a person who did not give consent to the landscape agreement concerned under the provision of paragraph 2) of land in the landscape agreement area concerned that had been owned or held by lease by a person when he or she joined said landscape agreement (or, in the case of a plot of land designated as a provisional replotting area under the provision of Article 98 paragraph 1 of the Land Readjustment Act, a former plot of land corresponding to said plot of land).

Article 88 (Termination of landscape agreement)

(1) When landowners, etc. in a landscape agreement area (excluding persons against whom said landscape agreement is not effective) intend to terminate a landscape agreement for which approval as prescribed in paragraph 4 of Article 81 or paragraph 1 of Article 84 is obtained, said landowners, etc. shall make a decision to that effect by consent of a majority of said landowners, etc. and obtain the approval of the head of the landscape administrative organization concerned.

(2) When the head of a landscape administrative organization has granted approval referred to in the preceding paragraph, he or she shall give public notice to that effect.

Article 89 (Treatment of co-owners of land)

In cases where a plot of land or a leasehold right belongs to more than one person, for the purpose of application of the provisions of paragraph 1 of Article 81, paragraph 1 of Article 84, paragraph 1 and paragraph 2 of Article 87, and paragraph 1 of the preceding article, it shall be deemed that there is only one owner or land leaseholder.

Article 90 (Establishment of landscape agreement by single owner)

(1) When an owner of a group of plots of land (excluding any plot of land specified in a Cabinet Order as prescribed in paragraph 1 of Article 81) in a landscape planning area in cases where there is no landowner, etc. other than said owner finds it necessary for the development of a good landscape, he or she may enter into a landscape agreement for said area of land defined as a landscape agreement area.

(2) The head of a landscape administrative organization shall approve a landscape agreement only when he or she finds that an application for approval of a landscape agreement as prescribed in the preceding paragraph

falls under all of the items of paragraph 1 of Article 83 and that said landscape agreement is necessary for the development of a good landscape.

(3) The provisions of paragraph 2 and paragraph 3 of Article 83 shall apply *mutatis mutandis* to approval under the provision of the preceding paragraph.

(4) Any landscape agreement that has been approved as prescribed in paragraph 2 shall, when two or more landowners, etc. of land in the landscape agreement area concerned have come into existence within three years from the day said approval was obtained, become a landscape agreement that has the same effect as that of a landscape agreement for which public notice of approval under the provision of paragraph 3 of Article 83 has been given.

Article 91 (Position of lessees, etc.)

(1) In cases where any of the matters stipulated in a landscape agreement concerns the authority of a lessee of a building or structure, the lessee of said building or structure shall be deemed to be a landowner, etc., and the provisions of this chapter shall apply to said landscape agreement.

(2) In cases where any matter pertaining to the conservation or use of agricultural land is stipulated in a landscape agreement, any person who holds a right for the purpose of use or profit-making such as a right of superficies, emphyteusis, pledge, right of ground lease or a right by loan for use shall be deemed to be a landowner, etc., and the provisions of this chapter shall apply to said agricultural land.

Chapter V Landscape Management Organization

Article 92 (Designation)

(1) The head of a landscape administrative organization may designate a juridical person as defined in Article 34 of the Civil Code or a specified nonprofit corporation as defined in Article 2 paragraph 2 of the Act on Promotion of Specified Nonprofit Activities that he or she finds capable of performing the duties as prescribed in the following article properly and reliably as a landscape management organization (hereinafter referred to as an "Organization") at the request of such juridical person or specified nonprofit corporation.

(2) When the head of a landscape administrative organization has made designation as prescribed in the preceding paragraph, he or she shall give public notice of the name and domicile or office address of the Organization concerned.

(3) When an Organization intends to alter its name, domicile or office address, said Organization shall in advance notify the head of the landscape administrative organization concerned to that effect.

(4) When notification as prescribed in the preceding paragraph has been made, the head of the landscape administrative organization concerned shall give public notice of the matters pertaining to said notification.

Article 93 (Duties of an Organization)

Every Organization shall perform the duties listed below:

- (i) Providing assistance to a person who implements a project for the development of a good landscape such as dispatching persons who have knowledge about said project, providing information and providing consulting services
- (ii) Managing a structure of landscape importance or a tree of landscape importance in accordance with a management agreement

- (iii) Implementing or participating in a project related to a public facility such as a plaza for the development of a good landscape as an integral part of a structure of landscape importance or a project related to a public facility of landscape importance specified in a landscape plan
- (iv) Acquiring, managing and transferring a tract of land that can be utilized for a project referred to in the preceding paragraph and that is specified in a Cabinet Order
- (v) Performing commissioned agricultural work in order to use an area of land referred to in paragraph 2 (i) of Article 55 in accordance with a landscape-oriented agricultural promotion area improvement plan, and acquiring a right for said land and managing said land
- (vi) Conducting research and studies on the development of good landscapes
- (vii) Other duties and tasks necessary for promoting the development of good landscapes

Article 94 (Special provisions on the Act on the Promotion of Increase of Public Land related to the duties of an Organization)

The provisions of Article 4 paragraph 1 of the Act on the Promotion of Increase of Public Land (Act No. 66 of 1972) shall not apply to any person who intends to transfer, for value, to an Organization a plot of land referred to in said paragraph for use for any of the duties listed in item (iv) of the preceding article.

Article 95 (Supervision, etc.)

(1) When the head of a landscape administrative organization finds it necessary for proper and reliable performance of the duties listed in the items of Article 93, he or she may have an Organization report on those duties.

(2) When the head of a landscape administrative organization finds that an Organization is not performing the duties listed in the items of Article 93 properly and reliably, he or she may order the Organization to take measures necessary for the improvement of the performance of those duties.

(3) In the event of violation by an Organization of an order as prescribed in the preceding paragraph, the head of the landscape administrative organization concerned may cancel the designation of said Organization under the provision of paragraph 1 of Article 92.

(4) When the head of a landscape administrative organization has canceled a designation under the provision of the preceding paragraph, he or she shall give public notice to that effect.

Article 96 (Provision of information, etc.)

The national government and the local government concerned shall provide an Organization with information, guidance or advice necessary for the performance of its duties.

Chapter VI Miscellaneous Provisions

Article 97 (Delegation of authority)

The authority of the Minister of Land, Infrastructure and Transport set forth in this Act may be delegated, in whole or in part, to the Director-General of a Regional Development Bureau or the Director-General of the Hokkaido Regional Development Bureau pursuant to an ordinance of the Ministry of Land, Infrastructure and Transport.

Article 98 (Delegation to Cabinet Orders)

The matters necessary for the implementation of this Act, other than those prescribed in this Act, shall be prescribed in a Cabinet Order.

Article 99 (Transitional measures)

In the case of enacting, revising or abolishing a Cabinet Order based on the provisions of this Act, such order may, to the extent deemed reasonably necessary for such enactment, revision or abolition, specify required transitional measures (including transitional measures concerning penal provisions).

Chapter VII Penal Provisions

Article 100

Any person who has violated an order of the head of a landscape administrative organization under the provision of paragraph 5 of Article 17 or an order of the mayor of a municipality under the provision of paragraph 1 of Article 64 shall be punished by imprisonment with work for not more than one year or a fine of not more than five hundred thousand yen.

Article 101

Any person who falls under any of the following items shall be punished by a fine of not more than five hundred thousand yen:

- (i) a person who has violated an order of the head of a landscape administrative organization under the provision of paragraph 1 of Article 17 or a person who has violated an order of the mayor of a municipality under the provision of paragraph 1 of Article 70;
- (ii) a person who has failed to submit an application or has submitted a false application in violation of the provision of paragraph 1 of Article 63;

- (iii) a person who carried out the building, etc. of a building in violation of the provision of paragraph 4 of Article 63; or
- (iv) a person who has made an emergency temporary building or emergency temporary structure continue to exist in violation of the provision of paragraph 3 of Article 77.

Article 102

Any person who falls under any of the following items shall be punished by a fine of not more than three hundred thousand yen:

- (i) a person who has failed to make notification or has made a false notification in violation of the provision of paragraph 1 or paragraph 2 of Article 16;
- (ii) a person who has failed to make a report under the provision of paragraph 7 of Article 17 or paragraph 1 of Article 70 or has made a false report;
- (iii) a person who has refused, impeded or evaded an on-site inspection or on-site investigation under paragraph 7 of Article 17 or an on-site inspection under paragraph 1 of Article 71;
- (iv) a person who has started an act related to notification in violation of the provision of paragraph 1 of Article 18;
- (v) a person who has committed an act in violation of the provision of paragraph 1 of Article 22 or paragraph 1 of Article 31;
- (vi) a person who has violated any of the conditions attached to permission under paragraph 3 of Article 22 (including the case where said paragraph is applied mutatis mutandis under paragraph 2 of Article 31);
- (vii) a person who has violated an order of the head of a landscape administrative organization under the provision of paragraph 1 of Article 23 (including the case where same paragraph is applied mutatis mutandis under paragraph 1 of Article 32); or
- (viii) a person who has, in violation of the provision of Article 68, failed to indicate the fact of certification or failed to keep a copy of the certified

plan.

Article 103

If the representative of a juridical person or an agent, an employee or any other worker of a juridical person or individual has committed an act in violation of any of the two preceding articles with regard to the business of said juridical person or individual, not only the offender but also said juridical person or individual shall be punished by the fine prescribed in the respective Articles.

Article 104

Any person who has violated an order of the head of a landscape administrative organization under the provision of Article 26 or Article 34 shall be punished by a civil fine of not more than three hundred thousand yen.

Article 105

Any person who has failed to make a report as prescribed in Article 45 or has made a false report shall be punished by a civil fine of not more than two hundred thousand yen.

Article 106

Any person who has failed to make notification or has made a false report in violation of the provision of Article 43 shall be punished by a civil fine of not more than fifty thousand yen.

Article 107

Any ordinance based on the provision of paragraph 1 of Article 72, paragraph 1 of Article 73, paragraph 1 or paragraph 2 of Article 75, or paragraph 1 of Article 76 may include a provision to the effect that any person who has violated any of said provisions shall be punished by a fine of not more than five hundred thousand yen.

Supplementary Provisions

This Act shall come into force on the day specified in a Cabinet Order within a period not exceeding six months from the day of promulgation provided, however, that the provisions of Chapter III shall come into force on the day specified in a Cabinet Order within a period not exceeding one year from the day of promulgation.

Supplementary Provisions (Act No. 61 of May 28, 2004) (Extract)

Article 1 (Enforcement date)

This Act shall come into force as from April 1, 2005.

Supplementary Provisions (Act No. 53 of June 10, 2005) (Extract)

Article 1 (Enforcement date)

This Act shall come into force on the day specified in a Cabinet Order within a period not exceeding three months from the day of promulgation.

Article 16 (Transitional measures for partial revision of the Landscape Act)

With regard to the formulation or alteration of a landscape-oriented agricultural promotion area improvement plan for which public notice

under Article 11 paragraph 1 of the old Act on Improvement of Agricultural Promotion Areas applied mutatis mutandis, before this Act comes into force, under Article 55 paragraph 4 of the Landscape Act before the revision pursuant to the provision of the preceding article has been given, the provisions then in force shall remain applicable.

Supplementary Provisions (Act No. 89 of July 29, 2005) (Extract)

Article 1 (Enforcement date, etc.)

This Act shall come into force on the day specified in a Cabinet Order (hereinafter referred to as the "enforcement day") within a period not exceeding six months from the day of promulgation provided, however, that the provisions of the following paragraph and Article 27 of the Supplementary Provisions shall come into force on the day of promulgation.

Article 27 (Delegation to Cabinet Orders)

The transitional measures necessary for the enforcement of this Act, other than those prescribed in the Supplementary Provisions, shall be prescribed in a Cabinet Order.

Supplementary Provisions (Act No. 102 of October 21, 2005) (Extract)

Article 1 (Date of enforcement)

This Act shall come into force on the day on which the Postal Privatization act comes into force.

Article 117 (Transitional measures concerning penal provisions)

With regard to the application of penal provisions to any act committed before this Act comes into force, any act committed after this Act comes into force in the cases where the provisions then in force remain applicable under the Supplementary Provisions, any act committed before the provision of Article 38-8 (limited to the parts related to item ii and item iii) of the old Postal Money Order Act, which is deemed to remain in force under Article 9 paragraph 1 of the Supplementary Provisions after this Act comes into force, loses effect, any act committed before the provision of Article 70 (limited to the parts related to item ii and item iii) of the old Postal Money Order Act, which is deemed to remain in force under Article 13 paragraph 1 of the Supplementary Provisions after this Act comes into force, loses effect, any act committed before the provision of Article 8 (limited to the part related to item ii) of the old Act on Entrusted Donation from Postal Transfer Deposit, which is deemed to remain in force under Article 27 paragraph 1 of the Supplementary Provisions after this Act comes into force, loses effect, any act committed before the provision of Article 70 (limited to the part related to item ii) of the old Japan Post Act, which is deemed to remain in force under Article 39 paragraph 2 of the Supplementary Provisions after this Act comes into force, loses effect, any act committed before the provisions of Article 71 and Article 72 (limited to the parts related to item xv) of the old Japan Post Act, which is deemed to remain in force under Article 42 paragraph 1 of the Supplementary Provisions after this Act comes into force, lose effect, and any act committed before the specified day for postal savings banks as defined in Article 104 of the Japan Post Act in the cases where the provision of Article 2 paragraph 2 of the Supplementary Provisions applies, the provisions then in force shall remain applicable.

Supplementary Provisions (Act No. 50 of June 2, 2006) (Extract)

(Date of enforcement)

(1) This Act shall come into force on the day the Act on Corporations and Foundations comes into force.

(Adjustment provisions)

(2) In the case where the Act on the Revision of the Civil Code, Etc. to Combat Transnational and Organized Crime and High-tech Crime (Act No. ___ of 2006) comes into force after the day this Act comes into force, for the purpose of the application of the provision of item lxii in the appended table of the Act on the Punishment of Organized Crime, Control of Crime Proceeds, Etc. (Act No. 36 of 1999; hereafter in the following paragraph referred to as the "Organized Crime Punishment Act") during the period from the day of enforcement of this Act to the day before the day of enforcement of the Act on the Revision of the Civil Code, Etc. to Combat Transnational and Organized Crime and High-tech Crime, the words "crime under Article 157 (aggravated breach of trust by directors, etc.) of the Intermediate Corporations Act (Act No. 49 of 2001)" in item lxii in said appended table shall be deemed to be replaced with "crime under Article 334 (aggravated breach of trust by directors, etc.) of the Act on Corporations and Foundations (Act No. 48 of 2006)."

(3) In addition to what is provided in the preceding paragraph, in the case referred to in the preceding paragraph, for the application of the provisions of the Organized Crime Punishment Act during period until the day before the day of enforcement of the Act on the Revision of the Civil Code, Etc. to Combat Transnational and Organized Crime and High-tech Crime, any crime under Article 157 (aggravated breach of trust by directors, etc.) of the old Intermediate Corporations Act in the case where the provisions then in force shall be deemed be applicable under Article 457 shall be deemed to be a crime listed in item lxii in the appended table of the Organized Crime Punishment Act.

